HOUSE OF REPRESENTATIVES—*Thursday, July 20, 2006*

The House met at 10 a.m.

The Reverend Phil Fulton, Pastor, Union Hill Church, Peebles, Ohio, offered the following prayer:

Almighty God, Creator of Heaven and Earth, and all that is therein, we thank You for this great congressional body. I pray You would bless them with wisdom, knowledge, and that the spirit of bipartisanship would prevail in all their decisions for the inherent good of this great Nation.

I pray they would remember well the words of President Cleveland: ''That those who manage the affairs of government are by this means reminded that the law of God demands that they should be courageously true to the interests of the people, and that the Ruler of the Universe will require of them a strict account of their stewardship.''

In the name of our Lord Jesus Christ, I pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Pennsylvania (Ms. SCHWARTZ) come forward and lead the House in the Pledge of Allegiance.

Ms. SCHWARTZ of Pennsylvania led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1036. An act to amend title 17, United States Code, to make technical corrections relating to Copyright Royalty Judges, and for other purposes.

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

S. 418. An act to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

S. 3693. An act to make technical corrections to the Violence Against Women and Department of Justice Reauthorization Act of 2005.

WELCOMING REVEREND PHIL FULTON

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

Mrs. SCHMIDT. Mr. Speaker, I rise today to recognize my friend, Reverend Phil Fulton, who is serving as guest chaplain for the House of Representatives today.

Reverend Fulton is from Adams County which is located in the district I represent. Reverend Fulton was born and raised in southern Ohio, and now serves our community daily.

For the last 30 years, he has worked as pastor of Union Hill Church, an independent community church which is located in Peebles, Ohio. He plays a very active role in our local area, helping those around him.

As vice president of Love, Incorporated, he has reached out to many folks by meeting their intimate needs in a very personal way. He is chairperson of the Ten Commandments Committee which is working on issues related to the display of the Ten Commandments in public places.

Reverend Fulton is not only an active member of our community, but he is also a devoted member of his family. He has been married to his lovely wife, Sharon, for 40 years, and they have two children and five very energetic grandchildren.

Mr. Speaker, I ask all of my colleagues to join me in welcoming Reverend Phil Fulton to the House of Representatives as our guest chaplain.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 one-minute requests per side.

PROTECTING EMBRYOS RIGHT THING TO DO

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

Ms. FOXX. Mr. Speaker, constituents throughout my district have been contacting my office in opposition to using embryonic stem cells for research purposes. They join me today in applauding the President's veto of the Stem Cell Research Enhancement Act.

As stewards of hardworking Americans' tax dollars, we cannot ask our constituents to fund the killing of human embryos. It is imperative that we do all we can to protect the most vulnerable members of our society, the unborn.

Embryonic stem cells have been available for research for nearly 5 years, and during that time research on those stem cells has produced nothing and cured no one. In the meantime, ethical biomedical treatment not derived from embryos, like that at the Wake Forest Institute for Regenerative Medicine in my district, has helped cure over 70 diseases. In this time of incredible medical advances, unethical research is unnecessary and desecrates the sanctity of human life.

PREPARE FOR PEACE

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

Mr. KUCINICH. Mr. Speaker, how is it that even with the constant moral and financial support of our Nation, our friend and ally, Israel, is still not safe and secure. If we insist upon the security and survival of Israel, and we must, then we must also insist upon the security and survival of the Palestinians and the Lebanese.

We say we will never negotiate with those who have sworn to destroy us or our allies, but history shows us that every conflict was resolved by doing exactly that. We prepare for war so grandly; let us prepare for peace grandly by looking fearlessly and deep into the hearts of those who wish us harm, and find that spark of recognition that connects us to a common humanity and from that draw a flicker of hope to enkindle the warm glow of peace.

After 9/11, we asked, Why do they hate us? Isn't it time for us to ask, Why do we hate them?

Do we think about what hate does to our own hearts? Isn't it time to put on the invincible armor of human compassion to explore human relations as the science of the human heart, in which we always have the capacity through courage, communication, patience and understanding to turn hate into love, and to beat our swords into plowshares.

LONE STAR VOICE: CHARLES HAMILTON

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

minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, Americans pay millions a year of their money in health care costs for illegals. Now it is time for those renegade businesses that hire illegals and the Mexican Government to pay.

Charles Hamilton of Spring, Texas, writes me: ''Texas taxpayers should not be made to pay the brunt for the high concentration of illegals here that the Feds won't stop from coming into our country. It might be an incentive for employers not to hire illegals if a tax was levied on each illegal hired. Employee rosters showing names and Social Security numbers should be checked for each company each year. Companies with illegals would pay a tax to cover the illegals' hospital costs.''

Mr. Speaker, Dallas County, Texas wants to bill or even sue Mexico for the hospital costs of illegals. But get this: The Mexican consulate arrogantly says, ''You can't do that, it is illegal.''

Mr. Speaker, the coconspirators of businesses that exploit illegals and the Mexican Government that encourages illegal entry need to pay for this health care. It is morally wrong to expect American citizens and legal immigrants to pay.

And that's just the way it is.

SUPPORT EMBRYONIC STEM CELL RESEARCH

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

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I rise disappointed and angered by the President's veto of the Stem Cell Research Enhancement Act, and I rise in solidarity with my 237 colleagues and the 63 Senators who voted to overturn the Bush administration's policies that have stifled the promise of stem cell research and sound and ethical science.

Since 2001, stem cell research in the United States has been thwarted by the Bush administration's misguided policies. And yesterday, President Bush once again let politics, not science, not the health and well-being of American families, and not the will of the majority of Americans, dictate his decision making.

It is a sad day when the President of the United States acts to impede life-saving medical research. And with this veto, President Bush failed to give American families the promise of this research. American families want cures, not politics. And they want hope, not lost opportunities.

I, along with millions of Americans, am outraged, but we are not deterred. We will keep fighting and we will succeed in fighting the President's restrictions on stem cell research.

Those of us who voted to override the presidential veto, voted:

to maintain the United State's stance as the world leader in medical research and scientific advancement;

to advance scientific discovery in an ethically and responsible manner;

to enhance the ability of medical professionals to care for their patients;

to fulfill our obligation to use our human resources and capital for the greater good; and

most importantly, to benefit the millions battling disease and injury.

TRIBUTE TO SECRETARY NORMAN MINETA

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

Mr. WILSON of South Carolina. Mr. Speaker, for more than 5 years, we have been honored to have Norman Mineta serve as Secretary of Transportation, selected by President Bush, to be the longest-serving Secretary in American history.

Secretary Mineta served as an intelligence officer in the U.S. Army in both Japan and Korea. He was the 59th mayor of San Jose, California, and served as a Member of Congress for 20 years. He was the first Asian American elected mayor of a major city, and the first to hold a Cabinet position when he served as Secretary of Commerce from 2000 to 2001.

As the Secretary of Transportation, Norman Mineta oversaw an agency with almost 60,000 employees and a $62 billion budget. Created in 1967, the department brought under one umbrella air, maritime, and surface transportation missions. Today, I honor his service to the American people and wish him and his wife, Deni, the best in their future endeavors.

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

PRESIDENTIAL VETO WRONG

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

Mr. INSLEE. Mr. Speaker, when I voted to override President Bush's veto of stem cell research, I was thinking of ex-Governor Booth Gardner of Washington State. I saw Governor Gardner in the Sea-Tac Airport Monday as I was flying back here. He was flying to San Francisco for advanced treatment for Parkinson's, a disease he has been battling for some time with great courage and grace.

And yet this promising research, we have a President who decided he is not going to let Americans have because he, from his exalted realm on Pennsylvania Avenue, has taken it upon himself to dictate to Americans what our morals should be.

Let me suggest that the President who started the war in Iraq based on false information, the President that mishandled Hurricane Katrina relief, the President who has created the largest deficit in the history of the solar system, is not entitled by any law, religion, morality, ethics or common sense to dictate to the American people one sense of morality, much less any others.

It was wrong for him to deny Booth Gardner treatment, it is wrong for him to take it away from millions of Americans.

SUPPORT HOMEOWNERS TAX RELIEF ACT

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

Mrs. KELLY. Mr. Speaker, I rise today to urge passage of the Homeowners Tax Relief Act. I have introduced this act to help bring much-needed property tax relief to middle-class families.

Taxes are one of the most critical issues our constituents face. When I talk with residents of the Hudson Valley in my New York district, they repeatedly tell me they are at wit's end because their property tax rates are increasing faster than their incomes.

We have passed significant tax relief legislation in this Congress, but we can do more to show our constituents that we are committed to tax cuts, not tax increases.

My legislation is particularly aimed to help middle-class families. It would enable homeowners to deduct on their Federal tax forms the amount of property and school taxes that they pay in excess of the national average. This also brings a first-of-its-kind property tax deduction to residents who use the standard deduction. The IRS estimates that two-thirds of taxpayers use the standard deduction. They would be able to get this tax relief.

Mr. Speaker, both Republican and Democrat cosponsors are on my bill. We need to move it forward to bring additional tax relief to middle-class families in New York and throughout the country.

VOTE ''NO'' ON OMAN FREE TRADE AGREEMENT

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

Mr. MICHAUD. Mr. Speaker, last night several of our colleagues stood on this floor and listed all of the terrorists that are no longer threats to the United States. I couldn't be more pleased that this list of potential threats is getting shorter. So why are we going to vote today on a proposal

that will add major new threats to that list?

The Oman Free Trade Agreement would require the United States to allow any Omani company to provide landside U.S. port activities if they so choose. A new CRS report confirms that fact.

We know that al Qaeda wants to launch more attacks here. Do you think that this deal presents a golden opportunity for al Qaeda to infiltrate our ports, to smuggle weapons of mass destruction into the United States?

Last year more than 11 million cargo containers entered the United States. Do you want a company in Oman managing this flow of who knows what into our borders? Would you let any company that operates in Oman run our airport security?

The Oman Free Trade Agreement hands over the keys to any company that operates in Oman. Think about it, and vote ''no'' on this stupid, ridiculous deal.

When the American people find out about the port provision of this agreement they will be outraged.

□ 1015

PIEDMONT HEALTH CARE

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

Mr. GINGREY. Mr. Speaker, I rise today to congratulate two Georgia hospitals, Piedmont and Piedmont Fayette, which this month were named two of the Nation's Most Wired Hospitals by a Benchmarking survey.

The Piedmont health care group is known for its longstanding commitment to health information technology. With this award, the whole Nation now understands how these hospitals are using electronic medical records, e-prescribing, and digital radiology to help streamline practices and to reduce medical errors.

I am a strong supporter of health information technology because it saves lives, time, money. And as a physician, I know that encouraging the adoption of health care technology is one of the most important ways we can work to lower costs while also raising quality of care.

This is why I have introduced legislation to incentivize more physicians to adopt information technology. And I hope the success of Piedmont health care will encourage other providers to look at the real savings that this technology offers.

Mr. Speaker, I ask that you join me in congratulating Piedmont for their leadership in the field of health information technology.

HOUSE REPUBLICANS FAIL TO ADDRESS THE ISSUES OF REAL CONCERN TO THE AMERICAN PEOPLE

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

Ms. SOLIS. Mr. Speaker, all year long House Republicans have failed to provide real leadership on issues that affect Americans. Earlier this month the Associated Press reported that President Bush had only signed two substantial bills into law this year.

And, now, House Republicans want to spend the entire week distracting and dividing our Nation with pieces of legislation that will never be signed into law. This is not what the American people sent us here to do.

They have yet to join us in offering a stand-alone vote to increase the minimum wage, which about 60 to 70 percent of people polled said they agree with.

Because of their cozy relationship with Big Oil, they have yet to provide American consumers any relief at the gas pump. In my district it is over $3.35.

Earlier this year, House Republicans promised they would clean up the place after several Republican lobbyists pleaded guilty in the Abramoff scandal. But still we have yet to pass any final legislation.

Mr. Speaker, no wonder House Republicans are trying to distract the American public. This is not a record I would want to run on either.

FISCAL MISMANAGEMENT

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

Mr. FLAKE. Mr. Speaker, last year's highway authorization bill, better known as SAFETEA–LU, which brought us the bridge to nowhere, seems to be a gift that keeps on giving. It has now cleared the path for a program that may set a standard for fiscal mismanagement and favoritism by the Federal Government.

Thanks to changes made to the Railroad Rehabilitation and Improvement Financing, or RRIF, program in SAFETEA–LU, the administration is considering awarding one of the largest loans to a private company in the history of the United States. This would be a $2.5 billion loan to the Dakota, Minnesota and Eastern Railroads, or DM&E, a loan larger than the Chrysler bail-out.

SAFETEA–LU expanded the loan authority of the RRIF program from $3.5 billion to $35 billion and removed any prohibition on the size of any single loan, paving the way for the DM&E loan application.

If drastically expanding the program's loan authority opened the door for DM&E, a handful of other changes to the program all but drive the loan application home.

Mr. Speaker, the RRIF program is on the verge of being used to provide a competitive advantage. It is inappropriate for the taxpayers to finance it.

HOUSE REPUBLICANS ARE PREVENTING MEDICAL ADVANCES

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

Ms. SCHAKOWSKY. Mr. Speaker, the editorial in yesterday's USA Today, entitled ''Bush Readies First Veto, Dashing Hopes of Millions,'' says it all. The editorial begins: ''A quarter-century from now, when the benefits of embryonic stem cell research are finally realized, Americans are likely to shake their heads in astonishment at this week's events in Washington.''

But President Bush is not the only one to blame. House Republicans had a chance to join us in overriding the President's veto. They refused. Instead, they rubber-stamped the wishes of the President and, in doing so, dashed the hopes of millions of Americans.

The legislation offered us a real opportunity to find cures for diseases such as diabetes, Parkinson's, Alzheimer's, cancer and MS that are currently afflicting millions of Americans. This research has been put on hold for far too long by an administration that chooses to stifle groundbreaking science.

Mr. Speaker, this was a golden opportunity for this Congress to give scientists and researchers the tools they need to save lives. House Republicans refused to join us in moving this Nation forward. The stem cell vote yesterday is the latest example of why new leadership is needed to take our country in a new direction.

CREDIT CARD ABUSE AT HOMELAND SECURITY

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

Mr. STEARNS. Mr. Speaker, the GAO recently reported that 9,000 credit card holders at the Department of Homeland Security used their official cards for more than $420 million worth of goods and services last year, making it the top purchasing agency in the Federal Government.

The purchases were made using government credit cards with a congressionally approved spending limit of $250,000 that the GAO said resulted in numerous cases of fraud and abuse of taxpayers' dollars.

Nearly half the purchases were made without prior written authorization, and 63 percent did not have evidence that the goods or services were actually received, the report said. How terrible and outrageous this abuse is. Surely the spending limit is too high.

It is very important that this agency enforce adequate internal controls to ensure that card holders are responsibly using their cards. I call upon the homeland security officials to stop this abuse.

REPUBLICANS CHANGE TUNE ON IRAQ

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

Mr. EMANUEL. Mr. Speaker, just 6 weeks ago, Zarqawi was killed in Iraq. Five weeks ago, the House held a debate on Iraq in which Republicans belittled Democrats for questioning the President's strategy.

Said my colleague from North Carolina: ''There are those who want to deny that we are making progress in Iraq.''

But no matter how hard my Republican colleagues try, they cannot escape the facts on the ground. After the most violent month in Iraq and a U.N. report estimating that more than 100 Iraqis are being killed per day, the Republicans are singing a different tune.

This morning's Washington Post reads: ''GOP Lawmakers Edge Away from Optimism on Iraq.'' And that same North Carolina lawmaker is quoted as saying: ''We can't look like we won't face reality.''

Well, here's reality: when the President went to war with too few troops, not enough body armor, and not enough armed Humvees, and without a plan for occupation, the Republican Congress failed their oversight responsibilities.

Lieutenant General Greg Newbold said, ''To be sure, the Bush administration and senior military officials are not alone in their culpability.'' Members of Congress defaulted in fulfilling their constitutional responsibility of oversight.

Mr. Speaker, it is time for a change. It is time for a new direction.

NATIONAL SECURITY

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

Mrs. BLACKBURN. Mr. Speaker, you know, we are seeing it on the front page of Roll Call today, talking about the security message, where the leadership in this House has been focused for a long time now.

We know that national security is securing this country, making an aggressive move in the war on terror, being sure that we support our troops, making sure that we have a Nation that is safe, where we can live, where we can work, go to school, go to our businesses, have secure communities and be secure in our American hopes and dreams.

We also know that a key component of this national security agenda is border security, and I commend the House leadership for staying focused on securing the border first.

It is an imperative for us, Mr. Speaker. We have to stop illegal entry into this country. Illegal entry has turned every State into a border State, every town into a border town, and the people of this Nation know that it will not change until we secure our border.

RAMAPO AMONG BEST PLACES TO LIVE

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

Mr. ENGEL. Mr. Speaker, I am happy to report that Money Magazine has just named the town of Ramapo, in Rockland County in my district, as one of the 100 best places to live in the United States, ranking Ramapo as 49.

I congratulate Ramapo and its town supervisor, Christopher St. Lawrence, who has done a wonderful job in leading that town. Ramapo, with a population of 110,000 residents, is the largest town in Rockland County, with a third of Rockland's inhabitants. It combines such densely populated places as Spring Valley, Muncie, New Square with the country settings of Chestnut Ridge, Suffern, and Wesley Hills.

Half of Ramapo is designated park land. Businesses have invested more than $1 billion in the past 4 years. The town has the highest bond rating in the country. A new state-of-the-art cardiac care unit has opened at Good Samaritan Hospital in Suffern. They have great schools, and $125 million has been invested in a water treatment plant.

Three years ago, Money Magazine named Ramapo as the second best place to live in the Northeast. This year the ranking was done on a nationwide basis.

I am proud to represent Rockland and Ramapo in the U.S. Congress, and I congratulate the people of Ramapo on achieving this great honor.

THE WAYWARD REID-KENNEDY SENATE IMMIGRATION BILL

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

Mr. PRICE of Georgia. Mr. Speaker, some have asked why the House will be holding hearings around our country about illegal immigration. Well, the concise reason is the out-of-touch Reid-Kennedy Senate bill.

The Senate passed legislation that clearly flies in the face of common sense. The American people don't want amnesty. The Reid-Kennedy Bill includes it. The American people don't want to provide Social Security benefits to illegal aliens. The Reid-Kennedy bill includes it.

The Senate voted to give illegals things that American citizens, legal American citizens, don't get, like instate college tuition for all.

This makes no sense. It is unacceptable and it is unbelievable and it is just plain wrong.

The American people are fed up with this reckless attitude and poor policy. Acceptance of the Senate plan is something for which the House will not stand; and once the American people know about it, through our hearings, they won't stand for it either. Then the American people will speak with such passion and vehemence and clarity that the House and Senate may act together and do the right thing first, control our borders and enforce current law.

HOUSE REPUBLICANS DISTRACT AND DIVIDE

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

Mr. CARNAHAN. Mr. Speaker, it is bad enough that out of the 201 days this year this House has only been in session for 63. We are on track for this House to meet even less than the notorious ''Do Nothing Congress'' that Missouri's Harry Truman ran against in 1948.

But now the House Republican leadership has dedicated themselves to a distract and divide agenda, even while we face growing challenges at home and crisis abroad.

This week their agenda called for supporting President Bush's veto of the landmark stem cell bill that would move us closer to lifesaving cures for diseases like Parkinson's, Alzheimer's, and cancer. Majority Republicans are cutting off hope for millions of Americans, all so they can satisfy their base on the far right. Do they really want to keep research from finding cures to these diseases so we can save millions of lives? Their agenda is not our agenda.

With only one week left before the August recess, House Republicans refuse to address the issues that are of real concern to American people. It is time we take America in a new direction.

STEM CELL RESEARCH

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

Mr. PITTS. Mr. Speaker, President Bush issued the first veto of his Presidency yesterday, and it was the right thing to do.

By sustaining that veto last night, after more than a year of rhetoric, much of it misleading, we have come down on the side of protecting human life. And we have saved the American

taxpayer from being forced to fund unethical and unsuccessful research involving the destruction of human embryos.

Though a chapter in this debate has now been closed, this issue is not going away. As we move forward, I hope we will keep in mind what we have learned. The choice doesn't have to be between doing stem cell research and not doing stem cell research. There are ethical, life-affirming methods of doing this research that are producing successful treatments today using adult stem cells.

Let's move forward with stem cell research, Mr. Speaker, but let's do it in an ethical way.

□ 1030

PROVIDING FOR CONSIDERATION OF H.R. 5684, UNITED STATES-OMAN FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 925 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 925

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 5684) to implement the United States-Oman Free Trade Agreement. The bill shall be considered as read. The bill shall be debatable for two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. Pursuant to section 151 of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

SEC. 2. During consideration of H.R. 5684 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker in consonance with section 151 of the Trade Act of 1974.

The SPEAKER pro tempore (Mr. KOLBE). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), 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 925 is a closed rule providing for 2 hours of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

The rule waives all points of order against consideration of the bill. It also provides that pursuant to section 151 of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

Lastly, the resolution provides that during consideration of the bill, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker in consonance with section 151 of the Trade Act of 1974.

Mr. Speaker, House Resolution 925 provides for the consideration of H.R. 5684, a bill to implement the United States-Oman Free Trade Agreement, in accordance with trade measures negotiated under the Trade Promotion Authority. Under these procedures, once the administration formally submits the final legislative language to Congress, it may not be amended.

Former United States Trade Rep Rob Portman signed the United States-Oman Free Trade Agreement on January 19, 2006. Under the agreement, all consumer and industrial goods traded between the U.S. and Oman will immediately be duty free, and 87 percent of the U.S. agriculture tariff lines will gain immediate duty-free access with the remaining tariffs phased out over a 10-year period. It provides wide access and sets a strong precedent for opening up opportunities for services for U.S. firms, contains robust protections for U.S. intellectual property rights holders, and includes strong labor and environmental provisions.

Oman enacted broad labor reforms in 2003, Mr. Speaker, and has followed up with specific commitments to ensure that its laws provide strong protections for workers consistent with international standards. Oman enacted many of these reforms earlier this month and has pledged to enact the remaining reforms by this November. This agreement makes it clear that it is inappropriate for Oman to weaken or reduce domestic labor protections or environmental laws to encourage trade or investment and that this obligation is enforceable through specific dispute settlement procedures.

Mr. Speaker, the United States makes up only 4 percent of the world's population. Therefore, we must recognize that we have an opportunity to create and expand the marketplace for U.S. goods and services by reaching fair trade agreements with our international trading partners. This agreement will contribute to economic growth and trade between the U.S. and Oman; generate export opportunities for U.S. companies, farmers, and ranchers; help create jobs in both countries; and help American consumers save money while offering them greater choices.

My home State of Washington, for example, is one of the most trade-dependent States in the Nation, and our economy depends on fair trade. From agriculture to high tech to manufacturing industries, Washington State and our Nation are in a position to benefit by having more trading partners.

One area where trade with Oman shows great promise for America is in the area of commercial aircraft. Oman Air recently purchased Boeing 737 airplanes valued at $200 million at catalog prices. We want to continue to encourage these kinds of sales to Oman and in the broader Middle East, which, of course, creates new jobs here at home.

In addition to the new commercial opportunities it provides, this agreement will support many of the recent government, legal, and economic reforms in Oman, which are important to bringing stability to the Middle East region. In 2003 President Bush proposed completion of a Middle East Free Trade Area by 2013 as part of a plan to fight terrorism by supporting Middle East economic growth and democracy through trade.

The United States-Oman Free Trade Agreement Implementation Act would be the fifth bilateral trade agreement reached between the United States and a Middle Eastern country. It is yet another step in the right direction toward integrating fair trade policies and economic reforms to support a more stable and prosperous Middle East. This agreement will send a strong signal to countries in that region about the benefits of closer economic and political ties to the United States.

The Committee on Ways and Means favorably reported H.R. 5684 last May. Accordingly, Mr. Speaker, I urge my colleagues to support House Resolution 925 and the underlying bill.

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

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Washington for yielding me this time, and I yield myself such time as I may consume.

Mr. Speaker, today we debate another free trade agreement. We all know well-crafted trade policy is capable of spreading benefits to a broad portion of the population while promoting innovation and solidifying partnerships between and among nations.

As a leader in the global economy, the United States has the ability and the responsibility to use trade agreements to effect positive change here at home and abroad. Unfortunately, the Oman Free Trade Agreement, which we are considering, continues the recent trend toward divisive partnership on trade.

Because of the majority's approach on trade policy, you have a lot of Democrats, who I believe are inclined to vote for free trade agreements, voting against this pact. I am disappointed the administration and the Republican leadership have missed another opportunity to return to a bipartisan consensus on trade. The majority once again cut Democrats out of the

negotiations and produced another free trade agreement that fails to protect the basic rights of workers.

Like the Central American Free Trade Agreement, CAFTA, which I voted against a year ago, the labor provisions of the Oman Free Trade Agreement only require Oman to enforce its own labor laws. At this time Oman's laws do not come close to meeting International Labor Organization standards. This is a threshold that Ways and Means Democrats have set for labor provisions in trade agreements, and it is quite reasonable. The United States-Oman Free Trade Agreement does not meet it.

Of utmost concern, Oman's laws do not guarantee the freedom of association and the right to bargain collectively. It does not even prohibit human trafficking and forced labor.

In Oman today unions do not exist. There are only labor management committees where management holds over 70 percent of the leadership positions. In no way is this even close to representation the workers here have achieved after decades of struggle.

Ways and Means Committee Democrats tried to work with the Government of Oman to revise its labor laws, and they were very clear about what steps needed to be taken: Specifically, make sure Oman's laws conform to basic labor standards and begin to implement existing laws in a manner that complies with the principles established by the International Labor Organization. These are not radical requests. Yet the majority and Oman have not acceded to them.

Just yesterday Representative CARDIN offered a reasonable amendment that would have delayed implementation of this agreement until Oman came into compliance with these standards. That amendment was rejected. The Omani Government attempted to pacify our labor concerns with an 11th-hour royal decree. Unfortunately, it fully addressed only one of the 10 deficiencies outlined by Ways and Means Democrats. So this is not a valid argument.

The situation I just described is quite a contrast to the United States-Bahrain Free Trade Agreement negotiations. Bahrain made commitments to modify its laws to adhere to International Labor Organization standards and took steps to make sure those standards were being adhered to on the ground immediately. Oman has taken no such actions. As a result, the United States-Oman Free Trade Agreement fails workers in Oman and here in the United States.

This sends a message to the world that the United States does not respect the hardworking men and women that fuel the global economy. That is extraordinarily unwise, particularly considering the challenges we are facing all around the globe today.

I had hoped that the bipartisan opposition to CAFTA might make it clear to the Bush administration that a broad cross-section of this House would not accept trade agreements which fail to ensure fundamental rights for workers. That is apparently not the case because this agreement is another step backwards for workers. Further, it demonstrates this administration's refusal to use trade to better the lives of the broad portion of working families, not a select few.

And yesterday at the Rules Committee, Representative CARDIN highlighted a potentially serious concern about port security. The provision imposes a burdensome process should the United States Government choose to protect its citizens from potentially dangerous foreign control over United States port operations. Representative CARDIN offered a second amendment yesterday in the Rules Committee that would have addressed this concern. However, like his other commonsense amendment on labor provisions, it was rejected. This scenario is another reason Members should reject this agreement as currently written.

I know these amendments would interrupt the fast-track process. However, I believe the issues raised by Mr. CARDIN's amendments warrant rejecting this agreement as currently written. By doing so, we can put together a framework that addresses these very serious concerns on port security and workers' rights.

Congress needs to push the administration to step back and rethink its trade policy. The United States cannot afford to abandon its role as a leader in the global economy nor can we abandon our duty to working families both here and abroad.

We need to embrace the benefits of trade while still respecting the fundamental rights of workers. I sincerely hope that my colleagues on both sides of the aisle will work together to achieve such a balance in considering future trade policy.

When we debated CAFTA, I said, ''If we do not get CAFTA right, we risk undercutting support for all future trade agreements.'' Well, we did not get CAFTA right, and now we are doing it again on Oman. The majority is just digging us all into a deeper hole, making it that much more difficult to establish the trust required for balanced trade negotiations.

I hope the scrutiny that this relatively small free trade agreement is receiving leads the majority to reconsider its approach. I hope it makes them ask: Is it worth rushing this agreement to passage with inadequate assurances on labor protections when we might be able to achieve them in a number of weeks? Is it really worth cutting the minority out of the negotiations?

In my opinion, the answers to these questions are obvious. Partisanship tears this House apart every week we are in session. Look at the tone of the debate on the floor this week. It is time for a new direction; and trade, because it is such a critical issue, would be an ideal place to start.

I continue to have hope that we can regain the spirit of cooperation on trade that has served this House so well in the past. It is a goal that is within reach. I urge Members on both sides of the aisle to commit to achieving it.

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

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

Mr. Speaker, I will respond to a couple of points that my friend from California made. Regarding the labor language in this trade agreement, it is essentially the same language that was in the Bahrain trade agreement that, of course, is in the same part geographically in the world as Oman.

□ 1045

I would just remind my colleagues that that language and that trade agreement were acceptable to my friend from California. She voted in favor of the Bahrain trade agreement, as did the gentleman from Maryland, whom she referenced.

Mr. Speaker, I would also like to respond to the concerns that this agreement poses national security issues and concerns that a third-party tribunal would have ultimate say over our security issues.

The U.S.-Oman Free Trade Agreement, like previous trade agreements, treats Omani landside service providers and investors no less favorably than our own landside service suppliers. These landside activities include unloading vessels, marine cargo handling, and ship cleaning.

When an entity participates in these landside aspects of port activities, it does not control, manage or operate a U.S. port. That always remains the responsibility of the port authority.

Nothing in this agreement, Mr. Speaker, before us today prohibits the U.S. from reviewing foreign investment transactions in order to ensure our national security. More importantly, it expressly permits the U.S. to block a potential port acquisition by claiming national security interests.

As you see, Mr. Speaker, all of our trade agreements, including this one, contain an article called ''essential security,'' which is self-judging, meaning that it is up to an individual country to determine whether a particular matter is necessary for the protection of its essential security interests. All the commitments that we undertake in trade agreements are subject to this provision.

Under this article, nothing in an agreement can prevent us from applying measures that we consider necessary for the protection of our essential security interests. Therefore, the ultimate decision on what is necessary to protect our essential services rests with the United States, not a third-party tribunal.

Finally, Mr. Speaker, history and precedent also indicate that no third-party dispute panel or tribunal has ever heard any arguments, much less issued a decision, related to the scope and application of any national security exception contained in a national trade or investment agreement.

So those issues, while they may be nice to talk about, really have no bearing on the trade agreements that we have had in the past.

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

Ms. MATSUI. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I thank my friend from California for yielding me time.

Mr. Speaker, I am disappointed today that we are about to consider a free trade agreement with Oman that I would have hoped we would have worked out so we could have had strong bipartisan support. Unfortunately, the agreement comes up short on international labor standards, and I believe we could have achieved those international labor standards to make sure that Oman complies with ILO standards. But, unfortunately, there was an unwillingness on the part of the negotiators to complete the agreement in a way that could have gotten more support.

The second issue that I take, particularly with this rule, because I am going to support the gentlewoman's position of opposing the previous question, is to deal with a very sensitive issue of port security. So let me try to explain the port security issue, because I think there have been some misstatements on the floor of the House.

This agreement permits Oman to operate landside aspects of port activities, including operation and maintenance of docks, loading and unloading of vessels directly to and from land, marine cargo handling, operation and maintenance of piers, ship cleaning, stevedoring, transfer of cargo between vessels and trucks, trains, pipelines and wharves and waterfront terminal operations.

That is exactly what Dubai Ports World tried to do in ports in this country, including my own Port of Baltimore. We spoke up and the American people spoke up against allowing a foreign company to operate port facilities here in the United States, and we blocked that transaction. It was the right thing to do for the security of America and the security of our ports.

Under this agreement, if Dubai Ports World had an operation within Oman, they would be permitted to apply to do those same operations here in the United States and they would be permitted to do that under the free trade agreement.

I have heard my colleagues suggest that we can just invoke the essential security exception to an agreement, and you are correct, we can invoke the essential security exception and block the transaction. But then we are subject to dispute settlement procedures. We never give up our sovereignty in trade agreements, but we changed our tax laws because of international pressure when we thought we didn't have to, because otherwise we would have been subjected to tariffs against U.S. products. The same thing is true here. If the dispute panel rules against us, then we are subjecting ourselves to sanctions.

Our USTR says this is absolute, they can't do that. But let me remind you, we have lost 83 percent of our cases in dispute settlement procedures where sanctions have been imposed against our country. So we haven't been that successful in these international tribunals.

Let me also point out that by including this language in this bill, there will be continued pressure on this administration to allow foreign government companies to operate ports here in the United States. We have an administration that is friendly towards that.

We have the responsibility in Congress to protect our ports and protect our Nation. It is our responsibility. I urge my colleagues to defeat the previous question so that we can protect the ports here in America and make it clear, by simply taking out that one provision that would allow the operation of port facilities potentially by companies owned by countries that are not friendly to the United States.

This is an important issue, and I urge all my colleagues to pay attention to this. This is our vote and our opportunity, and I urge the defeat of the previous question.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the chairman for the time.

I rise in strong support of the U.S.-Oman Free Trade Agreement. Following the U.S.-Bahrain Free Trade Agreement last year, Mr. Speaker, the U.S.-Oman FTA sends a clear message that we are committed to improving our relationship with the Middle East while improving our international trade interests.

The agreement goes beyond addressing trade issues. As part of the FTA, Oman commits to intensifying its political reform efforts to enhance participation of all of its citizens in the process. Oman has also implemented economic changes that will make entry into its domestic and international markets more accessible to private citizens.

Additionally, the FTA has stipulations that Oman complete labor reforms by October 31 of this year. However, of its own volition, Oman began enacting these reforms beginning in 2003, and earlier this month many of the remaining reforms were implemented by a royal decree. Some of the recent changes include dispute settlement procedures for labor representatives, the ability to call for strikes, and strengthening of legal protections for women and foreign workers. Oman has ratified the International Labor Organization conventions against child and forced labor.

Not only has Oman undertaken domestic reforms, but it has also made strides to change its international policy by pulling out of the Arab League boycott of Israel and repealing all aspects of the boycott. This shows a clear commitment to Oman's desire to function in accordance with international trade norms of equality and full market access.

The 9/11 Commission report states that economic reforms will be the key to changing the cultural landscape in the Middle East. As such, this FTA is about much more than trade; it is a tool for advancing U.S. strategic interests. Oman is a key ally in the global war on terror and has provided critical assistance to our Armed Forces in Iraq and Afghanistan.

In short, this U.S.-Oman FTA will help to improve our market access and increase national security; and, therefore, I would like to reiterate my strong support for this mutually beneficial agreement.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to ask my colleagues to vote ''no'' on the previous question. This would allow us to consider the Cardin amendment to close the loophole in the agreement that would allow a foreign company based in Oman to operate U.S. port facilities.

Earlier on I was opposed to the Oman Free Trade Agreement because it undermines fundamental workers' rights. This free trade agreement is another blow to working families, exporting more of our jobs overseas. But I was shocked to learn that it could underpin the basic safety and security of those who I was sent here to represent.

I come from a community that is directly tied to this Nation's largest port, the Port of Long Beach. The safety and security of this port and all other American ports are essential to our country.

The Oman FTA directly threatens our ability to control our Nation's

ports. The creators of this deal completely ignored Congress' overwhelming response to the Dubai Ports World deal because, just like that deal, the Oman FTA has a very far-reaching provision hidden completely from the public eye.

Buried deep in the annex of this agreement, our country's right to determine who operates our ports of entry is given away. Who gets the new right to control vital American infrastructure? Any group of people or government that incorporates to do business in Oman.

The same people who supported the Dubai Ports World deal are now telling us that this is, again, nothing to worry about. They were wrong then, and they are wrong now. We should not export the safety and security of Americans. I urge again my colleagues to vote ''no'' on the previous question.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, I thank the gentleman for the time.

Mr. Speaker, I rise to speak in support today of the Oman Free Trade Agreement. It is an important outreach and step that this country ought to be making and I think we will make.

I would like to comment just briefly on a couple of the previous speakers. They appear to be relying on stock certificates to protect our ports. The truth of the matter is, I agree with them wholeheartedly that protecting our ports is in the vital interests of this country. No one would argue about that.

But simply the fact who owns a particular company is scant comfort when it comes to control of the ports, as well as the security surrounding all of the ports. All the conduct that goes on, the goods and services are moved through there. The scheduling and the actual control of our security by the Coast Guard, to me is a much better way to secure our ports than simply worrying about the stock certificates of the companies that provide the services of scheduling, loading and unloading.

The United States free trade agreement with Oman represents more than just simple economics and trade. Support for this agreement represents building a relationship and strengthening with a peaceful ally in the Middle East that has a proven track record.

Let me run through a couple of things that I think are important when we talk about who is Oman and why should we enter into some sort of bilateral free trade agreement with Oman.

Oman has been a proven leader in the Persian Gulf in establishing trade and other ties with Israel. Since 1970, Oman has pursued a moderate foreign policy and expanded its diplomatic relationships dramatically.

Oman has also worked to develop close ties with its neighbors in the Middle East. Oman joined the six-member Gulf Cooperation Council when it was established and traditionally supports Middle East peace initiatives.

In 1979, Oman supported the Camp David Accords and was one of only three Arab League states which did not break relationships with Egypt after the signing of the Egyptian-Israeli peace treaty in 1979.

In April of 1994, Oman hosted the plenary meeting of the Water Working Group of the peace process and was the first gulf state to do so.

On December 26, 1994, Oman became the first gulf state to host an Israeli Prime Minister, again trying to build on a relationship of peace with another important ally of ours in the Middle East.

Oman has eliminated all aspects of the Arab boycott of Israel. In 2005 and 2006, senior Omani officials issued letters affirming that Oman has no boycott in place against Israel. Oman was one of the first regional states to offer recognition to the U.S.-appointed Iraqi Governing Council in 2003 and backed the Iraqi elections that took place in January 2005.

This agreement with Oman illustrates the importance of trade liberalization and security cooperation, both of which further our national interests from an economic and security standpoint. We must not turn our backs on the peace-promoting leader in this region. Oman is dependable, and it is critical that we continue to build on this relationship.

□ 1100

Please join me in supporting the previous question on the rule and in support of the Oman Free Trade Agreement that will be brought to the floor later today.

Ms. MATSUI. Mr. Speaker, I yield 3½ minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I rise in strong opposition to this agreement. Unfettered free trade is one of the major reasons why in our country today the middle class is shrinking; why for 5 straight years family median income has declined, while in the last 5 years 5 million more Americans have slipped into poverty; why millions of Americans are working longer hours for lower wages.

Yes, I acknowledge at a time when the CEOs of large corporations earn 400 times what their workers are making, at a time when large corporations are throwing American workers out on the street and moving to low-wage countries, yes, free trade has worked very, very well for the large multinationals.

But maybe, just maybe, once in a long while, the Republican leadership might want to consider the middle class of this country, working families, lower-income people and not just the wealthiest people.

Mr. Speaker, the American middle class should no longer be forced to compete against workers in China, Vietnam, and other countries where desperate people, through no fault of their own, are forced in some cases to work for wages as low as 30 cents an hour. That is not a level playing field.

Throwing American workers out on the street, moving to countries where people are paid pennies an hour, is bad public policy. It has failed. One of the definitions of insanity is to do the same thing over and over again. That is what this Congress does. It fails every single time.

Mr. Speaker, before we vote for unfettered free trade with Oman, we should consider this. In Oman, the minimum wage ranges from absolutely zero to $1.30 an hour. The average wage in Oman is about $13,200, below the poverty line for a single mother with one child living in this country.

Is that fair competition for American workers? In addition, Mr. Speaker, we hear a lot from this administration and my Republican colleagues about the need to support freedom. Well, are the people in Oman free to elect their leader? What was the result in the last election? We didn't hear much about that, because they don't have elections.

Oman is a hereditary monarchy. Is there freedom of religion, freedom of speech, freedom of the press in Oman? No, there is not. Mr. Speaker, in the last 5 years alone, we have lost nearly 3 million decent paying manufacturing jobs, 17 percent of our total. In 1993, before NAFTA, our trade deficit was over $70 billion. Last year, after unfettered free trade, it was over $715 billion. This year it is expected to top $800 billion.

The time is now to rethink our policy with regard to unfettered free trade.

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

Ms. MATSUI. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentlewoman for yielding.

Mr. Speaker, as a union member and as a Member of this body, and as someone who wants to expand U.S. trade relations, nonetheless I feel obligated to oppose this rule and the Oman Free Trade Agreement we will consider today.

The Bush administration and congressional Republicans are again trying to force passage of a trade agreement that willfully undermines labor rights in Oman and economic and homeland security for hardworking Americans in this country.

Democrats have called for such standards in every agreement negotiated by this administration, and each time we have been let down by the

President and his allies here in Congress. In sending the Oman trade agreement to the Hill, the Bush administration has also astonishingly opted to send Congress an agreement in which he refused to include a prohibition on forced or slave labor.

Is this how we spread democracy in the Middle East? Is this how the U.S. best improves the lives in the Middle East and advances our own security interests? Another bizarre decision the President made is to put in jeopardy the security of our ports and other critical landside homeland security functions. This Oman agreement explicitly paves the way for companies like Dubai Ports World to gain control of our ports.

Those who disagree with this argument refuse to acknowledge that the fact that in the best-case scenario, with the President utilizing every national security waiver at his disposal, the final decision on such a matter will be left out of U.S. hands and left to an international tribunal.

I would think the Republican leadership could at least agree that we should not outsource our core homeland security functions and decisions. In a country like Oman, where meager rights for workers fall well below the International Labor Organization's standards, where the Sultan can change any law by decree, and where there are no independent unions, Congress should be especially vigilant.

Mr. Speaker, we must ensure that any trade agreement with Oman, or any country, contains hard and fast labor standards. The Oman FTA does not. This is a loser on homeland security, for job security and for the best interests of Omanis. It should be defeated.

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

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank my very good friend from the Rules Committee for yielding me time.

Mr. Speaker, I appreciate Ms. MATSUI's leadership. Mr. Speaker, this legislation needs to pass. This trade agreement is very much in the interests of the United States. Oman is our ally. It is an example of exactly what we need to help bring about throughout the Arab world.

Now, I do not know if everyone in this body knows where Oman is located. It sits at the Strait of Hormuz and at the entrance to the Persian Gulf. It is in a critically strategic location. Across that strait lies Iran. More than 20 percent of the world's oil supply passes through that strait.

Oman has remained our ally, notwithstanding all of the pressure that it has received over generations. It has been our ally since 1833 when we passed the Treaty of Amity and Commerce. It was the first Arab country to send an Ambassador to the United States. Today it is the first and only Arab country to have a female Ambassador to the United States.

It is one of the most open, liberal societies in the Arab and Muslim world. They signed a 10-year military access agreement in 1981 with the United States, and they have renewed it twice. They continue to be one of the most important logistical and operational support areas for the present war in Iraq, and were so in the Persian Gulf.

Mr. Speaker, I do not know what more they can do. They are an active supporter of the United States against terrorism, and as this letter from AIPAC says, they have been willing to take on the Arab world and break the Arab boycott against Israel, the primary, secondary and tertiary boycott. And here we are, we debated all night last night about the resolution in the Middle East.

We know the number of lives that are being lost, the conflagration that is taking place, and we will not reach out to an Arab nation that is our most important ally, that is exactly what we are hoping to achieve in terms of economic and social liberalization.

They have agreed to comply with all of the International Labor Organization's standards. They will have collective bargaining, unionization. They are going to open up their industries to outside review and competition. And what do they want to buy? They want to buy transport equipment and manufactured products, products that generate jobs in the United States.

And what are they going to sell to us? It is primarily oil that does not generate jobs in the Arab world. That is part of the problem. But the Sultan of Oman understands that the vast majority, more than 60 percent of his population, are under the age of 18. He gets it. He understands. He needs to move into the modern world. But he needs American support to do that.

This trade treaty needs to pass.

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER) the distinguished chairman of the Rules Committee, who is probably one of the individuals in this body that works on trade issues more than anybody else.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. I will correct him by saying that I take a back seat to the Speaker pro tem, Mr. KOLBE, who unfortunately is going to be leaving at the end of this Congress. I have been very pleased to work with him on a wide range of issues dealing with trade globally, and appreciate his stellar service.

Mr. Speaker, let me begin by saying that I want to associate myself, my remarks, with my Democratic colleague, Mr. MORAN, underscoring the fact that this is a very important bipartisan issue. We as Republicans within the Republican leadership, are reaching out to Democrats who share our vision of pursuing our very, very important goal of free trade overall and this very important agreement with Oman.

Now, my colleague from Vermont was speaking earlier about the fact that unfettered free trade has, in fact, jeopardized the livelihood of Americans, it has helped the very rich and hurt the middle class. Nothing could be further from the truth.

One has to look at the overall policies of the United States of America and look at the economic policies pursued by this administration and this Congress. We have to realize the fact that we have minority home ownership at an all-time high. We have unemployment at a 4.6 percent rate.

The first quarter of this year, we saw gross domestic product growth at 5.6 percent. We have seen inflation, based on the projections outlined by the Chairman of the Federal Reserve, Mr. Bernanke, yesterday, tempering.

We are seeing predictions for strong economic growth. And, Mr. Speaker, it is due in large part to our pursuit of breaking down barriers to expand the opportunity for greater trade and for job creation right here in the United States of America.

Now, this agreement that we are going to be facing today, which I am very pleased will enjoy bipartisan support, as I said, is an agreement that I believe really transcends the simple economic questions that we face today, the economic questions of important job creation in the United States.

But the vote that we face today is a very important geopolitical question. Now, my friend from Virginia (Mr. MORAN) talked about the strategic importance of Oman. My friend from Texas (Mr. CONAWAY) earlier talked about the fact that Oman was the first gulf nation to host an Israeli Prime Minister.

We have talked about the fact that over the past many decades, we have seen a very important relationship that has existed between Oman and the United States of America. And one of the things that is important to note is that we, with huge bipartisan numbers, put into place the U.S.-Bahrain Free Trade Agreement.

Mr. Speaker, this agreement is by every account an even stronger, better agreement from the perspective of worker rights and the other issues that are raised by so many, better than the U.S.-Bahrain Free Trade Agreement.

Now, as I talk about the geopolitical issue, Mr. Speaker, I think it is important for us to note that one of the things that we as an institution are doing on a regular basis is encouraging the building of democratic institutions

around the world, political pluralism, the rule of law, self-determination.

And, frankly, we have as an institution been, I think, doing a great job in helping emerging and reemerging democracies. A year ago this spring, Speaker HASTERT and Minority Leader PELOSI put into place a great new commission, which I am privileged to chair, and our colleague from North Carolina, DAVID PRICE, serves as the ranking minority member on. It is a bipartisan, 16-member commission.

The Speaker pro tem is a member of our commission. And what we have done is we have said we need to take new and reemerging democracies around the world and help them build their parliaments.

□ 1115

Now, as we look at the geopolitical importance of this issue, Mr. Speaker, I have to tell you that we just, 2 weeks ago, had our commission in Lebanon, and we just, days before the attack by Hezbollah against the Israelis, the kidnapping of the IDF troops, military, we were on the tarmac in Beirut, having just come from meetings with the Lebanese Parliament. There are parliamentarians in Lebanon and many other parts of the world who are hoping very much to be able to build those parliaments, to establish their libraries, to put into place a committee structure that will allow for adequate oversight of the executive branch, and to do many of the things that we have a tendency to take for granted around here.

Now, we know that Oman isn't an American-style democracy; we recognize that. A lot of people have been critical because of it. But the fact of the matter is, we need to do all that we can to help those countries that are moving towards the rule of law, and Oman is clearly one of them, living with a rules-based trading system, and other countries in the region that are seeking to stand up in this global war against Islamofascism to do all possible to help us.

Mr. Speaker, economic liberalization is a very important part of that goal. I can't think of a more important vote after, as Mr. MORAN said, the debate we had last night on the resolution that we are going to be voting on before too terribly long, supporting the State of Israel and their action and their right to defend themselves. And now this agreement really goes hand in hand with our quest to take on those who want to do in our way of life, who want to undermine opportunities for freedom.

This is a very good agreement. It is a good rule that, under the standard structure that we have, allows for its implementation. So Members should vote ''yes'' on the previous question when that vote comes forward, and they should vote ''yes'' for the rule and ''yes'' on final passage for the U.S.-Oman Free Trade Agreement.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the gentlewoman from California for yielding me this time and wish to say to my colleague from California who just left the podium that one of America's problems in the Middle East is that we have become too identified with the superrich, undemocratic leaders of those countries who ignore the teeming masses of the poor among them. That is where ''the resistance'' comes from.

Mr. DREIER. Will the gentlewoman yield?

Ms. KAPTUR. As I finish my statement, I will yield some time to the gentleman.

Mr. Speaker, today the House will consider another so-called free trade agreement, this time with Oman, a nation that is not a democracy. In fact, far from it. It is a sultanate with rule by the superrich. This agreement will yield no more liberty.

We should defeat the resolution and this bill. Oman is not a free country. Free trade should only exist among free people. Trade should enhance liberty and freedom, not undermine it by enshrining gross privilege.

Exploitation of Oman's working class by its own rulers, along with imported labor from poorer countries who have no rights, underpin the ugly underbelly of Oman, no matter how the gold on their palaces glitters.

Free trade should benefit America and America's workers, so name me a free trade agreement that has done that? The gentleman and I were here for the passage of the horrible NAFTA agreement—he voted yes, I voted no. It has put hundreds of thousands of our people in this country out of work, and it has hurt millions more people in Mexico.

NAFTA has yielded trade deficits with Mexico when we used to have surpluses. Trade deals with Canada, Vietnam, and China have not helped America. Free trade deals help a narrow band of invesors this gentleman is more than happy to help.

''Free trade'' cannot anchor America's democratic principles. Indeed, trade with an undemocratic society ultimately crushes liberty's cause.

Constitutions dedicated to liberties and rights and justice must come first. Is America so bankrupt and desperate for a landing pad in the Middle East that we cede more of our fundamental values of liberty globally with yet another repressive society?

Free societies exist because people of those nations believed in liberty first. America's trade policy should embody our enduring values of liberty, not enshrine pecuniary relationships without principle.

Oman should first take their place at freedom's table, and then let us talk about free trade.

I ask my colleagues to defeat the rule and to defeat the resolution on free trade with Oman. It is not a free country, and it is time America identified with those in the world who aspire for freedom themselves, not just the superrich.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DREIER).

Mr. DREIER. I thank my friend for yielding. Let me begin by saying I have the utmost respect for my friend from Ohio. I greatly revere her passionate commitment to her goal.

Mr. Speaker, I want to say that we share the same goals. Those goals are to improve the quality of life for the middle class and those struggling working Americans here in the United States of America and in other parts of the world. I think that we just have a slightly different view.

You know, the gentlewoman pointed her finger at me and began engaging in very, very strong language about the North American Free Trade Agreement. Mr. Speaker, I would like to say that I believe that the North American Free Trade Agreement has been an overwhelming success. Today we enjoy a third of a trillion dollars, with a capital T, in crossborder trade between Mexico and the United States.

As President Bill Clinton said when he was eulogizing Lloyd Bentsen, the former Treasury Secretary and Senator from Texas, he said, were it not for the North American Free Trade Agreement, this very serious problem that we have of illegal immigration would be much, much worse today than it is.

Now, if one realizes that in Mexico we have a burgeoning middle class, a middle class that is today larger than the entire Canadian population, and it is continuing to grow, those areas that have benefited most greatly from the North American Free Trade Agreement in the northern states of Mexico have seen tremendous booms in their standard of living.

Ms. KAPTUR. Would the gentleman be happy to yield me a couple of seconds on his time?

Mr. DREIER. I am happy to yield to my friend.

MS. KAPTUR. You know, it is amazing how two people can live in this world and view it so differently. The exploitation of Mexico's rural countryside is a continental sacrilege. The reason we have all this illegal immigration to our country is NAFTA wiped out the struggling poor of Mexico's countryside. Does the gentleman have no conscience for them?

Mr. DREIER. If I could reclaim my time, Mr. Speaker. May I reclaim my time?

Ms. KAPTUR. What about our workers? Millions lost jobs because of NAFTA.

Mr. DREIER. Could I reclaim my time, Mr. Speaker? Am I in control of my time?

She is claiming that I am somehow exploiting the underclass of Mexico.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 additional minute to the gentleman.

The SPEAKER pro tempore (Mr. KOLBE). The gentleman is recognized for 1 additional minute.

Mr. DREIER. I would say to my friend, obviously we want to do everything that we can to see the standard of living and quality of life for that underclass that she refers to, as she leaves the floor, as I am trying to engage in this colloquy with her.

I will say that I believe that our policies have played a big role in enhancing the standard of living and quality of life, and I am not going to be satisfied until every single one of those individuals does, in fact, see their quality of life improve.

I believe in that economic liberalization and creating economic opportunity, which we have done for so much of Mexico, through the existence of the——

Ms. KAPTUR. Would you be kind enough to yield?

Mr. DREIER. I am happy to yield.

Ms. KAPTUR. I will just say to the gentleman that post-NAFTA, the wages of Mexicans were cut in half. Two million people are streaming across this continent because their way of life has been destroyed. Travel with me to meet these people. In our Nation, the middle class has lost a million jobs to Mexico. Why is it the gentleman refuses to see this continental tragedy.

Mr. DREIER. Mr. Speaker, that is just plain wrong. That is just plain inaccurate. If you look at, again, the standard of living and quality of life in Mexico, it is substantially greater today than it was before the North American Free Trade Agreement.

Ms. KAPTUR. Not for the ordinary people.

Mr. DREIER. I believe that these policies are very important for the United States and the world.

Ms. KAPTUR. Only for those at the top.

Ms. MATSUI. Mr. Speaker, I urge all Members to vote ''no'' on the previous question. If the previous question is defeated, I will amend the rule to make in order a critical amendment that was offered in the Rules Committee yesterday by Trade Subcommittee Ranking Member CARDIN, but unfortunately was rejected by a straight party-line vote.

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

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

There was no objection.

Ms. MATSUI. The Cardin amendment would close a dangerous loophole in the current agreement, a loophole that could jeopardize our Nation's port security. In other words, in its present form, this agreement would allow a foreign company based in Oman to operate U.S. port facilities. The Cardin amendment provides that the U.S.-Oman Free Trade Agreement cannot take effect until the U.S. withdraws its commitment to allow Omani companies to operate landside aspects of U.S. port activities.

Unless we vote on the Cardin amendment today, we could once again be faced with a risk that the management of our vital ports might again be handed over to a foreign entity.

The House must have the chance to weigh in on this matter of national security. It is time for this House to stop giving rubber-stamp approval to this administration at the expense of our national security. The Cardin amendment is the only way to ensure that this free trade agreement doesn't compromise our ports.

Mr. Speaker, some of my colleagues may argue that the adoption of this important amendment will shut off the fast-track process in the Senate for this bill. True, perhaps, but we should not allow any process to trump our national security and the duty of this Congress to protect its citizens from harm.

If we have to send this agreement back to the drawing board, so be it. However Members of this House feel about this trade deal, I would hope that they would all realize the danger of leaving this loophole in place. Vote ''no'' on the previous question so we can protect our ports.

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

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

Mr. Speaker, if the issue is on port security, then I would like to remind my colleagues of what I had said earlier, that in these trade agreements there are articles that speak to essential security, and these articles are self-judging, which means it is up to the individual country to make the determination as to what their security interests are.

There is nothing in this agreement that can prevent us from applying what we consider to be security issues.

But don't take my word for it. The Congressional Research Service, a nonpartisan organization, said, in addressing this issue and having an international tribunal judge this, that national security issues have never been subjected to review by trade panels. That is a very important distinction.

Further, the Congressional Research Service goes on to say: ''The U.S. should appear to be on solid legal grounds for asserting not only that the panel does not, the independent panel, does not have legal authority to determine the validity of such a matter, but also that the inconsistent measure is permitted and justified, given the broad self-judging language in the national security exemption.''

So clearly the argument that the U.S.-Oman Free Trade Agreement will make our Nation less secure, in fact, has no basis in fact. There is no question, however, Mr. Speaker, that fair trade promotes economic development and political cooperation.

In fact, the 9/11 Commission specifically cited Middle Eastern free trade agreements and calls for action on a comprehensive U.S. strategy that President Bush has, I might add, engaged in that includes economic policies encouraging development, more open societies and opportunities for people to improve their lives.

Mr. Speaker, approving this agreement is a vital step towards our efforts against the war on Islamofascism and seeks to make our Nation more, not less, secure.

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

PREVIOUS QUESTION ON H. RES. 925—RULE FOR H.R. 5684, U.S.-OMAN FREE TRADE AGREEMENT IMPLEMENTATION ACT

Strike all after the resolved clause and insert in lieu thereof the following:

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5684) to implement the United States-Oman Free Trade Agreement. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. Notwithstanding section 151 of the Trade Act of 1974 and clause 11 of rule XVIII, no amendment to the bill shall be in order except the amendment specified in section 2 of this resolution. The amendment may be offered only by Representative Cardin of Maryland or his designee, shall be considered as read, shall be debatable for 30 minutes 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 the amendment specified in section 2 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. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The amendment referred to in the first section of this resolution is as follows:

AMENDMENT TO H.R. 5684, AS REPORTED

OFFERED BY MR. CARDIN OF MARYLAND

At the end of section 101, add the following:

(c) ADDITIONAL CONDITION FOR ENTRY INTO FORCE.—In addition to the provisions of subsection (b), the President may not provide

for the Agreement to enter into force with respect to the United States until the United States has included in its reservation relating to the provision of maritime transportation services and the operation of U.S.-flagged vessels, beginning on page 5 of the Schedule of the United States contained in Annex II of the Agreement, measures relating to the following: landside operations of port activities, including operation and maintenance of docks; loading and unloading of vessels directly to or from land; marine cargo handling; operation and maintenance of piers; ship cleaning; stevedoring; transfer of cargo between vessels and trucks, trains, pipelines, and wharves; and waterfront terminal operations.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

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

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

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on H. Res. 925 will be followed by 5-minute votes on adoption of H. Res. 925, if ordered; and on the motion to suspend the rules on H. Res. 921.

The vote was taken by electronic device, and there were—yeas 227, nays 196, not voting 9, as follows:

[Roll No. 389]

YEAS—227

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Osborne
Otter
Oxley
Paul
Pearce
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)
Smith (WA)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer

Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—9

Davis (FL)
Davis, Jo Ann
Evans
Fortenberry
Lewis (GA)
McKinney
Northup
Nussle
Pence

□ 1153

Ms. WATERS changed her vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

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 237, nays 187, not voting 8, as follows:

[Roll No. 390]

YEAS—237

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holt
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
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
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)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—187

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

NOT VOTING—8

Buyer
Davis (FL)
Davis, Jo Ann
Evans
Fortenberry
McKinney
Northup
Nussle

□ 1203

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.

CONDEMNING THE RECENT ATTACKS AGAINST THE STATE OF ISRAEL

The SPEAKER pro tempore (Mr. LAHOOD). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 921.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the resolution, H. Res. 921, 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 410, nays 8, answered ''present'' 4, not voting 10, as follows:

[Roll No. 391]

YEAS—410

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess

Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (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
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
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
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—8

Abercrombie
Conyers
Dingell
Kilpatrick (MI)
McDermott
Paul
Rahall
Stark

ANSWERED "PRESENT"—4

Kaptur
Kucinich
Lee
Waters

NOT VOTING—10

Davis (FL)
Davis, Jo Ann
Duncan
Evans
Fortenberry
McKinney
Northup
Nussle
Sanchez, Loretta
Westmoreland

□ 1210

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FORTENBERRY. Mr. Speaker, on Thursday, July 20, 2006, I was unavoidably detained and thus I missed rollcall votes Nos. 389, 390, and 391. Had I been present, I would have voted "yea" on all three votes.

UNITED STATES-OMAN FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 925, I call up the bill (H.R. 5684) to implement the United States-Oman Free Trade Agreement, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5684

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United States-Oman Free Trade Agreement Implementation Act".

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

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

Sec. 101. Approval and entry into force of the Agreement.
Sec. 102. Relationship of the Agreement to United States and State law.
Sec. 103. Implementing actions in anticipation of entry into force and initial regulations.
Sec. 104. Consultation and layover provisions for, and effective date of, proclaimed actions.
Sec. 105. Administration of dispute settlement proceedings.
Sec. 106. Arbitration of claims.
Sec. 107. Effective dates; effect of termination.

TITLE II—CUSTOMS PROVISIONS

Sec. 201. Tariff modifications.
Sec. 202. Rules of origin.
Sec. 203. Customs user fees.
Sec. 204. Enforcement relating to trade in textile and apparel goods.
Sec. 205. Reliquidation of entries.
Sec. 206. Regulations.

TITLE III—RELIEF FROM IMPORTS

Sec. 301. Definitions.

Subtitle A—Relief From Imports Benefiting From the Agreement

Sec. 311. Commencing of action for relief.
Sec. 312. Commission action on petition.
Sec. 313. Provision of relief.
Sec. 314. Termination of relief authority.
Sec. 315. Compensation authority.
Sec. 316. Confidential business information.

Subtitle B—Textile and Apparel Safeguard Measures

Sec. 321. Commencement of action for relief.
Sec. 322. Determination and provision of relief.
Sec. 323. Period of relief.
Sec. 324. Articles exempt from relief.
Sec. 325. Rate after termination of import relief.
Sec. 326. Termination of relief authority.
Sec. 327. Compensation authority.
Sec. 328. Confidential business information.

TITLE IV—PROCUREMENT

Sec. 401. Eligible products.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the Free Trade Agreement between the United States and Oman entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b));

(2) to strengthen and develop economic relations between the United States and Oman for their mutual benefit;

(3) to establish free trade between the 2 nations through the reduction and elimination of barriers to trade in goods and services and to investment; and

(4) to lay the foundation for further cooperation to expand and enhance the benefits of such Agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the United States-Oman Free Trade Agreement approved by Congress under section 101(a)(1).

(2) HTS.—The term "HTS" means the Harmonized Tariff Schedule of the United States.

(3) TEXTILE OR APPAREL GOOD.—The term "textile or apparel good" means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section

101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), Congress approves—

(1) the United States-Oman Free Trade Agreement entered into on January 19, 2006, with Oman and submitted to Congress on June 26, 2006; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to Congress on June 26, 2006.

(b) CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.—At such time as the President determines that Oman has taken measures necessary to bring it into compliance with those provisions of the Agreement that are to take effect on the date on which the Agreement enters into force, the President is authorized to exchange notes with the Government of Oman providing for the entry into force, on or after January 1, 2007, of the Agreement with respect to the United States.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW.—

(1) UNITED STATES LAW TO PREVAIL IN CONFLICT.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) CONSTRUCTION.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) RELATIONSHIP OF AGREEMENT TO STATE LAW.—

(1) LEGAL CHALLENGE.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) DEFINITION OF STATE LAW.—For purposes of this subsection, the term ''State law'' includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State, on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 103. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) IMPLEMENTING ACTIONS.—

(1) PROCLAMATION AUTHORITY.—After the date of the enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date on which the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date on which the Agreement enters into force.

(2) EFFECTIVE DATE OF CERTAIN PROCLAIMED ACTIONS.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under section 104 may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

(3) WAIVER OF 15-DAY RESTRICTION.—The 15-day restriction in paragraph (2) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date on which the Agreement enters into force of any action proclaimed under this section.

(b) INITIAL REGULATIONS.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date on which the Agreement enters into force. In the case of any implementing action that takes effect on a date after the date on which the Agreement enters into force, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

SEC. 104. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

(B) the United States International Trade Commission;

(2) the President has submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning on the first day on which the requirements set forth in paragraphs (1) and (2) have been met has expired; and

(4) the President has consulted with the Committees referred to in paragraph (2) regarding the proposed action during the period referred to in paragraph (3).

SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) ESTABLISHMENT OR DESIGNATION OF OFFICE.—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 20 of the Agreement. The office may not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year after fiscal year 2006 to the Department of Commerce such sums as may be necessary for the establishment and operations of the office established or designated under subsection (a) and for the payment of the United States share of the expenses of panels established under chapter 20 of the Agreement.

SEC. 106. ARBITRATION OF CLAIMS.

The United States is authorized to resolve any claim against the United States covered by article 10.15.1(a)(i)(C) or article 10.15.1(b)(i)(C) of the Agreement, pursuant to the Investor-State Dispute Settlement procedures set forth in section B of chapter 10 of the Agreement.

SEC. 107. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) EFFECTIVE DATES.—Except as provided in subsection (b), the provisions of this Act and the amendments made by this Act take effect on the date on which the Agreement enters into force.

(b) EXCEPTIONS.—Sections 1 through 3 and this title take effect on the date of the enactment of this Act.

(c) TERMINATION OF THE AGREEMENT.—On the date on which the Agreement terminates, the provisions of this Act (other than this subsection) and the amendments made by this Act shall cease to be effective.

TITLE II—CUSTOMS PROVISIONS

SEC. 201. TARIFF MODIFICATIONS.

(a) TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.—

(1) PROCLAMATION AUTHORITY.—The President may proclaim—

(A) such modifications or continuation of any duty,

(B) such continuation of duty-free or excise treatment, or

(C) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 2.3, 2.5, 2.6, 3.2.8, and 3.2.9, and Annex 2–B of the Agreement.

(2) EFFECT ON OMANI GSP STATUS.—Notwithstanding section 502(a)(1) of the Trade Act of 1974 (19 U.S.C. 2462(a)(1)), the President shall, on the date on which the Agreement enters into force, terminate the designation of Oman as a beneficiary developing country for purposes of title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.).

(b) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and layover provisions of section 104, the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with Oman regarding the staging of any duty treatment set forth in Annex 2–B of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Oman provided for by the Agreement.

(c) CONVERSION TO AD VALOREM RATES.—For purposes of subsections (a) and (b), with respect to any good for which the base rate in the Tariff Schedule of the United States to Annex 2–B of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem

rate that the President determines to be equivalent to the base rate.

SEC. 202. RULES OF ORIGIN.

(a) APPLICATION AND INTERPRETATION.—In this section:

(1) TARIFF CLASSIFICATION.—The basis for any tariff classification is the HTS.

(2) REFERENCE TO HTS.—Whenever in this section there is a reference to a heading or subheading, such reference shall be a reference to a heading or subheading of the HTS.

(b) ORIGINATING GOODS.—

(1) IN GENERAL.—For purposes of this Act and for purposes of implementing the preferential tariff treatment provided for under the Agreement, a good is an originating good if—

(A) the good is imported directly—

(i) from the territory of Oman into the territory of the United States; or

(ii) from the territory of the United States into the territory of Oman; and

(B)(i) the good is a good wholly the growth, product, or manufacture of Oman or the United States, or both;

(ii) the good (other than a good to which clause (iii) applies) is a new or different article of commerce that has been grown, produced, or manufactured in Oman or the United States, or both, and meets the requirements of paragraph (2); or

(iii)(I) the good is a good covered by Annex 3–A or 4–A of the Agreement;

(II)(aa) each of the nonoriginating materials used in the production of the good undergoes an applicable change in tariff classification specified in such Annex as a result of production occurring entirely in the territory of Oman or the United States, or both; or

(bb) the good otherwise satisfies the requirements specified in such Annex; and

(III) the good satisfies all other applicable requirements of this section.

(2) REQUIREMENTS.—A good described in paragraph (1)(B)(ii) is an originating good only if the sum of—

(A) the value of each material produced in the territory of Oman or the United States, or both, and

(B) the direct costs of processing operations performed in the territory of Oman or the United States, or both,

is not less than 35 percent of the appraised value of the good at the time the good is entered into the territory of the United States.

(c) CUMULATION.—

(1) ORIGINATING GOOD OR MATERIAL INCORPORATED INTO GOODS OF OTHER COUNTRY.—An originating good, or a material produced in the territory of Oman or the United States, or both, that is incorporated into a good in the territory of the other country shall be considered to originate in the territory of the other country.

(2) MULTIPLE PRODUCERS.—A good that is grown, produced, or manufactured in the territory of Oman or the United States, or both, by 1 or more producers, is an originating good if the good satisfies the requirements of subsection (b) and all other applicable requirements of this section.

(d) VALUE OF MATERIALS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the value of a material produced in the territory of Oman or the United States, or both, includes the following:

(A) The price actually paid or payable for the material by the producer of the good.

(B) The freight, insurance, packing, and all other costs incurred in transporting the material to the producer's plant, if such costs are not included in the price referred to in subparagraph (A).

(C) The cost of waste or spoilage resulting from the use of the material in the growth, production, or manufacture of the good, less the value of recoverable scrap.

(D) Taxes or customs duties imposed on the material by Oman or the United States, or both, if the taxes or customs duties are not remitted upon exportation from the territory of Oman or the United States, as the case may be.

(2) EXCEPTION.—If the relationship between the producer of a good and the seller of a material influenced the price actually paid or payable for the material, or if there is no price actually paid or payable by the producer for the material, the value of the material produced in the territory of Oman or the United States, or both, includes the following:

(A) All expenses incurred in the growth, production, or manufacture of the material, including general expenses.

(B) A reasonable amount for profit.

(C) Freight, insurance, packing, and all other costs incurred in transporting the material to the producer's plant.

(e) PACKAGING AND PACKING MATERIALS AND CONTAINERS FOR RETAIL SALE AND FOR SHIPMENT.—Packaging and packing materials and containers for retail sale and shipment shall be disregarded in determining whether a good qualifies as an originating good, except to the extent that the value of such packaging and packing materials and containers has been included in meeting the requirements set forth in subsection (b)(2).

(f) INDIRECT MATERIALS.—Indirect materials shall be disregarded in determining whether a good qualifies as an originating good, except that the cost of such indirect materials may be included in meeting the requirements set forth in subsection (b)(2).

(g) TRANSIT AND TRANSSHIPMENT.—A good shall not be considered to meet the requirement of subsection (b)(1)(A) if, after exportation from the territory of Oman or the United States, the good undergoes production, manufacturing, or any other operation outside the territory of Oman or the United States, other than unloading, reloading, or any other operation necessary to preserve the good in good condition or to transport the good to the territory of Oman or the United States.

(h) TEXTILE AND APPAREL GOODS.—

(1) DE MINIMIS AMOUNTS OF NONORIGINATING MATERIALS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a textile or apparel good that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification set out in Annex 3–A of the Agreement shall be considered to be an originating good if the total weight of all such fibers or yarns in that component is not more than 7 percent of the total weight of that component.

(B) CERTAIN TEXTILE OR APPAREL GOODS.—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed in the territory of Oman or the United States.

(C) YARN, FABRIC, OR GROUP OF FIBERS.—For purposes of this paragraph, in the case of a textile or apparel good that is a yarn, fabric, or group of fibers, the term ''component of the good that determines the tariff classification of the good'' means all of the fibers in the yarn, fabric, or group of fibers.

(2) GOODS PUT UP IN SETS FOR RETAIL SALE.—Notwithstanding the rules set forth in Annex 3–A of the Agreement, textile or apparel goods classifiable as goods put up in sets for retail sale as provided for in General Rule of Interpretation 3 of the HTS shall not be considered to be originating goods unless each of the goods in the set is an originating good or the total value of the nonoriginating goods in the set does not exceed 10 percent of the value of the set determined for purposes of assessing customs duties.

(i) DEFINITIONS.—In this section:

(1) DIRECT COSTS OF PROCESSING OPERATIONS.—

(A) IN GENERAL.—The term ''direct costs of processing operations'', with respect to a good, includes, to the extent they are includable in the appraised value of the good when imported into Oman or the United States, as the case may be, the following:

(i) All actual labor costs involved in the growth, production, or manufacture of the good, including fringe benefits, on-the-job training, and the cost of engineering, supervisory, quality control, and similar personnel.

(ii) Tools, dies, molds, and other indirect materials, and depreciation on machinery and equipment that are allocable to the good.

(iii) Research, development, design, engineering, and blueprint costs, to the extent that they are allocable to the good.

(iv) Costs of inspecting and testing the good.

(v) Costs of packaging the good for export to the territory of the other country.

(B) EXCEPTIONS.—The term ''direct costs of processing operations'' does not include costs that are not directly attributable to a good or are not costs of growth, production, or manufacture of the good, such as—

(i) profit; and

(ii) general expenses of doing business that are either not allocable to the good or are not related to the growth, production, or manufacture of the good, such as administrative salaries, casualty and liability insurance, advertising, and sales staff salaries, commissions, or expenses.

(2) GOOD.—The term ''good'' means any merchandise, product, article, or material.

(3) GOOD WHOLLY THE GROWTH, PRODUCT, OR MANUFACTURE OF OMAN OR THE UNITED STATES, OR BOTH.—The term ''good wholly the growth, product, or manufacture of Oman or the United States, or both'' means—

(A) a mineral good extracted in the territory of Oman or the United States, or both;

(B) a vegetable good, as such a good is provided for in the HTS, harvested in the territory of Oman or the United States, or both;

(C) a live animal born and raised in the territory of Oman or the United States, or both;

(D) a good obtained from live animals raised in the territory of Oman or the United States, or both;

(E) a good obtained from hunting, trapping, or fishing in the territory of Oman or the United States, or both;

(F) a good (fish, shellfish, and other marine life) taken from the sea by vessels registered or recorded with Oman or the United States and flying the flag of that country;

(G) a good produced from goods referred to in subparagraph (F) on board factory ships registered or recorded with Oman or the United States and flying the flag of that country;

(H) a good taken by Oman or the United States or a person of Oman or the United States from the seabed or beneath the seabed

outside territorial waters, if Oman or the United States, as the case may be, has rights to exploit such seabed;

(I) a good taken from outer space, if such good is obtained by Oman or the United States or a person of Oman or the United States and not processed in the territory of a country other than Oman or the United States;

(J) waste and scrap derived from—

(i) production or manufacture in the territory of Oman or the United States, or both; or

(ii) used goods collected in the territory of Oman or the United States, or both, if such goods are fit only for the recovery of raw materials;

(K) a recovered good derived in the territory of Oman or the United States from used goods and utilized in the territory of that country in the production of remanufactured goods; and

(L) a good produced in the territory of Oman or the United States, or both, exclusively—

(i) from goods referred to in subparagraphs (A) through (J), or

(ii) from the derivatives of goods referred to in clause (i),

at any stage of production.

(4) INDIRECT MATERIAL.—The term ''indirect material'' means a good used in the growth, production, manufacture, testing, or inspection of a good but not physically incorporated into the good, or a good used in the maintenance of buildings or the operation of equipment associated with the growth, production, or manufacture of a good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment and buildings;

(D) lubricants, greases, compounding materials, and other materials used in the growth, production, or manufacture of a good or used to operate equipment and buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other goods that are not incorporated into the good but the use of which in the growth, production, or manufacture of the good can reasonably be demonstrated to be a part of that growth, production, or manufacture.

(5) MATERIAL.—The term ''material'' means a good, including a part or ingredient, that is used in the growth, production, or manufacture of another good that is a new or different article of commerce that has been grown, produced, or manufactured in Oman or the United States, or both.

(6) MATERIAL PRODUCED IN THE TERRITORY OF OMAN OR THE UNITED STATES, OR BOTH.—The term ''material produced in the territory of Oman or the United States, or both'' means a good that is either wholly the growth, product, or manufacture of Oman or the United States, or both, or a new or different article of commerce that has been grown, produced, or manufactured in the territory of Oman or the United States, or both.

(7) NEW OR DIFFERENT ARTICLE OF COMMERCE.—

(A) IN GENERAL.—The term ''new or different article of commerce'' means, except as provided in subparagraph (B), a good that—

(i) has been substantially transformed from a good or material that is not wholly the growth, product, or manufacture of Oman or the United States, or both; and

(ii) has a new name, character, or use distinct from the good or material from which it was transformed.

(B) EXCEPTION.—A good shall not be considered a new or different article of commerce by virtue of having undergone simple combining or packaging operations, or mere dilution with water or another substance that does not materially alter the characteristics of the good.

(8) RECOVERED GOODS.—The term ''recovered goods'' means materials in the form of individual parts that result from—

(A) the disassembly of used goods into individual parts; and

(B) the cleaning, inspecting, testing, or other processing of those parts as necessary for improvement to sound working condition.

(9) REMANUFACTURED GOOD.—The term ''remanufactured good'' means an industrial good that is assembled in the territory of Oman or the United States and that—

(A) is entirely or partially comprised of recovered goods;

(B) has a similar life expectancy to a like good that is new; and

(C) enjoys a factory warranty similar to that of a like good that is new.

(10) SIMPLE COMBINING OR PACKAGING OPERATIONS.—The term ''simple combining or packaging operations'' means operations such as adding batteries to devices, fitting together a small number of components by bolting, gluing, or soldering, and repacking or packaging components together.

(11) SUBSTANTIALLY TRANSFORMED.—The term ''substantially transformed'' means, with respect to a good or material, changed as the result of a manufacturing or processing operation so that—

(A)(i) the good or material is converted from a good that has multiple uses into a good or material that has limited uses;

(ii) the physical properties of the good or material are changed to a significant extent; or

(iii) the operation undergone by the good or material is complex by reason of the number of different processes and materials involved and the time and level of skill required to perform those processes; and

(B) the good or material loses its separate identity in the manufacturing or processing operation.

(j) PRESIDENTIAL PROCLAMATION AUTHORITY.—

(1) IN GENERAL.—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set forth in Annex 3–A and Annex 4–A of the Agreement; and

(B) any additional subordinate category that is necessary to carry out this title, consistent with the Agreement.

(2) MODIFICATIONS.—

(A) IN GENERAL.—Subject to the consultation and layover provisions of section 104, the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than provisions of chapters 50 through 63 of the HTS (as included in Annex 3–A of the Agreement).

(B) ADDITIONAL PROCLAMATIONS.—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 104, the President may proclaim—

(i) modifications to the provisions proclaimed under the authority of paragraph (1)(A) as are necessary to implement an agreement with Oman pursuant to article 3.2.5 of the Agreement; and

(ii) before the end of the 1-year period beginning on the date of the enactment of this Act, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 of the HTS (as included in Annex 3–A of the Agreement).

SEC. 203. CUSTOMS USER FEES.

Section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)) is amended by adding after paragraph (16) the following:

''(17) No fee may be charged under subsection (a) (9) or (10) with respect to goods that qualify as originating goods under section 202 of the United States-Oman Free Trade Agreement Implementation Act. Any service for which an exemption from such fee is provided by reason of this paragraph may not be funded with money contained in the Customs User Fee Account.''.

SEC. 204. ENFORCEMENT RELATING TO TRADE IN TEXTILE AND APPAREL GOODS.

(a) ACTION DURING VERIFICATION.—

(1) IN GENERAL.—If the Secretary of the Treasury requests the Government of Oman to conduct a verification pursuant to article 3.3 of the Agreement for purposes of making a determination under paragraph (2), the President may direct the Secretary to take appropriate action described in subsection (b) while the verification is being conducted.

(2) DETERMINATION.—A determination under this paragraph is a determination—

(A) that an exporter or producer in Oman is complying with applicable customs laws, regulations, procedures, requirements, or practices affecting trade in textile or apparel goods; or

(B) that a claim that a textile or apparel good exported or produced by such exporter or producer—

(i) qualifies as an originating good under section 202, or

(ii) is a good of Oman,

is accurate.

(b) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (a)(1) includes—

(1) suspension of liquidation of the entry of any textile or apparel good exported or produced by the person that is the subject of a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A), in a case in which the request for verification was based on a reasonable suspicion of unlawful activity related to such good; and

(2) suspension of liquidation of the entry of a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B).

(c) ACTION WHEN INFORMATION IS INSUFFICIENT.—If the Secretary of the Treasury determines that the information obtained within 12 months after making a request for a verification under subsection (a)(1) is insufficient to make a determination under subsection (a)(2), the President may direct the Secretary to take appropriate action described in subsection (d) until such time as the Secretary receives information sufficient to make a determination under subsection (a)(2) or until such earlier date as the President may direct.

(d) APPROPRIATE ACTION DESCRIBED.—Appropriate action referred to in subsection (c) includes—

(1) publication of the name and address of the person that is the subject of the verification;

(2) denial of preferential tariff treatment under the Agreement to—

(A) any textile or apparel good exported or produced by the person that is the subject of

a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A); or

(B) a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B); and

(3) denial of entry into the United States of—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A); or

(B) a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B).

SEC. 205. RELIQUIDATION OF ENTRIES.

Subsection (d) of section 520 of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''or''; and

(B) by striking ''for which'' and inserting '', or section 202 of the United States-Oman Free Trade Agreement Implementation Act for which''; and

(2) in paragraph (3), by inserting ''and information'' after ''documentation''.

SEC. 206. REGULATIONS.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

(1) subsections (a) through (i) of section 202;

(2) the amendment made by section 203; and

(3) proclamations issued under section 202(j).

TITLE III—RELIEF FROM IMPORTS

SEC. 301. DEFINITIONS.

In this title:

(1) OMANI ARTICLE.—The term ''Omani article'' means an article that—

(A) qualifies as an originating good under section 202(b); or

(B) receives preferential tariff treatment under paragraphs 8 through 11 of article 3.2 of the Agreement.

(2) OMANI TEXTILE OR APPAREL ARTICLE.—The term ''Omani textile or apparel article'' means an article that—

(A) is listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)); and

(B) is an Omani article.

(3) COMMISSION.—The term ''Commission'' means the United States International Trade Commission.

Subtitle A—Relief From Imports Benefiting From the Agreement

SEC. 311. COMMENCING OF ACTION FOR RELIEF.

(a) FILING OF PETITION.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(b) INVESTIGATION AND DETERMINATION.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, an Omani article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the Omani article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) APPLICABLE PROVISIONS.—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (i).

(d) ARTICLES EXEMPT FROM INVESTIGATION.—No investigation may be initiated under this section with respect to any Omani article if, after the date on which the Agreement enters into force with respect to the United States, import relief has been provided with respect to that Omani article under this subtitle.

SEC. 312. COMMISSION ACTION ON PETITION.

(a) DETERMINATION.—Not later than 120 days after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall make the determination required under that section.

(b) APPLICABLE PROVISIONS.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—

(1) IN GENERAL.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(2) LIMITATION ON RELIEF.—The import relief recommended by the Commission under this subsection shall be limited to that described in section 313(c).

(3) VOTING; SEPARATE VIEWS.—Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who did not vote in the affirmative may submit, in the report required under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) REPORT TO PRESIDENT.—Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination and recommendation referred to in paragraphs (1) and (2).

(e) PUBLIC NOTICE.—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public such report (with the exception of information which the Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

SEC. 313. PROVISION OF RELIEF.

(a) IN GENERAL.—Not later than the date that is 30 days after the date on which the President receives the report of the Commission in which the Commission's determination under section 312(a) is affirmative, or which contains a determination under section 312(a) that the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) EXCEPTION.—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) NATURE OF RELIEF.—

(1) IN GENERAL.—The import relief that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex 2–B of the Agreement in the duty imposed on such article.

(B) An increase in the rate of duty imposed on such article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) PROGRESSIVE LIBERALIZATION.—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization of such relief at regular intervals during the period in which the relief is in effect.

(d) PERIOD OF RELIEF.—

(1) IN GENERAL.—Subject to paragraph (2), any import relief that the President provides under this section may not, in the aggregate, be in effect for more than 3 years.

(2) EXTENSION.—

(A) IN GENERAL.—If the initial period for any import relief provided under this section is less than 3 years, the President, after receiving a determination from the Commission under subparagraph (B) that is affirmative, or which the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), may extend the effective period of any import relief provided under this section, subject to the limitation under paragraph (1), if the President determines that—

(i) the import relief continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

(B) ACTION BY COMMISSION.—

(i) INVESTIGATION.—Upon a petition on behalf of the industry concerned that is filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) NOTICE AND HEARING.—The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) REPORT.—The Commission shall transmit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(e) RATE AFTER TERMINATION OF IMPORT RELIEF.—When import relief under this section is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief, on the date on which the relief terminates.

(f) ARTICLES EXEMPT FROM RELIEF.—No import relief may be provided under this section on any article that has been subject to import relief under this subtitle after the date on which the Agreement enters into force.

SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) GENERAL RULE.—Subject to subsection (b), no import relief may be provided under this subtitle after the date that is 10 years after the date on which the Agreement enters into force.

(b) PRESIDENTIAL DETERMINATION.—Import relief may be provided under this subtitle in the case of an Omani article after the date on which such relief would, but for this subsection, terminate under subsection (a), if the President determines that Oman has consented to such relief.

SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking ''and''; and

(2) by inserting before the period at the end '', and title III of the United States-Oman Free Trade Agreement Implementation Act''.

Subtitle B—Textile and Apparel Safeguard Measures

SEC. 321. COMMENCEMENT OF ACTION FOR RELIEF.

(a) IN GENERAL.—A request under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) PUBLICATION OF REQUEST.—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the President shall cause to be published in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include a summary of the request and the dates by which comments and rebuttals must be received.

SEC. 322. DETERMINATION AND PROVISION OF RELIEF.

(a) DETERMINATION.—

(1) IN GENERAL.—If a positive determination is made under section 321(b), the President shall determine whether, as a result of the reduction or elimination of a duty under the Agreement, an Omani textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) SERIOUS DAMAGE.—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits, and investment, none of which is necessarily decisive; and

(B) shall not consider changes in technology or consumer preference as factors supporting a determination of serious damage or actual threat thereof.

(b) PROVISION OF RELIEF.—

(1) IN GENERAL.—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as described in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry to import competition.

(2) NATURE OF RELIEF.—The relief that the President is authorized to provide under this subsection with respect to imports of an article is an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(A) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(B) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

SEC. 323. PERIOD OF RELIEF.

(a) IN GENERAL.—Subject to subsection (b), any import relief that the President provides under subsection (b) of section 322 may not, in the aggregate, be in effect for more than 3 years.

(b) EXTENSION.—If the initial period for any import relief provided under section 322 is less than 3 years, the President may extend the effective period of any import relief provided under that section, subject to the limitation set forth in subsection (a), if the President determines that—

(1) the import relief continues to be necessary to remedy or prevent serious damage and to facilitate adjustment by the domestic industry to import competition; and

(2) there is evidence that the industry is making a positive adjustment to import competition.

SEC. 324. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to any article if—

(1) the article has been subject to import relief under this subtitle after the date on which the Agreement enters into force; or

(2) the article is subject to import relief under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

SEC. 325. RATE AFTER TERMINATION OF IMPORT RELIEF.

When import relief under this subtitle is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief, on the date on which the relief terminates.

SEC. 326. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to any article after the date that is 10 years after the date on which duties on the article are eliminated pursuant to the Agreement.

SEC. 327. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of such Act.

SEC. 328. CONFIDENTIAL BUSINESS INFORMATION.

The President may not release information that is submitted in a proceeding under this subtitle and that the President considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released, or such party subsequently consents to the release of the information. To the extent a party submits confidential business information to the President in a proceeding under this subtitle, the party shall also submit a nonconfidential version of the information, in which the confidential business information is summarized or, if necessary, deleted.

TITLE IV—PROCUREMENT

SEC. 401. ELIGIBLE PRODUCTS.

Section 308(4)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(A)) is amended—

(1) by striking ''or'' at the end of clause (iv);

(2) by striking the period at the end of clause (v) and inserting ''; or''; and

(3) by adding at the end the following new clause:

''(vi) a party to the United States-Oman Free Trade Agreement, a product or service of that country or instrumentality which is covered under that Agreement for procurement by the United States.''.

The SPEAKER pro tempore. Pursuant to House Resolution 925, the gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 1 hour.

The Chair recognizes the gentleman from California.

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

Mr. Speaker, this particular agreement is an important one for a number of reasons. One, the United States and Oman have been friends in a formal way for almost 100 years. The Sultanate of Oman occupies an important geopolitical location in the world, which has become even more meaningful in recent times.

Oman has shown its true friendship to the United States because of the adage: ''A friend in need is a friend indeed.'' And Oman has been a friend in the Middle Eastern portion of the world when we needed a friend indeed.

In addition to that, this free trade agreement is significant in the advancement of opening trade in a number of areas very quickly, sort of a solid, leading-edge kind of agreement that we would like to see in a number of other countries around the world.

One of the remarks that might be made is, Oman, Oman, let me double-check, take a look at an atlas or the globe, and then ask, to what extent are we dealing with significant trade with the United States?

The answer is, the United States is the world's largest importer and the world's largest exporter, so when you measure significance of trade, sometimes you would ask yourself not what the impact is on the United States, but what the impact would be on the country in which we are entering into this free trade agreement. And to Oman, I believe it is extremely important as it continues to modernize itself under the Sultan and continues to extend freedoms and liberties to its people.

Yes, it is oil rich. They know that is a limited resource. They are interested in investing in their people. We are interested in helping them do that.

But it cannot go unmentioned that we also need, as we look at the globe or the atlas, to make note of the location of Oman, and that this agreement can be seen in any number of ways, and one of the ways would be to allow for a closer economic relationship with a friend that has had a close security relationship with the United States.

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

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

Let me agree with the chairman of the committee. This agreement is important not from an economic standpoint, it would have little or no impact on our economy. For political reasons it would be important. For security reasons it would be important.

But I think that most Members would agree that we should have a trade policy that is not a Democratic trade policy or a Republican trade policy. We should have one that reflects the people of the United States of America through the people's House, which is the House of Representatives. And over the years, it appears more and more that the United States Trade Representatives will deal with the majority, but on issues that we think are important we have to deal with the country itself. This is wrong. Whatever divisions we have politically in our country, we ought to keep it on this side of our flag and not have to expose these differences with foreigners.

So often we have Presidents of Peru and Ambassadors from Oman indicating that the majority party has said we can get this out but you have to talk with the Democrats. Well, you shouldn't have to talk with the Democrats, but the United States Trade Representative should have to talk with us and Republicans and members of the committee.

The House, to a large extent, relies on the expertise that is developed by those of us who are privileged to serve on the Ways and Means Committee, and we owe it to our Members to say what is in the trade bill and what is not in the trade bill. But also, in order to give a fair explanation, we should know what USTR intends to put in the bill.

Now, over the years, all we have said is this: The the details of a bill should be fair, and as far as I am concerned, America should have a fair advantage. We should make certain that we are able to see that our products have access to their markets. But there is also something that I think is a principle that is American, and that is that the basic rights of the workers should be protected. On so many bills the religious leaders, the labor leaders, the farmers, the peasants come to us and say, Please support the bill but please make certain that you have the same type of protections in that bill to protect our rights of assembly, protect our rights to strike, as you have in that bill for intellectual property rights.

We have taken the lowest possible denominator and taken the International Labor Organization regulations. And we have had people say they have no problem with that, but somehow that is never, but never, discussed in our committee even though we have an amendment that deals with the Peruvian Free Trade Agreement that at this very moment is in the hearing room. We are not talking about it. We are debating an amendment. What we should be talking about is what is good for both of these countries and can we walk away from these trade agreements knowing that it is good for America, but we are not driving the workers to the lowest possible denominator; but we would like to be able to say that there are basic protections for the people, especially in developing countries that we do business with.

So, Mr. Speaker, Democrats have to be respected. We may be in the minority, but we should not be excluded in participating in discussions with the United States Trade Representatives. And the United States Trade Representatives should not send us to foreign representatives in order to see what we can get in the bill. They are supposed to be our negotiators the same way they are the majority party's negotiators. That does not happen. I do believe that it should.

Mr. Speaker, I yield the balance of my time to the gentleman from Maryland (Mr. CARDIN), who is the senior member of the Trade Subcommittee, who has put in hours of work on this, and I ask unanimous consent that he be allowed to control that time.

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

There was no objection.

Mr. THOMAS. Mr. Speaker, I would like to yield 20 minutes to the gentleman from Virginia (Mr. MORAN), and I ask unanimous consent that he be allowed to control the 20 minutes.

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

There was no objection.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, in 2003, President Bush called for the creation of a Middle East Free Trade Area in 10 years to bring the Middle East into an expanding circle of opportunity. To date the administration has successfully negotiated free trade agreements with Bahrain, Jordan, Morocco, and Oman to provide a solid foundation for the MEFTA initiative.

As the Wall Street Journal noted in an editorial the other day: ''The deal would make all U.S. industrial and consumer products duty free immediately and phase out farm tariffs over 10 years.''

The promise of the Omani agreement before us is expanded market opportunities for U.S. exporters, greater financial integrity in the world economy, and enhanced regional stability. Overall, by developing greater economic friendship in the Middle East with modernizing economies like Oman, we also advance America's national security objectives in the broader war on terrorism.

As the 9/11 Commission report recommended, ''Any comprehensive U.S. strategy to counterterrorism should include economic policies that encourage development, more open societies, and opportunities for people to improve their lives.'' The U.S.-Oman FTA embodies this principle.

Mr. Speaker, I strongly support the U.S.-Oman Free Trade Agreement and urge its passage in the House.

Mr. CARDIN. Mr. Speaker, I yield for the purpose of making a unanimous

consent request to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I rise in opposition to H.R. 5684.

Mr. Speaker, this Oman FTA is harmful and unbalanced and threatens our national security.

This FTA is just a small part of a larger trade policy that has not been in the best interest of U.S. workers, small businesses, farmers or the economy and environment.

I have voted against every harmful and unbalanced trade agreement that has come before this HOUSE.

I would welcome the opportunity to vote for an agreement with strong and enforceable labor and environmental protections.

Unfortunately the U.S.-Oman FTA has neither of these and I will be voting against this bad trade deal.

The FTA falls short of the labor protections that must be included to make an acceptable agreement.

We need a time-out on trade and stop this "race to the bottom."

Our trade agreements have not significantly raised the living standards in foreign nations.

And U.S. trade policy has forced American workers to compete on an uneven playing field.

By defeating this FTA, we will tell the Administration that no longer will we accept harmful and unbalanced trade agreements.

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

Mr. Speaker, I rise in reluctant opposition to the Oman Free Trade Agreement. I do that for two basic reasons.

First, this agreement contains provisions that would allow companies owned by foreign governments to move into port operations. This is one of our first opportunities to deal with this since this matter became a matter of attention of this body earlier this year when Dubai Ports World attempted to take over port operations in many ports in the United States, including my own port of Baltimore. We spoke pretty decisively about our concern about allowing companies owned by foreign countries to be involved in principal port operations.

The language in this free trade agreement opens the door for exactly that to occur. Under the services provision, there is a provision that allows landside aspects of U.S. port activities, including operation and maintenance of docks; loading and unloading of vessels directly to and from land; marine cargo handling; operation and maintenance of piers; ship cleaning; stevedoring; transfer of cargo between vessels and trucks, trains, pipelines, and wharves; and waterfront terminal operations, to be given out to the Omanian companies that could very well be owned by that government.

To make the matter even worse, if the Dubai Ports World were to establish operations in Oman, then they could actually come in and operate our ports under the protection of this agreement.

You will hear during the course of this debate that the United States has the ability to prevent that from happening. And, Mr. Speaker, I acknowledge that under any trade agreement, no other country can order us to do anything other than what we want to do. We maintain sovereignty.

But let me remind you that under trade agreements there are certain penalties that are imposed if we do not live up to those provisions. We in Congress were required to change our Foreign Sales Corporation tax laws. We did it. We didn't have to do it, but if we did not do it, tariffs would have been imposed and continued to be imposed against our products.

So this is a serious issue. The United States has the opportunity under this agreement to block such an operation under the essential security exception. However, Oman would have the right to challenge that under dispute settlement, and under chapter 20 we have not excluded this determination from dispute settlement resolution. It can happen. The pressure can build on our country. We do not have a very good track record with dispute settlement tribunals. In fact, our record is around less than 20 percent success when it comes to imposing penalties against the United States. This administration has already shown a willingness to allow companies owned by foreign countries to operate port facilities in the United States. This is another opportunity for them to move forward on this. Mr. Speaker, it is our responsibility. We have a chance to speak on this, and we should speak with a clear voice in rejecting this agreement.

The second area of concern that I will talk about during the course of this debate deals with Oman's failure to meet International Labor Organization standards. And I will give you chapter and verse of letters that we have written because, as you know, the standard is enforce your own laws, and Omanian laws are not up to ILO standards. Foreign workers in Oman do not have the right to join a union for a year. They are required to speak Arabic before leading a union. And the Government of Oman still does not have a law that prohibits employers from withholding passports or other documentations from the 80 percent of foreign workers in Oman, practices that can lead to human trafficking, as we have seen in Jordan. There are still inadequate laws to protect against anti-union activities. And the list goes on and on and on.

In Bahrain we not only had the commitment to change law, we saw the change in practice. We do not have that in Oman. We have not met the Bahrainian standard, and for that reason alone this agreement should be rejected.

So whether it is a matter of national security in regards to our ports or a matter of standing up for basic international workers' rights, this agreement comes up short and should be rejected.

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

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

This trade agreement needs to pass. This trade agreement is so clearly in America's interest.

Now, when you look at the total amount of trade between the two countries, it may not seem like a big deal. A billion dollars, what is that? Four one-hundredths of 1 percent of our economy, $500 million each way. That is no big deal.

But that was my daughter calling, and that is what this is really about. This is about the future; whether we engage with the peaceful and progressive Arab world or whether we blow up the bridges that they are trying to build with America and with the modern Western world.

Oman was the first Arab country to send an Ambassador to the United States. Today, they have the first woman and the only Arab woman ambassador to the United States. They are showing by their actions that they get it. They understand that when 60 percent of their population is under the age of 18, they have got to go forward, not backward to fundamentalism and to the kind of theocracy that has hampered so many of their neighbors. They need to move forward. But they need the help of the United States to move forward.

Now, as I say, the amount of trade is inconsequential. It is not going to affect organized labor here. It is not going to affect any particular industry, although I have to say that it is pretty much a one-way street. What they buy from us is transport equipment, manufactured products that generate jobs in this country. And what we buy from them is largely natural resources, and some textiles, but mostly oil and gas. They want to be able to buy more. They want to make it easier for us to sell by reducing tariffs and quotas.

□ 1230

But, most importantly, is the larger context of this agreement. Oman sits on the Strait of Hormuz. More than 20 percent of the world's oil supply goes through that strait. Guess who sits on the other side of that strait? Iran. Oman is right next to Saudi Arabia. Saudi Arabia has been the instigator and the promoter of an Arab boycott against Israel, and this relatively small country has dedicated itself to breaking that boycott.

We have a letter from AIPAC here supporting this because Oman has been willing to break the tertiary, secondary and primary boycotts of Israel. Here is the letter right here.

Now, when we were attacked on 9/11/2001, we put together a bipartisan commission of very thoughtful and knowledgeable people, and one of the most important recommendations that that commission came up with was that we as a country need to reach out to the modern, progressive Arab world. We have got to do it. We can't isolate ourselves from a billion-and-a-half Muslims, because then that is going to radicalize people in their country. We have got to walk through these doors that they are willing to open up and show what happens when you trade with the United States, when you trade with progressive democracies. This is exactly what that 9/11 Commission recommended.

I am pleased that we overwhelmingly supported the Bahrain Free Trade Agreement, but this is an even better trade agreement. It is hard to believe that we are questioning the fact that this is in America's interest. It is so overwhelmingly in America's interest.

A couple of red herrings have been brought up; and as much as I respect and admire my colleagues who have brought up these red herrings, we are all entitled to our own opinions, but not our own set of facts.

The facts are that we asked the Congressional Research Service to look into this. They came up with a report that was compelling and definitive: there is no national security interest involved here, because if we decide there is a national security threat, which we self-define, that trumps everything else, and at any time we can raise the essential security justification. No one else has the authority to second-guess what it takes for us to protect our national security, and there is no precedent for any kind of international panel second-guessing us. There is no national security issue here.

The language, the provisions in this treaty, are the same as have been in all the others. It is the same language as Bahrain, the same language as Central America. There is no change here.

In terms of labor law, and I will address this subsequently after people address it on the Democratic side to lay out their objections, but I have read the communication from the Sultan, as I trust others have. He is willing to agree to the labor rights issues. He wants to abide by the International Labor Organization's standards. He wants to do everything it takes to show that he gets it, that he wants a higher quality of life, a better standard of living and more worker protections in Oman than his people have today.

Now, the democratically elected Advisory Council is not in session right now, but within 3 months he will get them all passed. When the Sultan says he is going to do it, that is it. We may prefer the niceties of a democracy and so on, but the reality is that these laws are going to be changed if the Sultan commits to changing them.

So I really urge my colleagues to support this.

One other aspect that I haven't mentioned, and I will get into it in a greater degree later, Oman has a military access agreement with us. They have had it since 1981. They keep renewing it. We keep putting more and more forces through Oman for the war in Iraq. They were of immense help in the Gulf War.

I don't know what one country can do to be more deserving of a trade agreement with the United States.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume. I do so with a degree of trepidation, because I take the time, number one, to thank my colleague from Virginia. I hope my acknowledgment doesn't do him too much damage, because his statement was not only eloquent, but accurate and, we all know, prescient.

It is absolutely critical that we continue to build the kind of relationships in that portion of the world that this agreement reflects.

Mr. Speaker, I yield the remainder of the time and control of that time to the gentleman from Florida (Mr. SHAW), the chairman of the Trade Subcommittee; and prior to that, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER).

The SPEAKER pro tempore. Without objection, the gentleman from Florida will control the balance of the time.

There was no objection.

Mr. WELLER. Mr. Speaker, I rise in support of what is a very good trade agreement, both for the United States as well as for our friend and ally, the nation of Oman.

It was interesting, I hear a lot of references in this body to those who argue that every one of the bipartisan 9/11 Commission recommendations should be implemented. Today, we have before us one of those recommendations, that is, the 9/11 Commission recommended that we as the United States work to further expand trade agreements with our friends and allies in the Mideast, and Oman is one of our oldest allies. As my colleague from Virginia noted, we have 170 years of friendship with the small nation known as Oman, a friend and ally, a cooperative partner.

This agreement that is before us is good for U.S. manufacturers, it is good for Illinois manufacturers, it is good for Illinois workers, it is good for Illinois farmers. Immediately, once it goes into force, 100 percent of manufactured goods exported from the United States to Oman are duty free. Immediately, 87 percent of U.S. farm products, corn and soybeans from Illinois, are duty free, and the remaining tariffs are phased out over a short period of time. Again, this is good for Illinois workers and manufacturers and farmers.

Also know that Oman has implemented significant labor reforms, enacted major labor reforms in 2003 and, like Bahrain, has followed up with specific commitments to ensure that its laws provide protections for workers. Again, this is a good agreement for workers as well.

Some on the other side of the aisle are trying to manufacture new issues; trying to claim that somehow by having a trade agreement with Oman, a Middle Eastern country, that we are jeopardizing our port security. It is a red herring. It is a phony issue.

The Congressional Research Service has stated that those statements are misleading. Under the review process this agreement is not affected.

This agreement deserves bipartisan support.

Mr. CARDIN. Mr. Speaker, I yield myself 1 minute to correct the record.

To my friend in Virginia who quoted AIPAC, the letter was the letter addressed to me that complimented the manner in which we have worked in a bipartisan manner to deal with the Arab boycott, in both the Bahrain agreement and the Oman agreement; but it does not talk about support for this legislation.

I would also point out that our friends from the WTO have been pretty clear about the dispute settlement system working: "It must not be possible for one country to evade its operations simply by proclaiming its national security is involved, however farfetched such a claim may be. Yet when national security is really involved, laws that are contrary to international trade rules must be permissible." But they said that "no country should be allowed to be the judge and jury of its own cause."

We don't give away our national sovereignty, but we are able to be second-guessed by a dispute settlement panel. They can rule against us, and have ruled against us, and they can put pressure on us through tariffs so we in fact compromise our security.

Mr. Speaker, I now yield 3½ minutes to a senior member of the Ways and Means Committee, an expert on international trade and worker rights, the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, Oman is a small nation, but there are some large issues here. It is an important place, and I would like to support an FTA with Oman, as I and many others did with Bahrain.

There is an important issue that relates to the path of globalization. Globalization has become increasingly controversial. Expanded trade, that I favor, has been hitting road bump after road bump. One major reason is because too many people within countries are not sharing in the benefits. Too many people are being left out. And that is why we have to care.

Among those who are being left out are workers. And how do we make sure that workers participate, are part of

the process? By making sure in free trade agreements that they have their basic international rights. These are the basic ILO core labor standards, not American standards, especially the right to associate and to bargain.

In Oman, workers do not have those rights. There are no worker organizations today in Oman. There are only labor management committees, representative committees. In a document that the Department of Labor gave to us a few weeks ago, it stated that management holds 70 to 75 percent of the leadership positions in those committees. There is an umbrella committee of these RCs, and management holds all of the positions on the executive committee.

So, look, we need to have a free trade agreement that meets the basic ILO standards in practice and in law. In Bahrain, they were there in practice and they made commitments to do so in law. In Oman, Mr. MORAN and others, there is no semblance, semblance, of workers having their rights. There are no worker organizations.

Oman said to us they could not do anything until November because the Sultan had to consult. Then in the last few weeks, actually the last few days, we have a kind of statement of decrees of the Sultan. I guess he did not have to consult with the legislature. But so many of those have to be implemented by ministerial decree.

Mr. MORAN said the Sultan is willing to agree to anything. Let us see laws in place, with meaning as to what they imply.

I want to close with this. The Trade Representative has said this, our new Trade Representative, Ambassador Schwab: ''Erosion of America's traditional bipartisan support is the most pressing problem we face in trade today.''

How true. And it affects the WTO negotiations. Proceeding like this today is another nail in what is a near coffin of bipartisan trade foundations in this country. It is unnecessary.

We could take the time to see what these decrees mean, whether they are beginning to meet basic ILO standards, so that more and more people will participate in the benefits of globalization. If that doesn't happen, globalization will continue to be in deep trouble. It will lose ground when it should not.

That is one of the major reasons to oppose this agreement at this time, to oppose it. You are turning your back on any chance of bipartisanship.

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

Mr. Speaker, I want to thank the gentleman from Michigan and the gentleman from Maryland and their colleagues for raising any number of labor issues in their discussion of the markup of the Omani trade agreement. In fact, in large part that resulted in the Sultan issuing a decree that incorporated virtually all of those labor laws that he could decree. And his decree is law.

For example, on July 8, 2006, this decree prohibited forced labor, including coercion by withholding travel documents of foreign employees. It endorsed collective bargaining and the use of strikes as a legitimate tool. It prohibited termination of employment or any other kind of retribution for union activity. It terminated effective immediately the Omani government's representation in union activities. It provided specific enforcement tools for violations of collective bargaining rights, and it provided rights of workers against forced or coerced labor and against child labor.

□ 1245

There are further International Labor Organization standards that the Omani Government intends to pass. It has to wait until its advisory panels meet and puts the implementing regulations into effect. But that will be done in the next 3 months. That is a pretty short period of time. The end of October is when the Sultan committed to implementing all of his labor commitments into effect.

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

Mr. MORAN of Virginia. I yield to the gentleman from Michigan.

Mr. LEVIN. So does that mean that those provisions are not in Omani law today?

Mr. MORAN of Virginia. Those provisions are law but a number require regulations.

Mr. LEVIN. But they are not in law, right, until there is action?

Mr. MORAN of Virginia. The Sultan's decree is law. Mr. LEVIN, the purpose of a trade agreement is to advance progress and communication and economic interdependence, it seems to me. And to the extent we can, to promote social progress.

There is an enormous, profound agreement here on Oman's part that it will adopt those standards that you and many others in this body have been urging upon countries like that. They are not perfect. I agree they are not perfect.

But Oman is not known in the Arab world or to anybody that knows Oman, as a particular violator of labor rights. I do not know of any of these kinds of forced labor places that have been referenced. I have been to Oman. I have read everything that I could.

They want to get better, but I do not think to suggest that the fact that they are not perfect now is reason to destroy, to vote against an agreement that would substantially advance the cause of labor protections.

Mr. LEVIN. First of all, there are no worker organizations today. But let me ask you this: Is there any other provision in this agreement that is based on a promise, just a promise, rather than having it in the agreement in the law between the two countries? Is there any other, like the tariff reductions, or anything else?

It is not that they promised to do something, it says ''they will be.'' And we could, instead of saying enforce your own laws, say that within a reasonable period of time that these laws shall be in place and enforceable under the agreement.

But there is no enforceability, is there? If they do not do this, if the legislature does not act, there is no ability to enforce it except to consultation, and that is it? Is there any other place in the agreement that says enforce your own laws instead of saying what they will be with enforcement?

Mr. MORAN of Virginia. Mr. Speaker, reclaiming my time. You know as well as I do that it would be better if we could make labor protections a more integral part of many of these trade agreements. But I would also suggest that anybody that looks at this trade agreement with an open and objective mind would come to the conclusion that this is substantial advancement, that this is not only consistent with prior trade agreements, but this is better than prior trade agreements, and that this will create a more prosperous, a more open society in the Middle East, and that Oman is an ally that has always been dependable.

On July 8, the Sultan made these labor protection law.

The Sultan has never said anything with regard to use of troops, with regard to economic agreements, with regard to trade with Israel, which they do conduct despite all of the pressure on them from Saudi Arabia and other countries where he has not kept his word. In every instance, he has kept his word.

It seems to me that is a relevant consideration.

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

Mr. SHAW. Mr. Speaker, at this time I yield 4 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a distinguished member of the Ways and Means Committee.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, the opposition to this fairly straightforward trade agreement has generated not one, not two, but a whole school of red herrings that I think have to be knocked down quickly in succession.

We have heard a little of it already this afternoon on the floor. What is fairly clear is that the U.S. FTA with Oman clearly has worked through and worked closely with the International Labor Organization, and also with civil society in Oman, the U.S. Congress, and the U.S. executive branch.

The measures that have been developed have gone through a legally mandated legislative, consultative process,

and it has resulted in clear guarantees on labor.

On the matter of port security, critics of the U.S.-Oman Free Trade Agreement have manufactured an issue, and we have heard this reiterated this morning, by claiming that the agreement gives foreign service providers unprecedented access to U.S. ports and is a threat to U.S. security. This is absurd.

May I introduce for the RECORD a letter to Speaker HASTERT from the Secretary of the Treasury who says, in part, ''The FTA negotiated with Oman neither subjects national security interests to a third-party tribunal's assessment, as some have alleged, nor does it alter, amend or adjust the President's Exon-Florio statutory powers to protect the Nation's security in any way.''

DEPARTMENT OF THE TREASURY,
SECRETARY OF THE TREASURY,
Washington, DC, July 20, 2006.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I understand that concerns have recently arisen over the U.S.-Oman Free Trade Agreement, FTA, and its possible link to the security of U.S. ports—particularly regarding the dispute settlement provisions.

First, this agreement is strongly supportive of our national security in general and the war on terror specifically. It marks another important step in our efforts to deepen and strengthen commercial ties with countries in the Middle East that are trying to modernize and give their people long-term economic opportunities and political rights. The United States should be a catalyst for economic growth and stability in the region and an active supporter and partner of countries, such as Oman, that are seeking to integrate into the global trading community. Oman has been a solid ally in our efforts in the Middle East and in the war on terror, and we need to demonstrate to all countries that our allies in this effort have a reliable friend in the United States as they seek a better economic future.

Second, Article 21.2 of the U.S.-Oman FTA provides for a national security exception that allows the United States to take measures that we determine are necessary for the protection of our essential security interests.

Foreign acquisitions of companies in the United States that operate port terminals are subject to section 721 of the Defense Production Act, the Exon-Florio amendment, which authorizes the President to block and/or force divestment of any proposed or ongoing foreign investment in the United States that threatens to impair U.S. national security. The Exon-Florio Amendment falls within the national security exception, noted above, as a provision that the United States ''considers necessary for . . . the protection of its own essential security interests.''

Port security in our country is not managed by port terminal operators. A combination of municipal and State port authorities, the U.S. Customs and Border Protection, and the U.S. Coast Guard are responsible for our Nation's port security.

As the Secretary of the Treasury, it is my responsibility to ensure the Exon-Florio amendment is executed. Protection of the national security is my highest responsibility. To be clear, the FTA negotiated with Oman neither subjects national security interests to a third-party tribunal's assessment—as some have alleged—nor does it alter, amend, or adjust the President's Exon-Florio statutory powers to protect the Nation's security in any way.

The FTA with Oman provides greater opportunities and opens new markets for U.S. products, investors, and workers. I urge you and your colleagues to pass the legislation to implement this FTA as soon as possible.

Sincerely,

HENRY M. PAULSON, Jr.,
Secretary of the Treasury.

Mr. Speaker, I have studied this issue extensively, and so has the nonpartisan Congressional Research Service. And what becomes fairly clear is that there is absolutely no merit to this charge. The Oman FTA provides no new rights to supply port-related services. In fact, as CRS notes, ''The agreement actually places further restrictions on Omani port services, because it makes market access conditional upon equal access for U.S. suppliers.''

The FTA preserves the CFIUS process, and does not interfere with it or in any way weaken it. In addition, the FTA preserves the right of Congress to strengthen the CFIUS process for national security reasons without running afoul of our obligations under the agreement.

Critics have taken shots at the essential security exception and have manufactured a bizarre hypothetical to scare Members into voting against the facts and against our key ally.

The essential security exemption provides complete protection, applying to all investments whether they are subject to the CFIUS process or not. Importantly, no party can appeal the essential security exception. In other words, if the U.S. blocks investment for national security reasons, reasons defined solely by the U.S. itself, then that is the final word. This self-judging standard provides foolproof tools to the U.S. to block investment when it is counter to our national security.

I realize there will be an argument that an entity can somehow set up a shell corporation in Oman and attach itself to the mutually beneficial provisions of the FTA. But even in this situation, the fact remains in any instance, the U.S. can invoke its essential security exception and block investment in the U.S., be it by an Omani company or by a company from any other country with substantial business activity.

We have heard that the WTO might entertain a challenge to this provision. But the fact remains there is no example of the WTO challenging successfully any country's use of this exception. This is purely a red herring. This is empty rhetoric. We need to approve this FTA.

Mr. CARDIN. Mr. Speaker, I yield myself 30 seconds to just clarify the record. Let me assure my friend from Pennsylvania that the efforts by Dubai Port World was real to the port of Baltimore and other ports. This is not a hypothetical.

Let me also assure my colleagues, I heard the same discussion when we were changing corporation laws to help exporters, only to find that we were rejected by international panels. We don't have the unilateral right to make these determinations. We do give that to dispute panels.

Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. MICHAUD), who has been one of the leaders on fair trade here in this body.

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

Mr. Speaker, I rise today to oppose the Oman Free Trade Agreement. I say to my colleagues on both sides of the aisle, if we are really serious about national security, especially given the bipartisan outrage over the Dubai Ports World situation earlier this year, we must reject the Oman Free Trade Agreement.

Simply put, foreign tribunals should not determine what is, in fact, a security threat to the United States of America. This provision should not be in this trade agreement. The international trade agreement would require the United States to allow any Omani company to provide landside aspects of U.S. ports activities.

A new CRS report further confirms that a company operating in Oman could use the Oman Free Trade Agreement to obtain this new right guaranteed by the international trade agreement, Dubai-United States ports operations.

Who is to say that al Qaeda would not set up shop in Oman to gain access and control of our ports? We have already seen how they have worked this in the past. They set their men in United States soil years before the September 11 attack to take flight lessons.

They know how the system works. They are strategic in their planning. Do you really think terrorists could not take advantage of this provision? It is bad enough that we are asked to support agreements that will shift more jobs overseas, that undermine our environmental standards, and that ask us to stick our head in the sand over serious human rights violations.

But it is simply unacceptable to ask this Congress to support legislation that could potentially undermine the security of our Nation. At the very least, USTR should exclude the ports from this deal and all future deals.

Mr. Speaker, I cannot think of one Member of Congress who would support weakening our national security, and this agreement does do that. We should stand united and demand that these free trade agreements start with us negotiating for the best interests of the United States.

We will continue to see more unless we do that today. I urge my colleagues to reject this agreement.

Mr. SHAW. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. ROYCE), the chairman of the terrorism committee.

Mr. ROYCE. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this U.S.-Oman Free Trade Agreement. As mentioned, I chair the Subcommittee on International Terrorism and Nonproliferation of the International Relations Committee.

There are several reasons to support this agreement. My comments will be focused on viewing this agreement as a means to advance our struggle against terrorism. Our country is facing deep challenges, deeper than most Americans probably realize.

We are in a deadly serious struggle against Islamist terrorism and against its state sponsors. And in this struggle we need all of the friends that we can get. And Oman has been a friend. The fact is that Oman has been helpful in advancing our strategic interests in the Persian Gulf region. We store military equipment there.

Oman has been helpful in combating terrorism. It has checked the flow of money to terrorist organizations, something we need to do more on and with in terms of other Gulf States. Other major countries use trade to advance their strategic interests. I am going to explain for a minute that China is doing this, and China is certainly doing it also all over Africa. I have been in 22 countries in Africa, and I have watched China do this from North Africa to subSaharan Africa.

Fortunately, there we are competing in trade through AGOA, competing for influence. You know elsewhere around the globe, China is competing for access to oil and other strategic resources. They are gaining political friends.

The difference is that China undermines transparency and the rule of law in many countries. But the U.S.-Oman agreement strengthens transparency and the rule of law, which are longstanding American values.

This agreement is good economics. In that sense it is like the African Growth and Opportunity Act. This agreement will increase access to the Oman market for American exporters of agricultural products, health care and engineering services, among others, but it is good strategy too. The 9/11 Commission recommended that we pursue this type of policy.

□ 1300

It is true that the agreement's economic significance is not that large. U.S. trade with Oman will remain modest. But its rejection would set back an important strategic relationship, one that this and previous administrations have done a very good job advancing.

Let's not go that route. I ask my colleagues to support this agreement.

Mr. CARDIN. Mr. Speaker, I yield 3½ minutes to the gentleman from New Jersey (Mr. PASCRELL), one of the leading voices on workers' rights.

Mr. PASCRELL. Mr. Speaker, we need to get one thing straight here before I start, and that is that those of us who oppose this trade agreement are not against trade, are not against exchange. How dare anybody stand on this floor and refer to the 9/11 Commission's report. Chapter 12. I have read the 9/11 Commission's report, by the way. I think that is a good start.

The 9/11 Commission report, chapter 12, talks about global strategy. If you read the entire chapter and you want to talk about strategy, trade must be part of when we are communicating with other countries. There is no question about it.

For those of us who believe that we need to support this trade deal, this unfair trade deal, and it is going to help workers in Oman, as well as the workers in the United States of America, I don't know what you need to refer to. Because the State Department, our own State Department, says that foreign workers at times were placed in a situation amounting to forced labor in Oman. This deal isn't for workers. This deal is for the few, like most of the trade agreements that we have given into.

We have surrendered our ability, as a branch of the government of this country, under Article I, section 8, that the Congress be in charge of commerce. We have surrendered our ability to be trade negotiators to the executive branch of government.

I have high hopes for Oman and its people. We need more moderate and forward-thinking nations like Oman in the Middle East. We need to look at how much foreign aid we provide to Oman, and even Lebanon, we, who want to help the Lebanese stop Hezbollah, and then we give them $43 million.

I am not against free trade. I am against these free trade agreements which do not benefit the American worker. I am not a protectionist, but I think we should protect the American worker. This agreement may be to the liking of a few wealthy CEOs here in America, it may be to the liking of the Sultan of Oman, but it does not represent the interests of workers in this country. It is time for a new direction in free trades. We need free trade which is modeled around human beings and not around big business interests, because human beings are the ones who drive our economy. They are the ones who will build our partnership with other nations.

We need free trade agreements that enforce the principle of workers' rights. That is right. That is what this debate is all about: will we defend the rights of workers of Oman, or will we take a step back in the right of all workers to organize freely. This country doesn't recognize the right of workers to organize. We need to defeat this trade agreement.

The proponents of the Oman Free Trade Agreement would have you believe that my colleagues and I who oppose this agreement do so because we are against free trade or maybe because we are against the nation of Oman. Both claims could not be further from the truth.

The fact is that I have high hopes for Oman and its people. We need more moderate and forward-thinking nations like Oman in the Middle East.

In fact we gave Oman only $16.5 million in foreign appropriations, which I think would be a more effective vehicle to build a strong partnership rather than through this flawed free trade agreement.

An example of this is the sad fact that we gave Lebanon only $43.2 million in foreign appropriations, of which only a scant $7.7 million went to military and counterterrorism efforts. Perhaps if we had invested more into Lebanon we could have avoided the deadly situation we are currently witnessing.

Similarly, I am not against free trade, what I am against are these free trade agreements which benefit a few to the detriment of workers. This agreement may be to the liking of a few wealthy CEO's here in America and it may be to the liking of the Sultan of Oman, but it does not represent the interests of the workers here in the United States or in Oman.

My colleagues and I are tired of seeing the same flawed free trade model, time and time again. It is time for a new direction in free trade agreements.

We need free trade agreements that are modeled around human beings and not around big business interests. Because human beings are the ones who drive our economy, they are the ones who will build our partnership with other nations.

We need free trade agreements that enforce the principle of workers rights and the right of all workers to organize freely. Instead of just paying lip service to the problem as this agreement does.

We need free trade agreements that respect our sovereignty and our right to have full control over our critical security infrastructure. Instead this agreement takes us back to the problem we had with the Dubai Ports deal and that is simply unacceptable.

We need free trade agreements that respect environmental concerns, the rights of women and the rights of minorities. . . . I could go on longer, but I think you get my point.

My colleagues and I would be standing here championing this agreement if it met the standards it should, but sadly it does not.

It is time that we have real free trade agreements; it is time that we stand up for the workers here in America and workers throughout the world. I implore you to stand up for them today!

Mr. MORAN of Virginia. Mr. Speaker, in response to my good friend from New Jersey, and also in response to my good friend from Michigan (Mr. LEVIN), who asks about, and makes accusations with regard to, the situation in Oman, I should remind them that there were 33 strikes in 2004, more than 6,000 workers went on strike. Strikes continue to

this day with no repressive tactics, no government reprisals.

And the Omani Government has representatives of the International Labor Organization on the ground in Oman working with them to develop more and stronger standards.

Mr. PASCRELL. Will the gentleman yield?

Mr. MORAN of Virginia. I will shortly. I am about out of time. If you can refute that, I will yield 15 seconds to the gentleman.

Mr. PASCRELL. Thank you. Do you deny that the State Department has put us on alert as to how workers are treated, foreign workers particularly, in Oman, that they are forced to work? Are you denying that State Department report?

Mr. MORAN of Virginia. Yes, I am, because the fact that a government takes your passport, any number of governments do that. The German Government used to do it. I don't know if they do it now. That doesn't mean that is forced labor. They hold your passport, but that doesn't mean that you can't get it when you want to leave the country.

But the fact is that now the decree has been issued, and that tactic cannot be used.

Mr. PASCRELL. It is used.

Mr. MORAN of Virginia. It is no longer legal to use such a tactic. It is not used. That is the kind of progress we are wanting to achieve, and I thank Mr. PASCRELL's help in achieving that.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. I thank the gentleman for yielding.

Mr. Speaker, initially it was not my intent to come discuss this bill on the floor, but last night we were into a serious debate, a serious debate about Israel and its right to defend itself, and we talked about Hezbollah and Hamas and how they were not for peace and how they were for destruction.

I at that time took the floor, because I agreed with that significance of Israel defending itself, and here, on the very next day, as I was listening to the debate, we have a country that has come a mighty long way in a short period of time. We have a country that says they want peace, and they have exhibited the fact that they want to live in peace. They have been a strong ally to us. I have a letter from AIPAC indicating that they don't have any objection to this.

What kind of message are we sending to one of the most important areas, and volatile areas, in this world? Here we have an Arab country, a moderate Arab country, a country, as we say oftentimes, we are not against them, we are not against people who happen to be Muslim, et cetera, but they are doing everything we have asked of them.

The Sultan came in with a decree because he wanted to make sure we had a bipartisan debate. He didn't want anything to be divided Democrat or Republican. The Sultan said, I am going to live up to my word, giving us all of the indications that they are going to do the right thing.

I know I heard in this debate some say, well, there is no agreement that it happened where there is a promise before the vote on the bill. I just thought to myself, I said, that is not true. Because I know in this bill, as in other bills, IP protections, there is a lot that has to take place and laws that have to be changed after this bill has been passed.

We did it in Bahrain. I have a letter right here that was signed by Rob Portman at the time saying, basically, that we want to make sure that Bahrain, and this was a commitment letter and a clarification letter, saying that after the bill was passed that they would do certain things in their law. That is no different, no different, than what's in this bill.

So I say we have got to do what is right. If it was right, and we sent the right message to Bahrain, it has got to be right and we send the right message to Oman. This is a small country. It is not going to have a heavy impact on the United States of America. It is not going to make a difference to John Q. Public and the United States of America with reference to jobs, but it can make a difference with reference to the message that we are sending to the Arab world and to peace across this globe. It sends a huge message, and I will support this free trade agreement.

Mr. SHAW. Mr. Speaker, I yield 5 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Wisconsin (Mr. RYAN).

I would like to, before I yield the floor to him, point out that my friend from Maryland brought up the United Arab Emirates debacle that he and I both opposed very much. We don't have a free trade agreement with the United Arab Emirates, so a free trade agreement in no way facilitated that action.

I now yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. I appreciate the gentleman for yielding.

Mr. Speaker, what this is about is finding peace and security in the world. The future of peace and security in the world largely rests upon the future of peace and security in the Middle East. The question is what we are as Americans going to do to help Middle Eastern countries, moderate Middle Eastern countries, be more open, be more fair, be more free, be more democratic, be more peaceful. This agreement does that.

Now, for one reason or another, Members here, I believe, have decided to oppose this agreement and then look for reasons to justify that opposition. They have raised two big red herrings, labor and ports. We asked the Congressional Research Service to look at this port issue, to look at this red herring issue.

I want to read from the nonpartisan Congressional Research Service that did two studies this month on this issue. Upon close inspection of the language in this agreement, it appears that this claim is misleading because it appears that Omani companies are already presently able to perform these port services. Phrased another way, the United States has reserved the right to maintain our existing legal restrictions with respect to those aspects of maritime transportation in which we already have limitations, as well as adopt new measures in these categories that may be more restrictive.

In some ways, it imposes new opposition and new restrictions that don't currently exist with respect to management of ports.

In conclusion, report number two: while it is theoretically possible for Oman to bring a legal challenge to the actions of the United States before a third-party tribunal, the United States would appear to be on solid legal grounds for asserting not only that the panel does not have the legal authority to determine the validity of such a matter, but also that the inconsistent measure is permitted and justifiable, given the broad self-judging language of the national security exemption.

This means we decide unilaterally, we decide if any of these transactions are not in our national security interest, it doesn't happen. There is nothing the WTO can do about that.

Now, what about labor? This is another agreement that we have had, the labor standard invoked. This is the strongest labor agreement of any trade agreement we have brought to the floor in this Congress and in previous Congresses.

Now, in an effort to be bipartisan, in an effort to work with the other side of the aisle, we have had an exchange of letters and agreements between the Omanis, Democrats and our government USTR.

In November 2005, the ranking member of the Ways and Means Committee asked Oman to clarify six areas of law and asked for nine concessions in labor law. In January, Oman responded in detail to all of those concerns. In February 2006, the Democrats forwarded another set of demands and questions, raising new issues. In March, in response to those concerns, Oman made eight commitments to the United States and agreed to enact all of these reforms.

It goes on and on: new demands being requested, new demands being met, to the point where the Omanis have, by decree, already implemented many of these higher labor standards. Any of those that they didn't already decree

just a couple of weeks ago, they have promised to put them into law by October 30.

What did we do with Bahrain? With Bahrain they promised to introduce legislation to raise their labor standards.

□ 1315

That was the Bahrain standard. With Oman, no, they did not promise to implement legislation. They promised to implement law by a date certain this year.

So we have increased labor standards. We have put into place core ILO standards. We are rising the tide, but what it all gets down to is this.

Because of this agreement, the Omanis are raising labor standards for their workers. Because of this agreement, Omanis are making their country more free and more transparent for their people. Because of this agreement, we are saying thank you to an ally. Let us continue to move toward peace and prosperity.

Why do I care so much about this? Because I do not want my kids to face the war on terror that we are facing right now. And how do we do that? We do that by making sure that these countries, from which many terrorists come, have opportunities for their young people.

I do not want a young person, the next generation, growing up in tyrannical dictatorships susceptible to the whims of al Qaeda, appealing to the madrassas. I want young people in these countries growing up, reaching their dreams, reaching their potential, having freedom, having the ability to determine where they want to go with their lives, being creative, being able to channel their energy in a positive direction so our children do not have to face this war or on terror.

We must pass this trade agreement because it is vital to our national security interests.

Mr. CARDIN. Mr. Speaker, I yield myself 30 seconds just to point out to my friend that under this agreement, we now give third-party tribunals the opportunity to second-guess us on national security, and that was not there before this agreement. I offered an amendment to eliminate that. It should have been made in order.

Then regards labor standards in Bahrain, they had on the ground operating ILO standards. We do not have that in Oman.

Mr. Speaker, I am pleased to yield 3 minutes to my good friend from Tennessee (Mr. TANNER), a senior member of the Ways and Means Committee, one of our real leaders on trade issues.

Mr. TANNER. Mr. Speaker, I thank Mr. CARDIN and I appreciate this time.

I wanted to come and speak on this because I voted against this agreement on the Ways and Means Committee when it was reported out a couple, 3 weeks ago. I did so out of sheer frustration and exasperation with the lack of democratic process in the committee as it relates to these agreements.

Those of us who philosophically want to support agreement, engagement, with the rest of the world have had a very, very difficult time in the committee. And to call the committee, the way it has been run recently in some of these, the democratic process is really an abomination of that word.

But beyond that, regardless of one's personal feelings, regardless of how one views the way these bills have come to the floor from that committee, one has to determine for one's self what is in the best interests of the United States of America.

I have determined because history, if history teaches anything, it teaches one that engagement is better than nonengagement, and economic partners eventually become political and military partners.

So the geopolitical aspects of these trade agreements, while they are not that big in scheme of things with respect to trade itself, are very huge, and some of these other speakers have alluded to that, in terms of our role in the world and fostering all the things and values we hold dear.

I cannot see how turning down this agreement today on the floor is going to further our ability to influence things for the better in Oman or, for that matter, in that part of the world or, for that matter, in our own country.

And so for those reasons, even though I have made my feelings known about the way some of these are handled procedurally, I am going to support this agreement today. I think it is in the best interest of this country to do so, for a whole host of reasons, many of which you will hear.

I unfortunately talk so slow I do not have time to go through all of the reasons why I think that it is better on balance than it is worse on balance, and why; therefore, as one weighs what one should do for one's country in this regard, one has to make the decision yes or no. I have made that decision, and I intend to support it, and I would urge other Members to take a look at it.

Mr. MORAN of Virginia. Mr. Speaker, may I inquire how much time is left on each side?

The SPEAKER pro tempore. The gentleman from Virginia (Mr. MORAN) has 2½ minutes remaining. The gentleman from Maryland (Mr. CARDIN) has 36 minutes remaining. The gentleman from Florida (Mr. SHAW) has 21 minutes remaining.

Mr. MORAN of Virginia. Mr. Speaker, under those circumstances, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding the time, and I am pleased today to rise in strong support of this agreement, the Oman Free Trade Agreement.

With the Doha Round of multilateral talks teetering on the brink of collapse, we need more than ever to pursue a bilateral trade agenda that makes some real gains for American workers and American consumers who, after all, are one and the same. That is precisely what the Oman Free Trade Agreement does.

The Oman FTA is quite simply a winwin. In 2005, trade between the United States and Oman exceeded $1 billion. The U.S. exported $594 million in goods alone to Oman last year. While some will stand here today, beat their breasts and claim that we are going to lose jobs with this trade agreement, nothing could be further from the truth.

I ask Members to think back to economics 101. Exporting goods creates jobs here at home, and importing goods will create jobs. Consumer and industrial goods will be 100 percent duty free on day one of the trade agreement's entry into force. There will be significant gains in the agriculture and service sectors. These are the kinds of tangible changes we want and we need to bring home to our constituents.

Liberalization of trade in services is sometimes overlooked, but it is absolutely essential to keeping our economy competitive. The services sector represents 75 percent of our country's economic output and it is 80 percent of our workforce. U.S. firms have a strong advantage in the services sector, and it becomes even stronger as we add each country like Oman to an FTA.

But the economic gains are relatively small compared to the impact that a trade agreement with Oman will have in keeping Americans safe. The bipartisan 9/11 Commission recommended a comprehensive strategy to defeat terrorism, that includes economic policies, that encourages development, more open societies and opportunities for people to improve the lives of their families.

As a result of this recommendation, the administration authorized negotiations with Oman as part of the plan to create a Middle East Free Trade Area by 2013. This is a step in that direction, and I urge my colleagues to vote in favor of this free trade agreement.

Oman leads the Persian Gulf in establishing trade and other ties with Israel. It has eliminated all aspects of its boycott with Israel and when Oman acceded to the WTO in 2000, it did not request an exemption for Israel that would allow it to maintain a boycott. This is a rare exception in a tough neighborhood. I ask my colleagues today to join me in showing our commitment to Oman, is a steadfast ally in a region of the world where we need all the friends we can get.

Vote for the Oman Free Trade Pact.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. BECERRA), a member of the Ways and Means Committee, who has been extremely active on fair trade and international issues.

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

Mr. Speaker, I hate to say it but I think it has become very obvious that our system for devising trade agreements, so very important to this country's functioning around the world, has not only broken, but it has broken completely.

Today, we have a trade regime which has led to the largest trade deficits this country has ever experienced. The latest report is that the trade deficit for the month of May was almost $64 billion. We purchased $64 billion more in goods than we were able to sell to others around the world.

We are on pace this year to have a trade deficit that is larger than $800 billion. We have never faced that before, but we continue to put forward trade agreements like these that leave us naked to competition that is neither free nor fair.

Today, Mr. Speaker, you find that for every six ships that China sends laden with goods from China into this country, only one of those six ships returns to China with American goods in it for Chinese purchase. And we continue to bring forward trade deals like these that say simply this when it comes to protecting the rights of workers, whether in this country or in the country that we are reaching an agreement with: Enforce your own laws. And even though we know in most cases many of the countries, including Oman, do not have laws that protect their workers, which means that our workers will suffer as well, we continue to move forward with these agreements.

Yet, if you are not convinced that these trade agreements and the regime itself now that we use is broken, look at the provision that was included in the agreement that allows a company that has substantial business in Oman to operate our ports. We dealt with this issue with the Dubai Ports World issue. We rejected that opportunity for a Dubai company to come in and run our ports. Yet in this agreement we have something that would allow that to happen.

I know many of my friends on the Republican side say that will never happen, we have got the national security, essential security interests protection exemption. Then why is it in the agreement in the first place? What you do is you set us up to go before a trade dispute resolution panel that is not ours. It is not our courts that will decide. It will be some other body.

We have now today a system that has led to these large trade deficits, and they continue to come forward. It is time for a change. We need a new direction when it comes to our trade policy. It is broken in this Congress the way we deal with our trade. Not only for our workers, but also for the health of our American companies that have to compete in this world, where artificially other companies in other countries are gaining advantage over us because they are not following the rules.

This is another example of why we should reject trade agreements that do not protect America's interests, whether security-wise or otherwise. Vote against this trade deal.

Mr. MORAN of Virginia. Mr. Chairman, in the first place it is not some other panel. It is the U.S. and Oman, and we have the right to determine what is in our security, but having said that, I reserve the balance of my time.

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

Very briefly in reply to the last speaker, the facts contradict the information that was put out here on the floor regarding the deficit.

The United States' exports to Jordan are up 90 percent since the free trade agreement; up 92 percent to Chile since 2003; up 25 percent to Singapore since 2003; up 11 percent to Australia since 2004; up 7½ percent to Morocco. Under NAFTA, our exports have increased at 133 percent. That just does not make sense.

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

Mr. CARDIN. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from Texas (Mr. DOGGETT), a member of the Ways and Means Committee who has been articulate and a leader on fair trade and international rights.

Mr. DOGGETT. Mr. Speaker, I would like to begin by responding to Mr. SHAW's comments. None of the modest steps he cited respond to the fact that we have an $800 billion trade deficit and an Administration with a trade policy that will do nothing but make it worse.

This agreement with a small but strategically important country like Oman ought to have been approved today unanimously, and it could have been. But there is a very big problem, and that problem is not in Oman on the other side of the world; it is on Pennsylvania, 1600 Pennsylvania Avenue, to be more precise.

The problem is that just as this Administration has shown consistent disdain for the rights and needs of workers in America, just as it has shown consistent disdain for environmental protection—ready to manipulate science whenever it needs to for political purposes to justify degradation of our air, our water, and our other environmental resources—today it shows continued disdain for the environment and for workers in our international trade agreements.

What we need is a modern, bipartisan trade policy that recognizes that you cannot measure how good your trade policy is based solely on how many dollars in goods transverse international borders. You have to consider the impact of that trade on the workers that produce the goods and on the environment that surrounds them.

□ 1330

During the consideration of this bill in the Ways and Means Committee, we offered very modest amendments to try to address these concerns. On upholding international labor standards and on an amendment that I offered to prevent trade in endangered species, the Committee and the Administration would have none of it because if they showed basic dignity and respect for workers and the environment with Oman, a small country, they might have to do it everywhere, maybe even here in America. You can tell the level of the Administration commitment by the level of enforcement remedies that they provide for the environment and for workers. Then enforcement mechanism in this agreement amounts to less than giving only a traffic ticket to the repeat offender of the most egregious abuse. You pay a fine to yourself—that is the great remedy that they offer.

So today they must, as has been done so often on so many issues, raise the specter of 9/11 and the war on terrorism. How many times has that threat been misused in this building and down the street on Pennsylvania Avenue to debase the most basic and fundamental values that make this a unique country?

It is pulled out again today. It is an issue here, as the Gentleman from Maryland has indicated, because they plan to transfer the issue of port security from this body to an unaccountable, international tribunal that will be empowered to decide whether or not we can restrict foreign acquisition of American ports.

This Administration stood by and encouraged a sellout of our port security once before, and under this agreement they can transfer all responsibility to an unaccountable international tribunal.

Because this agreement fails to adequately respect the needs of American workers and the needs of the environment around the world, it ought to be rejected.

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

Mr. CARDIN. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California, a strong advocate of fair trade, Representative SOLIS.

Ms. SOLIS. Mr. Speaker, I thank the gentleman. I also want to register my strong opposition to the Oman Free Trade Agreement.

As I see it, it is a flawed trade policy, largely to blame for the loss of so many jobs because of the various trade deals we have had. Three million manufacturing jobs have been lost over the

last few years. In the last 4 years, our deficit has increased by $725 billion. Trade deficit, $725 billion.

Not only does this particular trade agreement turn its back on American workers, but it endorses the race to the bottom by allowing Oman to continue to ignore labor unions, discrimination against women in the workplace, and excludes guest workers from even minimal worker protections.

If shipping jobs overseas and encouraging discrimination isn't bad enough, this agreement would also allow foreign firms to acquire and operate important national security assets in the U.S. Our only recourse would be at an international court.

Mr. Speaker, supporters of this agreement argue that they are trying to spread democracy and stability around the world. But democracy and stability can't be achieved by trade agreements such as this which ignore the rights and freedoms that are inherent in the fabric of a free society.

I urge a strong ''no'' vote on the Oman Free Trade Agreement, and let's make a priority to help our economy and our workers here before we start selling short our jobs and many of our manufacturing corporations to foreign countries.

Mr. SHAW. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BRADY), a member of the Ways and Means Committee.

Mr. BRADY of Texas. Mr. Speaker, I appreciate the leadership of Chairman SHAW as we try to open new markets around the world for American products and services.

I strongly support this agreement with Oman. As you know, America is so open to other countries selling their products and goods into America, but oftentimes when we go around the world, we find that their markets are not so open. And so we try to open those markets through trade agreements to allow our farmers, our small businesses, our manufacturers, our banks, everyone, to sell our products around the world, and these trade agreements are succeeding in doing that.

In each one that we have had, our sales in those countries have nearly doubled. So we are creating jobs here at home selling more products. This free trade agreement does the same thing. It is not huge, but for those who are selling to them, it is very important.

Not only does this help America, but this is an important cog in our Middle East free trade agreement, which is key, because I think that a lot of unrest is caused when people don't have hope, when they don't have a chance to better themselves, when they don't have a high standard of living. The more we are able to create job opportunities and hope in the Middle East, I think the sooner we do that the safer we will have that region. This won't do it by itself, but everything helps move that peace process along.

And I support it because Oman, while it may not be where we want it to be on labor yet, they have made tremendous progress in labor issues and in the rule of law and in a number of areas that we ought to be supporting as a country.

Let me conclude with this. This agreement stands on itself, but there is more than that. I have a soft spot for countries that have come to the aid of our American soldiers. My baby brother has served in Iraq as an Army medic and is now a sergeant major and has just returned from his tour in Iraq. Recently I just attended two funerals of local soldiers who died defending us. When we have countries like Oman who allow our personnel to stop there, our aircraft to fly there and land there, when we have a country like this that houses our personnel, basically makes them safer while they are away from their families trying to defend our freedom, I think we ought to reward these countries.

To me on national security when I see this intellectually dishonest argument about our port security, what I am afraid of is we have people who want to punish the countries that are helping our soldiers, punishing countries who are coming to help our men and women who are trying to fight for our freedom. We ought to be rewarding and thanking those countries. I support this agreement.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) who has been one of our leaders on fair trade.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, as a cochair of the Congressional Labor and Working Families Caucus, I rise today in strong opposition to the Oman Free Trade Agreement.

The Oman FTA contains no effective mechanisms to enforce labor or human rights laws. Instead, this agreement relies on the empty promises that Oman will enforce its own labor laws.

If we accept this deal, we are saying to foreign countries: It is okay to force labor among three-fourths of your workers.

We are telling them it is okay to deny workers the right to organize for safer working conditions and better wages.

If we accept this deal, we turn a blind eye to poor working conditions and organized human trafficking to fill sweat shops.

I would remind my colleagues that the terms and conditions of trade agreements determine what is and is not acceptable.

Let me be clear. If we agree to a deal that does not live up to basic labor and human rights standards, then we are deliberately establishing a lower standard for worker rights in this country and around the world. We should be setting a fair trade standard that allows the benefits of commerce to raise and not lower standards for everyone. Vote ''no'' on Oman FTA.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY) who has been one of the leading spokespersons about international human rights and worker rights.

Mr. MARKEY. Mr. Speaker, I thank the gentleman very much and for all of his work on these issues.

Make no mistake about it, this vote is not just a vote as to whether or not you support free trade. This is also an up-or-down vote on whether or not you support our national security and our homeland security.

Just 5 months ago, the Bush administration tried to ram through an approval of the sale of U.S. port operations to Dubai Ports World, a company owned and operated by the Government of the United Arab Emirates. The President said he would veto any attempt to strike down the deal. But in the face of tremendous opposition on the grounds of homeland security by the Democrats and even some Republicans, the deal was scuttled.

The whole episode shined a bright light on the little-known committee at the Treasury Department and the secretiveness of a process it uses to make decisions that can have important consequences for the security of our Nation, the Committee on Foreign Investment in the United States. It is called CFIUS.

In this post 9/11 world, we simply cannot trust, as this free trade agreement requires us to do, that the businesses and Government of Oman are pure and will not sabotage, abuse, or misuse critical infrastructure they decide to buy in a business deal fast-tracked by this agreement. We must trust, but verify, when it comes to any foreign government-owned entity buying critical infrastructure in the United States.

Now the President and his administration did not give the Dubai Ports deal the scrutiny it deserved, even though the 9/11 Commission identified the Government of the UAE as a ''persistent counterterrorism problem.'' And so that should shine a light on this deal as well.

We know our seaports, airports and other critical infrastructure are at the very top of the al Qaeda terrorist target list. Let us not give them this additional hand that the treaty will require in penetrating the operations of those critical targets as fast-tracking business deals in the name of free trade will have on the security of our country. Let us not let commerce trump common sense.

Mr. Speaker, I rise in strong opposition to the Oman Free Trade Agreement.

Make no mistake, this vote is not a vote on whether or not you support free trade. This is an up and down vote on whether or not you support our national and homeland security.

Just 5 short months ago, the Bush Administration tried to ram through an approval of the sale of U.S. port operations to Dubai Ports World, a company owned and operated by the government of the United Arab Emirates, UAE.

The whole episode shined a bright light on a little-known committee at the Treasury Department and the secretive process it uses to make decisions that can have important consequences for the security of our Nation.

But in this post 9–11 world, we cannot simply trust, as this free trade agreement requires us to do, that the businesses and government of Oman are pure and will not sabatoge, abuse, or misuse critical infrastructure they decide to buy in a business deal fast-tracked by this agreement. We must trust, but verify, when it comes to any foreign government-owned entity buying critical infrastructure in the United States.

The President and his administration did not give the Dubai Ports deal the scrutiny it deserved, even though the 9–11 Commission identified the government of the UAE as a "persistent counterterrorism problem." The UAE was a key transfer point for illegal shipments of nuclear components to Iran, North Korea and Libya. The UAE was one of only three nations to recognize the legitimacy of the Taliban government and still does not recognize the State of Israel.

We know that our seaports, airports, and other critical infrastructure are at the very top of Al Qaeda's terrorist target list. Let's not give them a hand in penetrating the operations of those critical targets by fast-tracking business deals in the name of a free trade deal that has no protections for our national and homeland security. Commerce must not be permitted to trump common-sense.

Mr. CARDIN. Mr. Speaker, can I inquire of my friend from Florida, his continuing to reserve, does that mean he has one speaker remaining?

Mr. SHAW. Unless someone else comes to the floor, I will be the final speaker and close.

Mr. MORAN of Virginia. And I am reserving because I have so little time left, as the gentleman knows, so I am trying to be strategic with my time.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 6 minutes to our distinguished whip, my colleague from Maryland (Mr. HOYER), who has been a spokesperson not only on trade but on security internationally.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding, and I thank Mr. SHAW and Mr. CARDIN for proceeding on this debate, as well as Mr. MORAN. I think I have voted with all three of them on various different occasions.

Mr. Speaker, I have been a strong advocate for free trade and open markets. I believe strongly that American businesses and workers can compete and win in the global economy.

Increasing global interdependence is a reality in the 21st century, and it presents our Nation with an opportunity to promote democratic reform, the rule of law, and respect for basic human rights.

It is incumbent, however, upon us to foster global trade, to engage our partners in a system based on rules and law, and to work to raise the living standards of working men and women; and not to recoil from the rest of the world.

Philosophically, I count myself a proponent, a strong proponent of free trade, and have voted for many of the trade agreements that have come before this House.

This agreement, I think, is relatively insignificant as it relates to trade and the volume of trade and the impact on our domestic economy. It may have a much more substantial impact, obviously, on the Oman economy. But in terms of our own economy, it will have, I think, relatively little impact.

However, the Oman Free Trade Agreement I believe is flawed, and it undermines fundamental worker rights. Thus, I intend to oppose it.

What this debate, from my perspective, is about is the criteria that we will tell the world is necessary for us to enter into agreements with them. In many respects, as I understand it, those trading partners with whom we might enter into agreements are not in opposition to that which we are seeking. In fact, it is my understanding that there are Members of this Congress and members of the administration far more opposed to the issues that I will discuss than are the partners who enter into agreements with us.

Oman today does not meet the five basic International Labor Organization standards, including the rights of association and collective bargaining, bans on child labor, slave labor, and discrimination in employment. They say they are going to meet those, but they have not yet met them.

Americans, I believe, feel very strongly about all of those provisions in our own domestic law and in international law.

□ 1345

And it seems to me appropriate that we pursue agreements in that context. There are no labor unions in Oman today. The only labor organizations are, essentially, management labor committees. And while 70 percent of workers in Oman are expatriates, there is little, if any, participation by foreign workers in administering such committees. In other words, most of the workers are from outside of Oman. But almost all of those who participate in any kind of discussions with reference to labor issues are within Oman, Omani citizens.

For 8 months Oman has failed to take a number of steps to ensure that its practices immediately comply with ILO standards and to bind those commitments under the agreement, as was done by Bahrain last year.

Furthermore, Mr. Speaker, the Congressional Research Service confirmed just yesterday that the trade agreement would make it more difficult to protect U.S. ports and block a takeover by foreign government-owned companies such as Dubai Ports World. That raised a tremendous amount of concern just recently when the CFIUS process did not work as we thought it ought to.

It is regrettable that Republicans on the Rules Committee rejected amendments offered by my good friend, Congressman CARDIN, that would have closed this loophole, and it would have at least subjected it to full and fair debate. These are serious issues, and they should be debated fully and fairly. The Rules Committee, however, failed to give us that opportunity. It would have, indeed, insured compliance with ILO standards as well before this agreement goes into effect. But that amendment was not made in order.

Mr. Speaker, in my opinion, there is no reason that we cannot negotiate agreements that advance the cause of free trade, promote the rule of law, generate economic development of countries in great need, and extend to workers, farmers, and businesses the advantages of expanded trade to new markets. None. This flawed agreement, however, fails to accomplish those objectives.

For that reason, so that we can set a benchmark for future, much more consequential trade agreements for our country, I believe today the Congress of the United States ought to set that benchmark and say to the administration, say to the USTR, and say to those with whom we will negotiate in the future for trade agreements that this is the essential element of our agreement because we believe, this country believes that as we want to lift our own workers, as we want to lift our own trade viability, and as we want to lift the viability of trade of other countries, we also want to ensure that we lift workers in that process.

That is the right thing to do. It is the best thing to do. It is the best policy thing to do, and therefore, I will oppose this agreement, but hope that as agreements come before us in the future, that I will be able to support them in the best interest of our country.

Mr. SHAW. Mr. Speaker, we have another speaker who just came to the floor, Mr. HENSARLING of Texas, to whom I yield 2 minutes. Following that, I would yield to the minority so they can close, and then we will go to closing.

Mr. CARDIN. If the gentleman would just yield briefly. I would let Mr. MORAN use up the remainder of his time, and then we will use up the remainder of our time, and then you will close.

The SPEAKER pro tempore. The gentleman from Texas is recognized.

Mr. HENSARLING. Mr. Speaker, trade with Oman represents four one-hundredths of 1 percent of our Nation's trade. Thus, we are clearly not debating the American economy today. Instead, we are debating whether or not we are a Nation of trade or a Nation of protectionism, and we are debating whether or not we will support or repudiate an ally in the war on terror.

Free trade delivers a greater choice of goods and services to American consumers at lower prices. That means families can buy more using less of their paychecks. More trade means more competition, and competition has always helped the consumer.

Mr. Speaker, we have 230 years of experience now to show it. But beyond all the obvious economic benefits of free trade, we must recognize that trade is fundamentally an issue of personal freedom. Nations do not trade with nations. People trade with people. And with the exception of national security considerations, every American citizen should have the right to determine the origin of the goods and services they want to purchase.

Now, maybe we, in Congress, have the power, but do we have the right to tell Americans they cannot buy less expensive goods for their families from other nations? The answer should be a resounding no.

Mr. Speaker, this agreement will also improve the national security of the U.S. In the recent 9/11 Commission, they recommended that the U.S. pursue policies to promote more open and freer societies to defeat the root causes of terrorism. That means trade. A free trade agreement with Oman will do just that, which is critical to our current situation in the Middle East.

The nation of Oman has been a friend of the U.S. for over 170 years. They have been a valuable ally during the Cold War, as well as aiding us in the overthrow of Saddam Hussein's regime in Iraq. They continue to be an important ally in the global war on terror, having taken a very strong stand against Islamic extremism that begets terrorism.

Mr. Speaker, I urge adoption of the agreement.

Mr. Speaker, for over 200 years America has benefited from free trade and competition. I urge my colleagues to once again reject raw protectionism and partisanship and instead stand for freedom and security and support the U.S.-Oman Free Trade Agreement.

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

Mr. Speaker, I think it is important, with what little time I have left, to recapitulate what has been said in this debate. In the first place, there is no dis agreement that Oman is located in a highly strategic area, right at the Strait of Hormuz. More than 20 percent of all the world's oil supply goes through there. It is right across the strait from Iran. Very critical position.

It has also been completely agreed that Oman has been a principal ally to the United States. Everything we have asked them to do since 1833, 173 years, Oman has stood up there in a very difficult part of the world and said to the world ''We are America's ally.''

When we asked Oman for a military agreement so we could stage troops and provide logistical support in the Persian Gulf War, and now in the Iraq war, they said, ''Yes, you can do that and we will protect them.'' And they have all been protected. Our troops have never had a problem in using Oman. Oman has come under pressure, but they have protected American troops in every possible way. No disagreement.

We all agree that almost two-thirds of Oman's population is under the age of 18, so we know that Oman is entering a period of unstability unless there is economic opportunity.

We also know that while there isn't a whole lot of trade, what Oman is buying from us generates jobs in the United States. We get oil from Oman in return.

So what is at dispute is whether this is a national security threat and whether this is an issue with regard to labor rights. Well, in the first place, with regard to national security, there is no question, according to the Congressional Research Service, that if there is a national security issue that the United States raises, that that trumps everything else. And these panels that my friends and colleagues have been referring to, these are panels of American and Omani negotiators, and if an American negotiator says, we think this is a security interest, it is dead. The language that is in contention is reciprocal language we wanted because we have U.S. companies who would like possibly to buy port facilities there. That was our doing. But it can be preempted by national security concerns.

So, on national security, the Congressional Research Service tells us that there is not a security threat. CFIUS will determine if foreign investment in U.S. parts is a security threat and can block the purchase if it comes to that. But there is not going to be any international panel second-guessing this determination, let alone overruling it.

Now, in terms of labor, we passed a Bahrain trade agreement a short while ago, almost by voice vote. No discussion. The labor guarantees in that agreement were not nearly as strong as the ones in this agreement. This is the strongest labor agreement we have seen.

Now, it may not be completely to my liking, but, you know, every one of the issues that the Ways and Means Democrats raised have been addressed by the Sultan of Oman, and not like Bahrain, where they said, well, we will put these to Parliament for consideration and pass them. Oman accepted every one of these recommendations, and you can check again with the Omani Ambassador, who happens to be a woman, the only female ambassador from an Arab country. And of course they were the first Arab nation to send an ambassador to the United States, incidentally.

But every Ways and Means Democrat's recommendation the Sultan put in the decree. This is law now. They can continue to collective bargain. They're are going to protect workers' rights. There will be no repercussions. They are going to eliminate any forced labor, if you can find it. And, in fact, they have invited the International Labor Organization personnel, ILO professionals to Oman, and they are working with them on the ground as we speak. And by October 31, they are going to put all these protections into law, anything that hasn't been fully implemented by the decree by the Sultan.

I don't know what more they can do. They have done everything we have asked.

This is a good trade agreement and, it is in the interest of the United States to pass it. I hope this body will.

Mr. CARDIN. Mr. Speaker, before I yield the balance of our time to our distinguished leader, let me just make it clear that the Sultan has not, by decree, answered the issues that were raised in letters that were sent by our staff. In fact, they dealt with primarily one issue, and six or seven are yet to be dealt with; and that is why they are setting an October date for changing their law.

And let me also make it clear that unlike Bahrain, the Omanis have not, on the ground, changed their labor practices to meet ILO standards. So they fall far short of Bahrain.

And lastly, on the security issue, I have heard our colleagues put a lot of confidence in our ability to unilaterally use the essential security provision to prevent action on our ports. And I just wonder what attitude we would have if one of our insurance companies, for example, wanted to do business in Oman, and Oman said, oh, no, not because of essential security we will let you in our country. And then we say we don't have the right to challenge that? We clearly have the right to challenge that, as Oman would have the right to challenge our decision to invoke this exception if a company wanted to take over a port operation in the United States.

And we are going to be subject to the second-guessing of independent tribunals. And our record has been terrible in the decisions of the tribunal as to how many we have lost against statements made in this body that said that

what we would do would stand international muster, and it did not.

So why are we putting this threat out there? Why are we making ourselves vulnerable? Why didn't we take it out of the agreement? Why do we want to subject America to that risk?

Mr. Speaker, I am proud to yield the balance of our time to our distinguished leader who has put forward an agenda for America that truly will make this Nation a safer Nation, Ms. PELOSI.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Maryland for yielding and for his just relentless championing of the rights of American workers. Who are we here for, after all?

Mr. CARDIN has been a supporter of free trade agreements for a long time, and that doesn't mean that you can't do that and also be here to be the voice of American workers. If any of them tune in and listen to this debate on the floor, they know clearly who speaks for them. Thank you, Mr. CARDIN, for championing this issue.

Thank you, Mr. RANGEL, for your incredible leadership, time and time again to say, yes, we are open, we understand the benefits of free and fair trade. We want them, though, to emphasize the fairness of it to American workers.

□ 1400

Mr. Speaker, I rise in opposition to the Oman Free Trade Agreement, and it is with the greatest respect for the gentleman from Virginia that I respectfully disagree with his comments. And as Mr. CARDIN has said, the Sultan, with all due respect to the Sultan, his decree has not done what we need to have done in this trade agreement.

Democrats realize that our economic future rests upon our ability to open new markets for U.S. goods and services so that we can continue to capitalize upon the innovative spirit that has long distinguished America. New markets translate into new, high-paying jobs and opportunities for American workers, businesses, and farmers.

In the past, trade policy has been a bipartisan endeavor, a common effort to expand opportunity for America's businesses, again workers and farmers. Unfortunately, the Bush administration has veered in the opposite direction, and so has the Republican leadership in this Congress, and a bipartisan agenda has now become a lofty goal rather than an indisputable reality, which it should be. The Bush administration has failed to enforce fundamental worker rights and failed to open large markets for U.S. goods. Once again America's middle class is paying the price for misplaced Republican priorities.

In addition to that failure, in terms of the global economy, this administration and the Republicans in Congress support incentives to businesses to take jobs offshore. How is that a good idea for America's workers? We are going to engage in these trade agreements that do not have core labor principles in them that lift the standards of the workers in the country; for example, Oman; or, of course, lift the living standard of American workers here, which is our primary responsibility.

And at the same time, these same people who brought you these free trade agreements which do not enforce core labor principles and are unfair to American workers, these same people advocate incentives for companies to take jobs offshore. That is why on the first day of Congress, Mr. RANGEL will come to the floor, God willing, if the Democrats take power, he will come to the floor on the first day and repeal those incentives to companies to take jobs offshore. One small step for American workers.

Democrats have a long history of supporting free and fair trade. Enforceable labor rights that follow basic core principles are a crucial part of ensuring that American companies and workers will not be disadvantaged by unfair competition from countries that do not adhere to the core standards.

Core ILO, International Labor Organization, standards ensure that our trading partners abide by the most fundamental standards of common decency and fairness. Not only are core labor rights a matter of decency and fairness, but they are also in our national economic interest. Basic enforceable, with the emphasis on enforceable, labor protections are critical to building a strong middle class in Oman, raising the disposable incomes so that they can buy American products.

Our trade deficit is likely to exceed last year's recordbreaking deficit of $717 billion. Every day we have $2 billion more in goods coming into the country than going out. This is unbelievable. Over $2 billion more a day in goods and services coming in than going out. I do not know what is free and fair about that. I do know America's middle class is paying the price.

The Republican trade agenda has failed to break new ground by opening large markets for U.S. goods. Instead, they have these little tiny agreements that establish a precedent and erode core labor principles, and they have not opened the large markets that are crucial to creating new jobs for American workers.

Despite a record trade deficit, the Bush administration has focused on negotiating trade agreements with countries where the opportunities for U.S. companies are limited.

The Oman Free Trade Agreement will have negligible impact on our balance of trade, and that is why it can wait. It is just not a big deal. It can wait until these core principles are in the treaty and not just by decree, which they are not, but if they were, could be changed tomorrow. This year U.S. trade with Oman will be about $1 billion, just .04 percent of the total U.S. trade.

Democrats recognize the importance of engaging Oman, but we must do much more in terms of fairness. Democrats are committed to addressing the challenges of increasingly competitive global markets. Our success depends on our ability to innovate new products and to create new markets, new markets, overseas for those goods and services. That is why Democrats have put forth our innovation agenda, our commitment to competitiveness to keep America number one. We will secure America's continued leadership and innovation and unleash the next generation of discovery, invention, and growth. And in that way, we will be preeminent in the world's markets; but not, but not, if our hands are tied by the precedent established by these little agreements.

Again, in addition to our innovation agenda and fairness to American workers, businesses and farmers, on that very first day, in addition to raising the minimum wage, Mr. RANGEL will call for the repeal of incentives of jobs to go overseas.

Just think of it. If you are a middle-income person in middle America, our technological base, our manufacturing base, our industrial base in those parts of the country are eroding. Jobs and services are going overseas with the help of tax incentives of this Republican administration and this Republican Congress, and then we engage in free trade agreements that do not even pay the respect due to American workers to have core labor principles, a minimal standard, the ILO standard. A minimal standard. This is not anything big.

And by the way, we are not asking for anything different for labor, for America's workers. This is not special treatment. What Democrats are asking for is the same thing that the Bush administration is giving to other industries: the right to enforce the provisions. Businesses have that right in the deal, but workers do not. It is just not fair. It is just not fair.

So we want to take our country in a new direction, passing free trade agreements that do expand our markets, spur economic growth, raise the living standard of the United States and abroad, and have enforceable provisions that are fair to American workers.

Unfortunately, this trade agreement fails on all of these counts, and that is why I ask my colleagues to vote ''no.''

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

I cannot stress enough the importance of the legislation that is now before this body. Yes, this agreement is a good economic agreement for those

doing business in Oman. In fact, it is one of the best free trade agreements that this body has considered, granting the United States some of its broadest market access ever, and establishing a strong standard as we push to open the large, emerging Middle East market through a Middle East Free Trade Area. I am particularly pleased that my home State of Florida will receive duty-free treatment on much of its citrus products.

However, while the economics of United States-Oman Free Trade Agreement are compelling, I believe that there are more important issues for the Members to consider as they cast their votes today. Specifically, what that vote will tell the people of Oman and, perhaps most importantly, the people throughout the violent Middle East as the conflict today threatens to spark a new war.

Mr. MORAN spoke quite eloquently of the dangerous neighborhood that Oman is in, right across the straits from Iran. I was just handed a CNN report that just came out within the last hour in which Assistant Secretary of State Chris Hill said that the Iranians were believed to be present at North Korea's July 4 missile test. I wonder why.

As Chairman THOMAS indicated, Oman has long been a strong ally of the United States. Yet beyond that, Oman has also been a leader in its relationships with Israel. Oman has no law that establishes or enforces primary, secondary, or tertiary boycotts of Israel. In the context of congressional consideration of this free trade agreement, Oman has reiterated its commitment to not enforce any aspect of a boycott on Israel in letters of September 28, 2005 and June 15, 2006. Last month, Oman issued an official government document to its relevant agencies, again reiterating the policy and commitment. If any Member still has any doubt, they should know that in the recognition of the importance of this issue by both the United States Trade Representative and the Government of Oman, language was included within the Statement of Administrative Action that the United States Trade Representative will monitor and report to us on this issue. On June 28, 2006, the American Israel Public Affairs Committee, known as AIPAC to the Members of Congress, wrote to me in support of the language, and I am pleased with its inclusion and Oman's position on the boycott.

After these repeated assurances and Oman's longstanding record, Member representations that Oman is not fully committed on this issue ignore the facts and are fundamentally disrespectful of one of the greatest allies for peace and against terror in the world. That some Members have maintained these claims and even sent Dear Colleague letters on this issue, after receiving the letter from AIPAC, receiving direct assurances from Oman officials, and seeing the text of the official Omani documents stopping any boycott, is disgraceful, and I believe that Oman deserves an apology.

While Oman's action in this area alone sends a powerful message to this part of the world, Oman actually has a history of going beyond, to actual engagement. After the signing of the Egyptian-Israeli peace treaty in 1979, Oman was one of the few Arab countries that did not break off relations with Israel. It was also one of the first countries in the region to host an Israeli Prime Minister, when Prime Minister Rabin visited Oman in 1994.

In its letter to me and to the ranking member of the Trade Subcommittee, AIPAC stated, ''The breakdown of these kinds of economic barriers can, hopefully, help lead to the development of important political relationships between Israel and the Arab world.''

I could not agree more. As we watch hostilities in the Middle East and they continue to worsen, it is through economic relationships such as these that we can have the best chance to win the hearts and minds of the future leaders in the Middle East. As young workers in the region begin to see the benefits of participating in the worldwide economy, they are more likely to pick up tools to better their lives, rather than tools of destruction.

Will passage of this agreement cause an immediate end to hostilities in Israel, Lebanon, Gaza, Iraq, or Afghanistan? No. But none other than the 9/11 Commission has specifically highlighted the importance of Middle East free trade agreements in fighting terror. The free trade agreement will continue to undermine the arguments that terrorists use in recruiting. With increased economic opportunities will come an increased incentive to remain a peaceful, active participant in society.

Oman has been a leader in this region in its friendship with the United States, its friendship with Israel, its commitment to political and labor reforms, and its desire to work economically with the United States. It is now up to the Members of the House of Representatives whether to reward the leadership or reject it based on politics and arguments that have no basis in fact.

Let me run through a few of the arguments that have been made here today. We have talked about American workers.

□ 1415

The United States International Trade Commission estimates that the U.S.-Oman Free Trade Agreement would have almost no effect on U.S. imports from Oman, while resulting in a 5 to 14 percent increase in U.S. exports to Oman. Are you for the American worker? Then you are for increased American exports.

We have heard people trashing the labor standards. I heard one of the speakers complain that the management was one of the union representatives. Well, we keep talking about labor relations in this body. One of those provisions provides that management shall be part of the unions, and the managers that were participating in those negotiations were elected by the workers. Are you as Members of Congress going to tell them they can't have their own elected representatives? I don't think so. And whether it be management or the guy on the assembly line, that is what they want and that is what they should have.

We have also heard a lot about port security. The United Arab Emirates does not have a free trade agreement with us, so the problems that we opposed with regard to that did not come out of any particular agreement. As a matter of fact, with Oman, as it is now, without a free trade agreement, it is exactly the same as United Arab Emirates.

But let me read something from the agreement. You don't have to take my word for it. This is what the agreement says. 21.2 says: ''Nothing in this agreement shall be construed to preclude a party from applying measures that it considers necessary for the fulfillment of its obligations with respect to the maintenance or restoration of international peace or security or the protection of its own essential security interests.''

The Congressional Research Service said: ''Should the United States, whether through CFIUS or congressional action prevent Oman companies from establishing 'landside aspects of port activities,' it would appear that such a measure could be justified pursuant to the essential security exception. While it is theoretically possible for Oman to bring a legal challenge to the actions of the United States before a third-party tribunal, the United States would appear to be on solid legal grounds for asserting not only that the panel does not have the legal authority to determine the validity of such a matter, but also that the inconsistent measure is permitted and justifiable given the broad self-judging,'' self judging, ''language of the national security exception.''

So that national security interest has absolutely no legal standing at all. I know of no legal authority, and I am sure if there was one, that would have been brought out in this debate.

Yesterday, we had a very fine debate, and this debate was about our friendship with Israel. It was about the dangers that Israel is facing. It was about our support of Israel. Now we have another vote today, and that vote is about one of the best friends that Israel has in the region. And for us to vote them down would not only be an insult to them, but I believe would be an insult to Israel.

I would urge all Members of this body to think for yourself, is this a good agreement? Don't follow your party line. Vote for yourself, what you think. You are sent here to represent your constituency. Represent them and cast a vote today that is going to mean something. We aren't puppets around here. Each one of us represents a particular congressional district and we should vote that district. Vote for the people that sent us here.

Mr. LYNCH. Mr. Speaker, I rise to express my strong opposition to the Oman FTA. This is déjà vu: last summer we were working against CAFTA . . . now we have the Oman FTA.

What we have here is identical language to the problematic and inadequate language that was contained in CAFTA and NAFTA before that. Most shocking, the administration has slipped language into the Oman FTA that will threaten U.S. port security. As you know, Mr. Speaker, I represent the Port of Boston. To me, this FTA really hits home and is particularly disturbing.

The simple fact is that under this agreement, if an Omani company sought to acquire landside services at U.S. ports and the U.S. government took action to stop or limit that acquisition, the Omani company could sue the U.S. government for violating its FTA rights. The challenge would then be decided by a U.N. or World Bank tribunal.

The nonpartisan Congressional Research Service released a report a couple days ago that confirms that the Oman FTA would make it harder to protect U.S. ports. The CRS report makes clear that the Oman FTA would create a new right under an international trade agreement, which would require the United States to allow any Omani company to provide "landside aspects of port activities."

The CRS report further confirms that Dubai Ports World, DPW, could use the U.S.-Oman FTA to obtain this new right guaranteed by an international trade agreement to buy U.S. port operations. All DPW would have to do is create a subsidiary in Oman. DPW already has commercial operations in at least 10 countries. It would not be hard for DPW to meet the Oman FTA's standard—any business established in Oman is eligible to take advantage of the benefits of the agreement. Only businesses with "no substantial business activities"—a very low threshold—are excluded.

Mr. Speaker, not only does this FTA pose homeland security concerns, but instead of enforceable labor provisions with teeth, this free trade agreement suggests only that Oman adopt and enforce its own labor laws. It offers no assurance that existing labor problems will be resolved, and allows labor laws to be weakened or eliminated in the future, with no possibility of recourse.

In Oman, their 2003 labor laws remain in serious violation of the International Labor Organization's most important and fundamental rights: freedom of association and the right to organize and bargain collectively. There are no independent unions in that country. In fact, Oman not only fails on labor rights, but on all human rights!

The Bush Administration State Department's 2006 "Trafficking in Human Persons" report downgraded Oman to a "Tier 2 Watch List" country, just one step above the countries with the worst human trafficking records. In 2005, Oman was only on "Tier 2" of the State Department's human trafficking list, meaning that Oman's trafficking practices and regulations worsened from 2005 to 2006.

We talk a lot about the war in Iraq, and the President of the United States has described it in many cases as an effort to export democracy. Well, I have got news for you; you do not export democracy through the Defense Department.

This is where you export democracy, in our trade agreements, through our Commerce Department. Democracy is all about opportunity, and we should, in our trade agreements, give these foreign workers an opportunity to stay in their own country, to buy goods from us that would create a good dynamic by creating jobs in this country. Democracy is about opportunity, and if we are really serious about exporting democracy, it starts right here. It starts with our free trade agreements.

Join me in voting "no" on the Oman Free Trade Agreement.

Mr. LEWIS of Georgia. Mr. Speaker, I rise in strong opposition to the U.S.-Oman Free Trade Agreement Implementation Act. This agreement contains the same flawed "enforce your own labor laws" provision that we have seen in recent trade agreements. These labor standards simply do not work when we are dealing with countries that lack strong labor laws and practices.

Mr. Speaker, before we move forward on this issue, I feel a moral obligation to pose the following questions to my colleagues and to the American people:

When negotiating trade agreements, why does this Administration always seem to lose its tenacity and its resolve when it comes to protecting the labor rights of some of the world's most vulnerable workers?

What message does America send to the international community, when we will fight to protect pharmaceuticals patents and other intellectual property within our trade agreements, but we will not do the same for human beings?

Mr. Speaker, before the Members of the People's House cast their votes on this agreement today, I ask that they take a long, hard look at our priorities and our values when it comes to trade policy. I am convinced that this Administration can do a much better job of negotiating trade agreements that will advance the interests of U.S. business and agriculture, while protecting the rights of workers.

I urge my colleagues to vote "no" on this flawed trade agreement.

Mr. LANGEVIN. Mr. Speaker, today I rise in opposition to H.R. 5684, the U.S.-Oman Free Trade Agreement Implementation Act. Once again, the Administration has not met its promise to work with both sides of the aisle to craft a fair trade agreement. While I favor expanding trade and eliminating restrictive tariffs and barriers, the U.S.-Oman agreement does not create a fair playing field for United States companies and workers to compete.

Oman is an important ally in the Middle East, and I respect their friendship. However, their labor laws are insufficient to create a level playing field for American companies. At this point, Oman apparently only meets three of the International Labor Organization's five core labor standards. There are no labor unions in Oman, and Oman's workers do not have the right to collectively bargain. Oman's lack of core labor standards alone should be reason enough to oppose the agreement.

Unfortunately, this agreement could also cede our ability to select companies to operate our own ports. As the President learned during the Dubai Ports World controversy just a few months ago, the American people want control over our critical transportation infrastructure, but language in this free trade agreement specifically permits foreign companies to operate our ports as long as the company operates a port in Oman.

In 2005, Rhode Island companies exported approximately $158,000 to Oman, or about .01 percent of the State's worldwide exports. We must go back to the drawing board to ensure American companies, American jobs, and American security are not left behind for such a small price. I urge my colleagues to join me in opposing H.R. 5684 and encouraging the Administration to renegotiate a more equitable agreement.

Mr. SKELTON. Mr. Speaker, after the tragedies of September 2001, the United States Congress created the National Commission on Terrorist Attacks Upon the United States, commonly called the 9–11 Commission. This independent, bipartisan body was charged with preparing a complete account of the circumstances surrounding the attacks and with recommending policy changes designed to prevent future attacks. I have a great deal of respect for the individuals who served on this commission and for their final work product.

America is in the midst of fighting a long, complex war against terrorism that must be fought with unconventional tools. The 9–11 Commission recognizes the unique nature of our conflict and has recommended that the United States engage Middle Eastern nations economically in order to foster development and reforms in that troubled part of the world. Economic openness requires bilateral compromise and gives America an opportunity to positively influence the region. And, importantly, economic reforms and political liberties tend to be linked.

In the Middle East, the Congress has approved trade pacts with Israel, Jordan, Morocco, and Bahrain. I have supported them because I feel they are critical to enhancing our economic ties to the region. Today, we are considering an agreement with Oman, and after careful consideration, I have decided to support this legislation as well.

Oman is a small, oil-exporting nation located on the Arabian peninsula at the mouth of the Persian Gulf. It is strategically important to the United States and has played a meaningful role in our efforts to defeat terrorism. As Oman's oil reserves diminish, its government has been working to liberalize and diversify its trade beyond oil and gas.

America's economic partnership with Oman carries with it great promise. Boosting our economic partnership with that country will enhance our national security standing in a strategically critical area and will open doors to agricultural trade. The agreement will lower tariffs on U.S. agricultural commodities and

products, thereby putting our Nation in a better position to increase exports and compete with other nations for market share. After full implementation, U.S. agricultural exports could reach $225 million or more.

No trade deal is ever perfect. Clearly, some improvements could be made in the bill, especially with regard to labor protection and human rights. But, as I studied the Oman Free Trade Agreement and heard from national security, agriculture, labor, and business leaders, I became convinced that this trade agreement is critical to U.S. national security and to Missouri's rural economy.

In the days leading up to today's debate on the Oman Free Trade Agreement, there has been much talk about port security. Despite the rhetoric surrounding this issue, a nonpartisan legal analysis from the Congressional Research Service has shown that Congress retains its ability to determine the national security interests of our country and to prevent port operations if need be. The CRS analysis is set forth below, as is a letter from the Secretary of the Treasury on this issue:

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, July 18, 2006.

MEMORANDUM

Subject: Legal Issues Related to the Proposed Oman Free Trade Agreement and Port Security.

From: Todd B. Tatelman, Legislative Attorney, American Law Division.

This memorandum is in response to requests for a legal analysis of three arguments that have been advanced in opposition to the proposed Oman Free Trade Agreement (FTA). Each of the arguments relate to issues surrounding port security and, specifically, the ability of Omani companies or companies incorporated in Oman to perform ''landside aspects of port activities'' in the United States. This memorandum provides a legal analysis of three questions: First, whether the proposed Oman FTA allows Omani companies or companies incorporated in Oman to perform ''landside aspects of port activities'' at U.S. ports, especially in light of the dispute over Dubai Ports World's attempt at establishing similar business operations at various ports in the United States. Second, whether the proposed Oman FTA provides some type of advance clearance to Omani companies that wish to begin landside port operations in the United States. Finally, this memorandum provides a legal analysis with respect to the possibility of a third-country company (e.g., Dubai Ports World or similarly-situated foreign entity), establishing a minimal presence within Oman for the sole purpose of taking advantage of the benefits provided by the provisions of the proposed FTA.

One argument that has been raised against the proposed Oman FTA appears to stem specifically from language contained in Annex II of the Agreement. The argument generally asserts that the proposed Oman FTA provides a new right to both Omani-owned companies and companies based in Oman that will allow them to perform ''landside aspects of port operations'' at U.S. ports. Upon close inspection of the language in Annex II, however, it appears that this claim is misleading because it appears that Omani companies are already presently able to perform these services. Currently, there are no U.S. laws that prevent either an Omani-owned company (state controlled) or any other foreign-owned company (regardless of whether the company is state-owned or privately owned) from contracting with port owners to perform ''landside aspects of port activities'' in the United States. In other words, if an Omani company (either state or privately owned) wants to engage in contract negotiations with port owners to provide for the types of services envisioned in Annex II, there is no U.S. law that would expressly prevent them from receiving said contracts.

Annex II of the proposed Oman FTA allows the parties to list ''the specific sectors, subsectors, or activities for which that Party may maintain existing, or adopt new or more restrictive, measures'' that are not in conformity with the various obligations imposed by the Agreement, such as National Treatment (Articles 10.3 or 11.2), Most-Favored Nation (Articles 10.4 or 11.3), and Market Access (Article 11.4). With respect to the Transportation Sector, the U.S. Schedule to Annex II lists 12 types of measures that the United States has specifically reserved the right to either maintain or adopt new more restrictive measures. These 12 types of measures generally reflect the current restrictions placed on foreign investment and/or ownership of maritime assets by U.S. domestic law. Phrased another way, the United States has reserved the right to maintain our existing legal restrictions with respect to those aspects of maritime transportation in which we already have limitations, as well as adopt new measures in these categories that may be more restrictive.

Additionally, the U.S. Schedule indicates that we do not include in our reservations either ''vessel construction and repair'' or the ''landside aspects of port activities.'' The noninclusion of these measures in our schedule merely indicates that the U.S. government is not reserving the right to impose a future restrictive measure with respect to ''landside aspects of port activities.'' It does not appear possible to interpret this language as granting any type of new business opportunity to Oman or Omani based companies. Moreover, with respect to ''landside aspects of port activities'' the language in Annex II specifically states that the promised treatment ''is conditional upon obtaining comparable market access in these sectors from Oman.'' As a result of this language, it appears that the proposed Oman FTA does not grant any new opportunities for business investment to Oman that do not already exist, nor does it allow Oman to establish ''landside aspects of port activities'' unless it is determined that comparable market access is provided to U.S. companies in Oman. Indeed, it may be possible to argue that the language in Annex II in fact potentially limits the opening of U.S. markets with respect to ''landside aspects of port activities'' because it imposes a comparable access requirement that does not currently exist under domestic law.

Another argument raised in opposition to the proposed Oman FTA is that it provides a type of ''pre-clearance'' to businesses in Oman with respect to ''landside aspects of port activities.'' It is unclear at this time precisely what the term ''pre-clearance'' means in this context. For the purposes of the memorandum, however, we will assume that this language refers to the national security review conducted by Committee on Foreign Investment in the United States (CFIUS). CFIUS, as you may know, was the executive branch entity responsible for reviewing national security and other implications of the Dubai Ports World transaction. U.S. law permits the President, at his discretion, to investigate the national security implications of ''mergers, acquisitions, and takeovers . . . by or with foreign persons which could result in foreign control of persons engaged in interstate commerce in the United States.'' In addition, domestic law requires the President to conduct an investigation ''in any instance in which an entity controlled by or acting on behalf of a foreign government seeks to engage in any merger, acquisition, or takeover which could result in control of a person engaged in interstate commerce in the United States that could affect the national security of the United States.'' The President, by Executive Order, has delegated the responsibility for these investigations to CFIUS.

Based on our review of the proposed Oman FTA, there appears to be no provision that would amend, alter, or adjust this statutory process or its requirements in any way. As a result of the proposed Oman FTA, should a privately owned company in Oman seek to engage in the ''landside aspects of port activities,'' a CFIUS review could still be performed at the discretion of CFIUS, pursuant to the statute. Similarly, should a company owned or controlled by the Omani government wish to engage in any ''landside aspects of port activities'' at a U.S. port, they would still, pursuant to U.S. law, be required to proceed through the CFIUS process and receive approval from the committee prior to beginning operations. The proposed Oman FTA appears to contain no language that would exempt Oman or Omani government controlled companies from these domestic legal requirements.

Finally, it has been argued that the proposed Oman FTA would allow so-called ''shell corporations'' to be established in Oman for the purpose of benefitting from the FTA's provisions. For example, assume that Dubai Ports World (DPW), a company controlled by the government of Dubai, were to establish a store front in Oman for the sole purpose of taking advantage of the FTA's investment, market access, and national treatment provisions. Presumably, part of the incentive for doing this would be so that DPW could avail themselves of the investor-state dispute mechanism should their attempts to do business in the United States be denied. The argument against the proposed Oman FTA assumes that the United States would either have to grant DPW access to the U.S. market or face considerable costs in defending our denial of market access. Should the government deny market access, the ensuing litigation could result in an adverse decision costing taxpayers a substantial amount of money in compensatory payments to Dubai.

A careful review of the text of the proposed Oman FTA, however, indicates that this scenario is unlikely to develop. Specifically, Article 10.11(2) addresses this concern by stating that a ''Party may deny the benefits of [the Investment Chapter] to an investor of the other Party that is an enterprise of such other Party and to investments of that investor if the enterprise has no substantial business activities in the territory of the other Party and persons of a non-Party, or of the denying Party, own or control the enterprise.'' Thus, the proposed FTA, by its own provisions, clearly permits the United States to deny benefits under the Investment Chapter to any company or individual unless there are ''substantial business activities'' established in Oman. Therefore, it appears that the establishment of a mere ''shell corporation'' would likely not be considered the establishment of ''substantial business activity'' and, as a result, the United States would be entitled to deny benefits.

This legal position is consistent with administration positions regarding substantially similar language contained in other

FTAs. For example, in the Statement of Administrative Action that accompanied the North American Free Trade Agreement, the executive branch stated that ''shell companies could be denied benefits but not, for example, firms that maintain their central administration or principle place of business in the territory of, or have a real and continuous link with, the country where they are established.'' This language appears to establish a very high threshold for ''substantial business activities'' by requiring both central administration and principal place of business in the country before benefit can be claimed. Given this interpretive language, it does not appear that DPW, or any other foreign corporation, would be able to satisfy such requirements through a ''shell corporation.'' In addition, for Oman to obtain any of the benefits listed in Annex II with respect to ''landside aspects of port activities'' they will, as previously discussed, have to provide ''reciprocal market access'' or else the United States has an additional legal basis to deny market access to Omani companies.

DEPARTMENT OF THE TREASURY,
SECRETARY OF THE TREASURY,
Washington, DC, July 20, 2006.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I understand that concerns have recently arisen over the U.S.-Oman Free Trade Agreement, FTA, and its possible link to the security of U.S. ports—particularly regarding the dispute settlement provisions.

First, this agreement is strongly supportive of our national security in general and the war on terror specifically. It marks another important step in our efforts to deepen and strengthen commercial ties with countries in the Middle East that are trying to modernize and give their people long-term economic opportunities and political rights. The United States should be a catalyst for economic growth and stability in the region and an active supporter and partner of countries, such as Oman, that are seeking to integrate into the global trading community. Oman has been a solid ally in our efforts in the Middle East and in the war on terror, and we need to demonstrate to all countries that our allies in this effort have a reliable friend in the United States as they seek a better economic future.

Second, Article 21.2 of the U.S.-Oman FTA provides for a national security exception that allows the United States to take measures that we determine are necessary for the protection of our essential security interests.

Foreign acquisitions of companies in the United States that operate port terminals are subject to section 721 of the Defense Production Act, the Exon-Florio amendment, which authorizes the President to block and/or force divestment of any proposed or ongoing foreign investment in the United States that threatens to impair U.S. national security. The Exon-Florio Amendment falls within the national security exception, noted above, as a provision that the United States ''considers necessary for . . . the protection of its own essential security interests.''

Port security in our country is not managed by port terminal operators. A combination of municipal and State port authorities, the U.S. Customs and Border Protection, and the U.S. Coast Guard are responsible for our Nation's port security.

As the Secretary of the Treasury, it is my responsibility to ensure the Exon-Florio amendment is executed. Protection of the national security is my highest responsibility. To be clear, the FTA negotiated with Oman neither subjects national security interests to a third-party tribunal's assessment—as some have alleged—nor does it alter, amend, or adjust the President's Exon-Florio statutory powers to protect the nation's security in any way.

The FTA with Oman provides greater opportunities and opens new markets for U.S. products, investors, and workers. I urge you and your colleagues to pass the legislation to implement this FTA as soon as possible.

Sincerely,

HENRY M. PAULSON, Jr.,
Secretary of the Treasury.

Mr. UDALL of Colorado. Mr. Speaker, I rise in opposition to H.R. 5684, the United States-Oman Free Trade Agreement Implementation Act. While the agreement would provide some benefits both for the people of the U.S. and Oman, I think the agreement contains more flaws than benefits, and I believe it must be rejected.

The agreement, which is similar to free trade agreements (FTA)s with Middle Eastern countries Morocco and Bahrain, would provide the U.S. and Oman duty-free access for almost all consumer and industrial goods, with special provisions for agriculture, textiles and apparel. Both countries would phase out all tariffs on the remaining eligible goods within 10 years.

I have supported a number of trade agreements to expand access to foreign markets for exports as part of a long-term strategy to strengthen the American economy. While expanding market access for American industry, financial markets and farmers is critical, I believe it needs to be done responsibly, accounting for the treatment and protection of workers and the environment. This agreement makes efforts to do so but in my opinion needs to go further.

Regarding the agreement's labor provisions, I am concerned that Oman is not in compliance with International Labor Organization (ILO) core labor standards. There are no labor unions in Oman today. The royal decree issued by Sultan Qaboos—which prohibits forced labor and endorses the use of collective bargaining and strikes—is a step in the right direction, but more needs to be done. It's important that the provisions in the recent decree be implemented before Congress considers this agreement. Regardless of the outcome of today's vote, I urge the Administration and the United States Trade Representative (USTR) to monitor and take necessary steps to ensure the implementation of this decree.

I think the Administration and the USTR would be well served by including labor provisions, such as those contained in the U.S.-Jordan Free Trade Agreement, in the body of future trade agreements and making them subject to sanctions via dispute resolution procedures. The dispute resolution procedures continue to fall short in FTAs negotiated by the Bush Administration, and the Oman FTA is no exception. It is important that the United States takes step to ensure our trading partners provide workers with basic labor rights.

I am also concerned about reports that the U.S.-Oman FTA would create a new right requiring the U.S. to allow any Omani company to buy U.S. port operations. Given the uproar earlier this year over the news that Dubai Ports World had been permitted to take over the operations of several U.S. ports, it seemed only reasonable today to pass the Cardin amendment, which would close the loophole in the current trade agreement that allows a foreign company with operations in Oman to operate U.S. Port facilities. But the Republican leadership would not allow the amendment to be considered.

Expanding the liberalization of trade in goods and services between the U.S. and Oman can help us build a stronger relationship with a strategic country in the Middle East. I firmly believe the Bush Administration squandered this opportunity by not paying sufficient attention to national security concerns and by not ensuring basic labor standards in the agreement, which is why I must oppose H.R. 5684 today.

Mr. ALLEN. Mr. Speaker, I rise in opposition to the U.S.-Oman Free Trade Agreement (FTA). We need a new trade policy that recognizes today's realities of the global economy by promoting worker rights, environmental protection and access to health care. This Oman deal fails to meet that test.

Expanding trade opportunities can lead to job growth and economic vitality in Maine and around the country. Trade policy should reflect all our important societal values, not just commercial concerns, in order to create a stronger and more competitive America, encourage broader prosperity at home and abroad, and create a better, healthier future for ourselves and our children.

Inevitably, trade agreements create winners and losers within the U.S. economy. No trade deal can be considered independently of other policies designed to help those who will be shortchanged. Unfortunately, recent U.S. economic policies will make matters worse. The President's budget, adopted by the majority in Congress, cuts programs vital to helping Americans displaced by new trade agreements: job training, vocational education, adult education, community development, and small business aid. It is irresponsible and immoral to inflict a double blow on our most economically vulnerable citizens.

If we do not reverse the disturbing disappearance of manufacturing and information technology jobs, the American economy will suffer even greater job losses and long-term damage.

The U.S.-Oman FTA falls short in the area of worker rights. Its only enforceable labor obligation is a requirement that Oman enforce its own labor laws, even though Oman's laws fail to comply with basic international standards in 10 specific areas. We should mandate Oman abide by core labor rules, to be fair to their own workers and keep trade on a level playing field.

The Oman pact continues a dangerous trend of using trade policy to extend anticompetitive protections for the highly profitable brand name drug industry. Although generic drugs lower prices and therefore improve public health, the intellectual property provisions inserted by the Bush Administration would delay entry of generic prescription drugs by imposing restrictive rules on the developing countries covered by the agreements.

I fear these provisions could come back to hurt Americans, as Congress' ability to legislate on health care could be restricted by international trade obligations. In essence, the Administration is giving powerful drug makers legal standing to challenge domestic U.S. health care laws through trade dispute mechanisms.

We see the double standard. The Administration champions international trade standards when they protect pharmaceutical industry profits, but reject them when they protect workers' rights.

I voted against the fast track/Trade Promotion Authority bill, in part because I believed that it ceded too much authority to the Executive Branch. The experience with this Oman deal validates my concern. In June, the Senate Finance Committee approved an amendment to the pact stipulating that goods made in Oman with forced labor may not benefit from the trade agreement. When the White House later submitted the agreement to Congress, it left the forced labor provision out. The Administration has ignored the will of Congress. The blank check permitted by this fast track authority is a clear case where bad process leads to bad policy.

I urge my colleagues to reject the U.S.-Oman Free Trade Agreement, and insist on a new, balanced trade policy guided by consensus, not ideology.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to the Oman FTA, though not without reservation. Increased economic, social, and political ties with Oman are noble goals and ones for which we should strive. However, the facts behind the crafting of the Oman FTA suggest that this is a hurried trade agreement.

I can support an agreement that serves to support the interests of all parties at stake. I have based my previous votes on free trade agreements by this standard, and by this standard, I have decided to vote against the Oman FTA. While I do not doubt that some sectors of the U.S. economy will benefit from passage of this bill, I am fearful of the repercussions that will face many of our manufacturing industries.

I recognize that Oman is a key alley in the War on Terrorism and a leader in improving the relationship between the Arab world and Israel, but trade agreements should not be judged by beneficial strategic alliances alone. The United States has other allies in the Middle East on the War on Terrorism and should make agreements with those allies in which jobs held by the American people are not sacrificed.

In addition, the Oman FTA may include a dangerous loophole that jeopardizes our Nation's port security. In its present form, this agreement allows a foreign company with operations in Oman to operate U.S. port facilities. The Cardin amendment would provide that the U.S.-Oman Free Trade Agreement cannot take effect until the U.S. withdraws its commitment to allow companies with operations in Oman to operate "landside aspects of U.S. port activities."

Furthermore, the OFTA would expand the failed model of the Central American Free Trade Agreement. This model has been devastating to the U.S. industrial base, accelerating job loss and lowering living standards in the United States while exacerbating poverty and social disparities in the developing nations with which we trade.

Current Omani law does not come close to meeting core International Labor Organization standards. Despite some improvements made to Oman's legal framework, Oman's labor laws today do not provide for the exercise of the most important and fundamental workers' rights: freedom of association and the right to organize and bargain collectively.

In order to ensure progress, we must establish a system of improved standards in education, labor, and environment, among others. In this regard, the OFTA falls short of established standards. The OFTA has neither sufficient nor enforceable labor provisions. This omission of labor standards will result in the continuation of severe labor conditions for both adults and children. This agreement could permit businesses to profit by exploiting the impoverished. I cannot accept an agreement that allows businesses to increase their profit margins at the expense of the underprivileged.

It seems clear to me that under the current refrain of "free trade to fight poverty," sufficient resources are not being used to help the poor. Businesses are often more interested in the bottom line than the bottom of society. Foreign governments are often far too eager to invite these companies into their nations. This is not the best manner to help fight poverty in the Third World. In order to fight poverty, we must insist on the utilization of resources to protect the poor, not to exploit them. We must insist on better labor and environmental standards in order to ensure that the poor also benefit from free trade agreements.

Over 400 American organizations have announced strong opposition to the Oman FTA. These organizations represent a large number of Americans who oppose the OFTA. Of the 400 groups that oppose the OFTA, there are at least six prominent organizations from the city that I have the privilege of representing, Houston. These organizations include the:

Harris County Central Labor Council;

Houston Globalization Forum;

Houston Globalization Working Group;

Houston Peace and Justice Center;

International Brotherhood of Electrical Workers Local 716; and

The Sheet Metal Workers Local 54.

More than three million manufacturing jobs have been lost in the US since 1998. Increasingly, offshore outsourcing is impacting even highly educated and highly skilled workers. Protecting American jobs generally and especially those jobs belonging to my constituents in the 18th district of Texas is of the utmost priority to me. Thus, I can not stand by and let Americans continue to lose their jobs.

Therefore, we must insist that our trade agreements contain more than an expansion of business interests; they must also contain provisions that expand social and political interests. We must ensure that trade agreements benefit the wealthy and the poor, men and women, young and old. This agreement fails to meet these standards, and I urge my colleagues to oppose it.

Ms. LEE. Mr. Speaker, today we are considering yet another fundamentally flawed free trade agreement—the U.S.-Oman FTA.

How many times will it take to learn that the current model just isn't cutting it? Given the failures of NAFTA and CAFTA, you would think that the U.S.-Oman FTA would be an improvement. Sadly, the same misguided formula is being applied again.

Just look at the facts; you simply cannot camouflage a race to the bottom. So please don't be fooled by the word games that proponents of this deal will play.

FTAs should promote democracy and offer new opportunities for all parties involved. They should not benefit a select few by making the rich wealthier and bankrupting the poor.

We should be protecting labor standards, human rights, the environment, access to medicines, and national sovereignty—not sacrificing them under the guise of promoting business and economic growth. When will we learn that these are not contradictory goals?

But again, these critical issues are shoved to the margins in empty promises and side-letters. There is no excuse for why this trade deal is not fair and balanced.

I urge all of my colleagues to vote against another ludicrous trade deal.

Mr. SMITH of Texas. Mr. Speaker, today the House of Representatives has an opportunity to support the U.S. intellectual property industries by approving the U.S.-Oman Free Trade Agreement.

The agreement is supported by both the International Intellectual Property Association, which is comprised of seven copyright-based trade associations representing over 1,900 different companies, and the Information Technology Industry Council, representing 35 leading high-tech industries, because it will raise the level of intellectual property protection in Oman in a number of ways.

The agreement implements the WIPO Internet Treaties, which provide standards for digital copyrighted material; it protects copyrighted works for extended terms, including 95 years for sound recordings and performances; and it ensures that copyright owners will have the exclusive right to make their works available online.

The agreement will also strengthen the enforcement of intellectual property rights in Oman by including agreed upon criminal standards for copyright infringement with stronger remedies and penalties and by criminalizing end user piracy. These provisions will provide a strong deterrence against piracy and counterfeiting.

Finally, Oman has committed to zero tariffs on all software, movies, music, consumer products, books and magazines exported into the country and to zero tariffs on technology products used to access the Internet.

I urge my colleagues to support this important sector of the U.S. economy and vote in favor of the Oman Free Trade Agreement.

Mr. CROWLEY. Mr. Speaker, the issue of trade has remained contentious over the years.

I believe in the ideals of free trade but it must also be fair trade.

We have to take a close look at each agreement and weigh them on their individual merits.

If the President wants to receive overwhelming support on these agreements he has the power to do it. President Bush has the

power to make trade an issue that is strongly supported by all of my colleagues, but he refuses to add what Democrats have been demanding on labor and the environment.

When I look at an agreement various factors go into making my decision process, are we opening new markets for our goods and services, will labor standards be protected, what is our relationship with our potential free trade partner.

As a member of the Middle East subcommittee on the International Relations Committee, I view Oman not as just a trade bill but also as a foreign policy tool.

Oman has been a strong friend and ally of the United States and is providing critical assistance in the global war against terrorism and this agreement will continue to strengthen our relationship.

The 9/11 Commission has recommended that the United States build stronger relationship with moderate Muslim nations such as Oman to build an economic and political partnership.

Besides the economic benefits the United States will enjoy from the implementation of this free trade agreement it also has spurred our friends in Oman to move beyond their current labor laws. While I would like to see a more progressive stance on labor, I believe these new reforms are genuine.

Oman has shown they are a stable nation in a sea of conflicts in the Middle East and my hope is that this agreement will help move them further down the path of moderation.

I think it is worth noting that during Israel's recent conflict with Hezbollah and Hamas, Oman has been noticeably restrained in criticizing the Jewish State for protecting her citizens.

Oman is a valued member of the Middle East community and this agreement will make them even more so.

At the core of this trade initiative is the belief that through economic opportunity and partnership, with the United States and Israel, that the goal of peace in the region can be furthered.

I understand that perfection can be an unattainable goal but sometimes you must weigh all the pros and cons and on Oman the pros tipped the scale. I also want to address the point of the Dubai port sale raised by the opponents and the ability of an Omani company or another company to base themselves in Oman to try to purchase American port facilities or other infrastructure.

While there are many theoreticals as to what could or could not happen, any purchase of an American asset by an Omani company would be subject to review by the Committee on Foreign Investment in the United States, CFIUS. As the lead sponsor along with Representatives ROY BLUNT, CAROLYN MALONEY, and DEBORAH PRYCE of a bipartisan CFIUS reform, I understand the purchase of American assets by foreign companies or governments well.

This agreement with Oman does not change one bit the CFIUS process and doesn't make it any less secure.

Mr. VAN HOLLEN. Mr. Speaker, I rise today to express my views regarding the Oman Free Trade Agreement.

I have supported certain trade agreements in the past because I believe they can be an important step toward opening markets for U.S. businesses. I also believe that the economic interdependence that flows from trade agreements can help create a more cooperative and peaceful world by solidifying ties between nations. That is why I supported agreements with Australia, Chile, Morocco, Bahrain and Singapore.

This outlook informs my approach to trade agreements and as I carefully considered the provisions of the Oman Free Trade agreement, I recognized its potential for opening Oman's market to U.S. agriculture, manufacturing and the services industry. But a trade agreement is about more than trade; it is also about the fair treatment of workers and other considerations.

With respect to worker's rights, the Oman FTA is seriously flawed. Like CAFTA, the Oman FTA only requires the Omani Government to enforce its own labor laws. And when violations occur, the Omani Government is only required to pay a financial penalty to itself. This provision is a source of concern to me in light of reports by the international labor community that Oman's labor laws fall far short of meeting the International Labor Organization's core labor standards and do not provide Omani workers with the fundamental protections needed to prevent workplace exploitation.

Oman has a massive guest worker population, comprising over 75 percent of Oman's total work force. According to reports, in Oman, guest workers are prevented from exercising their international labor rights and have reportedly been jailed for complaining about the working conditions and violation of labor rights.

My concerns about the Oman FTA were reinforced by news reports coming out of Jordan about violations of Jordanian workers rights. Before these incidents, the Jordan Free Trade Agreement was considered the gold standard for labor provisions in trade agreements. Jordan's labor laws are strong and it has long experience administrating them. That is why, when I read the May 3, 2006, New York Times article describing the abusive conditions in Jordan's apparel industry, I also grew concerned about the lack of protections for workers in Oman.

Reports are emerging from Jordan of an environment where workers put in 20-hour days with little or no pay and where physical abuse is rampant. If workers rights are not enforced in Jordan, there is little hope that workers in Oman—where independent unions are outlawed—will have their rights protected.

Trade agreements must at least hold open the reasonable prospect that workers will be treated fairly. This agreement fails that test.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of H.R. 5684, the Oman Free Trade Agreement, because I think it is the right thing to do. I am going to vote for this agreement because I believe that free trade can be a way to promote our national security through international cooperation and economic growth.

The country of Oman is an important ally of the United States in a part of the world where we need more friends. It is also a country that is growing, one that will provide economic opportunities and jobs to our Nation through increased exports. Upon passage of this agreement, Oman will provide immediate duty-free access to 87 percent of U.S. agricultural exports and 100 percent duty-free trade in industrial and consumer products.

Mr. Speaker, Oman is a friend to the United States and a leader in the Middle East region. Oman has demonstrated this by passing tough new labor laws, normalizing relations with Israel, and supporting the U.S. efforts in Iraq. Passage of this agreement will demonstrate that we can do more to enhance our Nation's national security through cooperation and economic development.

Although this legislation is not perfect, approving the Oman Free Trade Agreement is in America's national interest, and I urge my colleagues to vote ''yes'' on this bill.

Mr. BLUMENAUER. Mr. Speaker, honest and fair trade will help the U.S. and other countries grow more prosperous and stable. Trade barriers, quotas, and restrictions hurt all but a select few by raising prices for consumers, limiting economic growth, and restricting the ability of developing countries to improve their economies. However, I do not support free trade at any cost. There must be strong protections to ensure that workers benefit from trade, that the environment is protected, and that we provide the necessary help to those who lose out from increased trade.

Before the 2002 vote on ''fast-track'' trade promotion authority, I told President Bush in a meeting that he could gain broad bi-partisan support for a trade policy that expanded markets for U.S. products and helped developing countries grow themselves out of poverty if he made simple, small changes to the trade agreement model to take into account concerns over labor, the environment, and farmers in developing countries. However, the Oman Free Trade Agreement continues President Bush's tradition of pushing forward harsh and divisive agreements, designed to pass by the smallest of margins.

For example, the Senate Finance Committee voted unanimously to recommend that the trade agreement exclude items made with forced labor, slave labor, or trafficked persons. Despite this, the President refused to make these simple changes that Congress demanded.

Questions of how the United States engages in an increasingly global economy are too critical to our future to use as partisan and political wedges. We must develop a forward-thinking and honest trade policy that can be broadly supported by Americans of all political stripes and that reflects the concerns that I hear from Oregonians. Because the Oman Free Trade Agreement doesn't meet that test, I must oppose it.

Mr. HOLT. Mr. Speaker, I oppose the Oman Free Trade Agreement (OFTA).

The Bush administration has again presented the Congress with a flawed trade agreement. I support vigorous international trade, but it should also be fair trade.

The inadequate labor provisions in this agreement are almost identical to those contained in the flawed Dominican Republic-Central American Free Trade Agreement (DR–CAFTA), which I opposed. After the contentious vote on DR–CAFTA, the United States Trade Representative said he would address

the concerns we raised in future agreements. Unfortunately nothing has changed.

OFTA does little to improve the poor protection for workers in Oman. The labor provisions in this trade agreement are lackluster, and will be very hard to enforce. This trade agreement asks Oman only to meet the lowest possible dominator of labor law. We can and we must do better.

Currently, Oman labor laws do not provide for the freedom to associate or the rights to organize and bargain collectively, the most fundamental of workers rights. There are no protections for workers who want to strike in Oman, and there are no independent unions. Oman has said it will change, but it does not have to. These promises should be included as requirements in this agreement, not in unenforceable side letters.

As I have said before, international trade is not just inevitable, it is a good thing. It has enormous potential to raise standards across the globe, disseminate technology and encourage economic growth. But lowering the cost of goods and increasing their availability is not the single goal of trade. Trade should also lift the global standard of living. Trade agreements are not just about goods and commodities; they are also about what constitutes acceptable behavior in workers' rights, environmental matters, intellectual property, and so forth. We should make sure we export the goods we produce and not the workers who produce them. Like the DR–CAFTA and Bahrain Free Trade Agreements, the Oman Free Trade Agreement does not pass these tests. The agreement before us fails both parties: it will not help either America's or Oman's workers.

Each new trade agreement entered into by the United States ought to be closely scrutinized, and ought to include the strongest enforceable worker rights and environmental safeguards attainable. We know how to craft such agreements, for example the U.S.-Jordan Agreement of 2000 was a fair and good agreement. Unfortunately, the Bush Administration has abandoned that successful format and pushed ahead with a trade policy that only looks at the bottom line, rather than the workers who produced the goods or the environment they live in and rely upon for sustainable growth.

We need to go back to the successful format that incorporates American values into our trade agreements. This would ensure that U.S. companies and employees are not forced to compete with countries that have no or weak labor laws, poor working conditions, and a willingness to debase the environment for the short term. The people of all countries lose in such a "race to the bottom".

Mr. Speaker, I cannot support OFTA or other flawed trade agreements.

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

The SPEAKER pro tempore (Mr. TERRY). All time for debate on the bill has expired.

Pursuant to House Resolution 925, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. CARDIN. 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, this 15-minute vote on passage of H.R. 5684 will be followed by a 5-minute vote on suspending the rules on H. Con. Res. 448.

The vote was taken by electronic device, and there were—yeas 221, nays 205, not voting 7, as follows

[Roll No. 392]

YEAS—221

Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Cole (OK)
Conaway
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (CA)
Davis (KY)
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gohmert
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neugebauer
Nunes
Osborne
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Stearns
Sullivan
Tanner
Tauscher
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—205

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Coble
Conyers
Cooper
Costa
Costello
Cramer
Cummings
Davis (AL)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Everett
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gerlach
Gingrey
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Hayes
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Norwood
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Slaughter
Smith (NJ)
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOT VOTING—7

Bishop (UT)
Davis (FL)
Davis, Jo Ann
Evans
McKinney
Northup
Nussle

□ 1452

Mr. NORWOOD and Mr. POMEROY changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

COMMENDING NASA ON COMPLETION OF THE SPACE SHUTTLE'S SECOND RETURN-TO-FLIGHT MISSION

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 448.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 448, 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 415, nays 0, not voting 17, as follows:

[Roll No. 393]

YEAS—415

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
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
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
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
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Meeks (NY)
Melancon
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
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
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
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
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
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Ackerman
Bishop (UT)
Brown (SC)
Davis (FL)
Davis, Jo Ann
Deal (GA)
Evans
McKinney
McNulty
Meehan
Northup
Nussle
Payne
Slaughter
Stark
Tancredo
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes left in the vote.

□ 1500

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent 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. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise their remarks and include extraneous material on the subject of the bill.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I rise for the purpose of inquiring of the majority leader the schedule for the week to come; and at this time, I yield to my friend, the majority leader, Mr. BOEHNER of Ohio.

Mr. BOEHNER. I appreciate my colleague from Maryland for yielding.

Mr. Speaker, the House will convene next Monday at 12:30 for morning hour and 2 p.m. for legislative business. We will consider a number of measures under suspension of the rules. A final list of those bills will be sent to Members' offices by tomorrow afternoon.

For the balance of the week, the House will consider on Tuesday H.R. 1956, the business activity tax bill from the Judiciary Committee.

On Wednesday morning at 11 there will be a joint meeting of Congress to receive His Excellency Mr. Maliki, Prime Minister of the Republic of Iraq. Also on Wednesday we will consider H.R. 5682, the United States and India Nuclear Cooperation Promotion Act from the International Relations Committee.

On Thursday, we will consider H.R. 5766, the Government Efficiency Act, and possibly H.R. 3282, the Abolishment of Obsolete Agencies and Federal Sunset Act from the Committee on Government Reform.

At this point, Friday is still up in the air. Our goal is to finish on Thursday. It is not a commitment but it is my goal, and I am hopeful that we will be able to meet it. It really will depend on the number of conference reports that may or may not be completed and whether we can fit those in during the week, if they come inside, like the gentleman understands.

I am hopeful that the Voc Ed conference report can be brought up. As the gentleman knows, we have been working on the pension conference. There is no agreement as yet, but I think we are moving toward one, and I am hopeful. But we will see.

I also have an announcement about September votes, which is a change in the calendar. There will be no votes on Tuesday, September 5. I anticipate that we will consider H.R. 503, to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling or donation of horses and other equines to be slaughtered for human consumption. We expect that to be considered that first week we are back, and I just wanted Members to be aware of it.

Mr. HOYER. Reclaiming my time, I was very pleased to hear that we are going to be dealing with the Horse Protection Act. I am sure that all of us are concerned about that. I say that seriously.

But can you tell me when we might be doing the Worker Protection Act, particularly those that are working at the lower end of the scale, the minimum wage act?

Mr. BOEHNER. If the gentleman would yield.

Mr. HOYER. I yield to my friend.

Mr. BOEHNER. We are continuing to have conversations about that issue, but no decisions as of yet. If there is, I will make sure that everyone is notified.

Mr. HOYER. I thank the gentleman, and I meant that seriously on the Horse Protection Act. I am sure it is an important piece of legislation, but we are very concerned and continue to be concerned, many, many Members on your side of the aisle continue to be concerned, about the 9 years that have transpired since we adjusted the minimum wage, no cost of living attached to it, and we are very hopeful that the majority leader and your side of the aisle will see fit to bring that forward.

We hope that you will bring it forward in a fashion that will not dilute the attention and focus on the workers, and by that I say attaching it to a tax bill or some other piece of legislation. We would hope that that would be a clean vote on the floor, and we think the majority of this House are for it. We think it is a very, very important piece of legislation, and we ask you to very seriously consider bringing it up next week if possible, but as early in September as possible.

September 29 has been put in the press as the target date at least. You mentioned one of the pieces of legislation that might be on in September. Can you tell me how definitive or definite a date that September 29 may be for the possible adjournment prior to the election?

I yield to my friend.

Mr. BOEHNER. It is very definite.

Mr. HOYER. That is going to be the date?

Mr. BOEHNER. We are gone September 29. We will be back on November 13.

Mr. HOYER. November 13. There are all sorts of things I could say about post-election.

Mr. BOEHNER. I am sure you could.

Mr. HOYER. We will be happy when we get back here on the 13th.

Mr. BOEHNER. And we will be happy, too.

Mr. HOYER. To proceed with whatever legislation we decide ought to be considered, realizing we won't be sworn in until January as the majority party.

Mr. BOEHNER. What we call the lame duck session.

Mr. HOYER. Yes, it will undoubtedly be a lame duck session, I tell the majority leader.

Mr. BOEHNER. The only question is who will be lame.

Mr. HOYER. We could go on a long time on this. We probably ought to move along with the schedule because you and I have a different view as to who is going to be lame and who is going to be the duck and other issues of great importance to the American people.

On the issues, the Labor-Health bill, obviously the minimum wage is one of the issues on that bill, but there are a lot of other issues on that bill as well. Do you have any expectation the Labor-Health bill will move either next week, I know it is not on the calendar, or in September?

I yield to my friend.

Mr. BOEHNER. I appreciate my colleague for yielding. There are a number of issues related to that bill. I think it is doubtful that it will be up next week. I am hopeful that we will be able to consider it in September.

Mr. HOYER. Moving on to the pension conference report, there have been some reports that there may have been some progress in the pension conference, but I want to tell the leader again, very seriously, I read in one of the journals that the conference, or a group, had been meeting. There had been five Republicans and two Democrats.

I want to tell my friend, in all seriousness, and I have asked you to engage on this, not one Democrat from the House of Representatives has been engaged in these meetings. The two Democrats that are mentioned in that story are both Democratic United States Senators. They may be very fine United States Senators. This is a two-House, bicameral Congress.

The gentleman made a representation to me, and I take him at his word, I believe he means it, that a conference is better or a discussion on where we are going on this pension bill, a critically important bill that has been pending now for almost half a year or longer, I suppose, the gentleman knows the exact date of that, and has not moved, and during that period of time, Democrats from the House of Representatives have not been included in the pension conference. I have been, I think, pretty polite on my request to you, Mr. Leader, but this is not the process that we ought to be following.

I yield to my friend.

Mr. BOEHNER. I appreciate the gentleman's concerns, but I think the gentleman from Maryland understands that I am not the chairman of the conference. I don't decide when we meet, who meets or what room we meet in. I have expressed the gentleman's concerns, and hopefully we will have all of the Members together very soon.

Mr. HOYER. I hope that is the case, Mr. Leader, and again, I take you at your word. While you are not the chairman of the conference, you are the majority leader of the majority party in the House of Representatives.

Mr. BOEHNER. If the gentleman would yield, the other body is chairing this conference, and the gentleman has been on a number of conferences over the years and understands this process, that the body who chairs the the conference makes those decisions.

Mr. HOYER. Reclaiming my time, one option, of course, is the Republican Members from the House of Representatives that are participating in these meetings indicate to our Senate colleagues that they are not prepared to proceed unless there are Members of the minority party present in those meetings to discuss issues of critical importance to literally millions of people in this country.

Mr. BOEHNER. If the gentleman would yield, I will be happy to make that suggestion to Mr. MCKEON and Mr. THOMAS.

Mr. HOYER. I thank the gentleman.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, JULY 26, 2006, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HIS EXCELLENCY NOURI AL-MALIKI, PRIME MINISTER OF THE REPUBLIC OF IRAQ

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that it may in order at any time on Wednesday, July 26, 2006, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency Nouri Al-Maliki, Prime Minister of the Republic of Iraq.

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

There was no objection.

ADJOURNMENT TO MONDAY, JULY 24, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 5682, UNITED STATES AND INDIA NUCLEAR COOPERATION PROMOTION ACT OF 2006

Mr. COLE of Oklahoma. Mr. Speaker, the Committee on Rules may meet the week of July 24 to grant a rule which could limit the amendment process for floor consideration of H.R. 5682, the United States and India Nuclear Cooperation Promotion Act of 2006.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H–312 of the Capitol by 10 a.m. on Tuesday, July 25. Members should draft their amendments to the bill as ordered reported by the Committee on International Relations, which was ordered reported on June 27, 2006, and is expected to be filed tomorrow, Friday, July 21.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

PERMISSION FOR COMMITTEE ON INTERNATIONAL RELATIONS TO HAVE UNTIL MIDNIGHT, JULY 21, 2006, TO FILE REPORT ON H.R. 5682, UNITED STATES AND INDIA NUCLEAR COOPERATION PROMOTION ACT OF 2006

Mr. BOOZMAN. Mr. Speaker, I ask unanimous consent the Committee on International Relations may have until midnight, July 21 to file a report on H.R. 5682, the United States and India Nuclear Cooperation Promotion Act of 2006.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I offer a motion to instruct.

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

The Clerk read as follows:

Mr. George Miller of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2830 be instructed—

(1) to agree to the provisions contained in subsections (a) through (d) of section 601 of the Senate amendment (relating to prospective application of age discrimination, conversion, and present value assumption rules with respect to cash balance and other hybrid defined benefit plans) and not to agree with the provisions contained in title VII of the bill as passed the House (relating to benefit accrual standards); and

(2) to agree to the provisions contained in section 413 of the Senate amendment (relating to computation of guaranteed benefits of airline pilots required to separate from service prior to attaining age 65), but only with respect to plan terminations occurring on or after September 11, 2001.

Mr. GEORGE MILLER of California (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct 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. Pursuant to clause 7 of rule XXII, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Minnesota (Mr. KLINE) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, as we just heard in the colloquy between the majority leader and the minority whip, there is expectation that a conference committee may conclude on the pension reform bill, and that is why I rise today because that bill may, in fact, be coming to the floor of the House of Representatives and to the Senate within the next week.

□ 1515

I rise to urge my colleagues to vote again to send a message to the conferees that they should not conclude this report until they provide for the protection of older workers who are facing the conversions to cash balance plans. That means older workers who the companies are now putting on notice that they will change their benefits, they will no longer realize what they had long anticipated, the benefits of a defined benefit plan, that they will now get a substitute plan for their current pension plan, what is called a cash balance plan.

Despite overwhelming votes in support of protecting older workers' pensions in the House and in the Senate, the Republican leadership plans to thumb its nose at older workers and exclude the vital transition protection. That means that many workers will lose hundreds of dollars a month in expected retirement benefits. Many of these workers will be in excess of 50 years of age, and it is highly unlikely they will be able to recover the loss of their retirement benefits, retirement benefits they have been counting on for many years, retirement benefits they have been counting on in exchange for their labor, that they signed a contract in exchange for their labor with their employers; and today, the Congress is getting ready to tell them we are sorry, we are not going to make the employers live up to their agreements, and we are not even going to provide a transition to you to soften the economic blow.

If this is permitted to happen, it is shameful and it is an abuse of power by the Republican leadership, arrogantly defying the clear wishes of Members of both the House and the Senate on behalf of very special interests that do not happen to be the workers of this country.

The conference language draft by the Republican conferees is a pension Trojan horse and allows companies to legally renege on their promises to workers who played by the rules, who were told that they could accrue benefits to retire, especially those who spent decades at the company.

Here is what AARP CEO William Novelli says about this backroom Republican deal for older workers. ''AARP is deeply troubled that members of the pension conference committee may be considering adopting language from the House bill that would severely undercut pension protections against age discrimination currently provided older workers under the Age Discrimination in Employment Act. We cannot support legislation that would undermine the age discrimination laws and permit the reduction of pension benefits for older workers, thus discouraging older workers from continuing to participate in the workforce. Our members, and older workers in general, care a great deal about these issues, and we will be informing them of the outcome of this action.''

The Senate passed its pension bill with these protections 97–2. And the House voted on these measures overwhelmingly in a motion to instruct earlier.

It also not only cuts cash balance, but it cuts the protections to the pilots. Pilots who are required under Federal law to retire at age 60 now take a double hit with their pensions going into the PBGC. Because they retired early, not that they wanted to retire, they are required under Federal law to retire early, but because they retired early, they take an additional hit on their pension, and this affects many, many airline pilots and is an unfair treatment to these individuals.

Again, the House and the Senate have voted twice to protect older workers in cash balance conversions. The

House voted twice to protect airline pilots from unfair pension cuts at the PBGC.

This motion to instruct is about fundamental fairness to older workers, specifically for those older workers suddenly faced with cash balance conversions and for those airline pilots faced with federally mandated early retirement.

During the 1990s, hundreds of large employers switched to these cash balance plans, including IBM, CSX, Verizon, and the Federal Government. When we changed our pension plan back in the 1990s, we did this. Motorola, Dow Chemical, Federal Express, Wells Fargo Bank and Honeywell, they all made the decision to provide a transition and a protection for older workers, realizing that those older workers had an expectation of retirement benefit. That was not going to happen, but they would provide them some protection so they didn't take the full brunt of those changes.

It is the decent thing to do. It is what Secretary Snow did when he was at CSX. It is what he voted to do at Verizon. This is the decent thing to do for workers. The benefits to the companies are immense, even if they protect these older workers in this situation.

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

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

Mr. Speaker, I rise in opposition to this motion to instruct for two reasons, because of process and because of substance.

First, on process. As the pension conference draws to a close, the matter before us today is little more than a last desperate attempt by some to distract from the fact that we are on the verge of the most fundamental reforms to the private pension system in a generation. In fact, this is more of a motion to obstruct than it is a motion to instruct.

This kind of obstruction shouldn't surprise us, however. It has been going on for quite awhile. Let's not forget that those offering this motion were the same Members who could not even bring themselves to vote ''yes'' or ''no'' on the House pension bill when it was being considered by the House Education and Workforce Committee last summer. Rather, they voted ''present,'' acknowledging that they were, in fact, in the room.

While they attempted to politicize this issue, did they ever offer a comprehensive pension reform plan of their own? No. They just stood on the sidelines trying to obstruct our progress, just like they are today.

I also oppose this motion because of its substance. This pension reform debate is and always has been about the massive underfunding in worker pensions, about the need to change the status quo. This obstructionist motion to instruct does just the opposite: It essentially preserves the status quo and even makes the situation worse.

First, on hybrid plans. This motion to instruct essentially codifies benefit expectations in hybrid plans, tying the hands of those who voluntarily offer them. To require a guarantee of minimum benefits before participants have actually earned them sets a very bad precedent. Let's not forget that hybrid plans are the sole bright spot in the defined benefit world. If not for these plans, the defined benefit system would be withering on the vine. To place restrictions on a system that actually provides more generous benefits for the majority workers than do traditional plans would be neither reasonable nor responsible.

And on the airline pilots provision, again, this would make matters worse for the pension system and the American taxpayer. The motion to instruct would actually increase the deficit of the PBGC even though this pension reform process is designed to save the agency from insolvency and taxpayers footing the bill for a massive bailout. It is estimated that if this provision were applied, the cost to the PBGC for all pilots' plans would probably exceed $2.5 billion over the next 10 years. That additional debt would be borne by all the other companies that sponsor and fund defined benefit pension plans. Again, this is neither reasonable nor responsible.

Mr. Speaker, our ultimate goal is to ensure our defined benefit system remains viable for generations to come. This motion to instruct would undermine that effort. It is as simple as that. I urge my colleagues to vote ''no'' on the motion to instruct and reject this attempt to obscure progress on pension reform.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I rise in support of the motion to instruct; and I hear my friend's comments about process and responsibility. This has been the most irresponsible pension conference process one could imagine.

Mr. Speaker, I was sent here, as were my colleagues, duly elected by my constituents to speak for them. I was appointed by the leadership of my party to participate in this conference to speak for all of our constituents. There have been many meetings; we have been invited to none. There have been many discussions; we have participated in none.

So if you want to talk about a responsible process, let's talk about one where every person duly elected to represent his or her constituents has a chance to do so. This process is a travesty.

Now, on to the substance.

The words ''cash balance plans'' are a little hard to understand. They are theoretical, they are abstract; but they are very easy to understand if you are 50 years old and you have been working somewhere for 25 years and you are planning your retirement assuming you are going to get a certain amount every month in the mail as a check that you have earned.

And then, one, the HR department comes in and says we have changed our mind. Instead of getting a check for a certain amount every month that you have earned, we are going to give you a lump sum instead, and assume that when you invest it, you will get about the same amount.

Mr. MILLER's motion says two things: It says that the version of this idea that passed the Senate 97–2 should be the version that applies; that maybe we should give some workers the chance to choose whether to go into this system or not, to put more power into the hands of the worker and the retiree to choose what happens to them, rather than have the employer make that decision. That sounds reasonable to me.

And the second thing that Mr. MILLER does is to say let's take the assumptions that are most protective to the retiree. Let's err on the side of giving the retiree too much, not too little. I don't think that is too much to ask.

I think the House should join with 97 Senators from both parties and adopt the version of this idea that is in the Senate bill. Vote ''yes'' on Mr. MILLER's motion to instruct.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I want to thank Mr. MILLER for this motion to instruct the pension conferees because a defined pension plan is a promise. It is a promise that workers count on when they come to the end of their employment. It is a promise that they plan their future around.

Many workers have been promised benefits at the end of their work service. In fact, many have accepted retirement benefits instead of pay increases. Now remember that. Many people choose to forgive a pay increase and get an increase in their pension instead.

Now, unless we have reform that allows companies to convert to cash balance programs, programs that don't consider the older worker, a worker who has planned for years and years how they are going to live the rest of their lives in dignity, we have broken a great promise to these wonderful workers.

Not protecting their retirement would result in many, many times reducing their benefits by at least half.

Imagine trying to live, through no fault of your own, on half of what you had planned on. We would not expect people to live on half of the amount of food or half the amount of medicine they would need; how can we expect them to live on half of a pension?

These pension benefits have been earned. They must be honored. Mr. Speaker, these workers were promised defined retirement benefits. They have earned those benefits. The Congress cannot allow companies to go back on their word. We, as a Congress, must support them. We must ensure these hardworking Americans that they will get the pension benefits they have been promised so they can plan, they don't have to look over their shoulders or go live with their kids or have half of their medications.

Mr. Speaker, I urge my colleagues to support the Miller motion to instruct.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I thank my colleague for his leadership on this motion to instruct.

I agree we need to protect the pension benefits of airline pilots, as well as ensure that when an employer converts from a traditional defined benefit plan to a cash balance plan, that their workers receive their full benefits.

We also need to draft rules that protect older workers because they can be vulnerable during such conversions. But we must also address the issue of providing retroactive legal certainty to 1,100 employers whose cash balance and hybrid pension plans are unfairly caught in limbo.

Addressing retroactivity is important to the retirement security of thousands of American workers that gain from these hybrid pensions which are defined benefit plans. It has been for 7 years that employers of sponsored cash balance and other hybrid plans have been caught in a web of legal uncertainty.

□ 1530

Beginning in 1999, the Internal Revenue Service felt it necessary to temporarily stop issuing determination letters for converted hybrid plans, and litigation through our court system has left the legality of all cash balance plans up in the air.

In my congressional district I have four major employers that offer pension benefits to their employees through either a cash balance or other hybrid pension plan. Some of these plans were acquired through merger and acquisition, while some were adopted through conversion.

These employers treated their employees fairly, giving them the choice as to whether or not to convert their plans and ensuring that workers' benefits were not diluted. And these four employers are not alone. There are a lot of good actors out there.

According to a recent AARP-funded study, 23 of the 25 largest cash balance plans, in other words, 92 percent, provided transition protections for their older employees when converting from defined traditional plans to cash balance plans.

Nonetheless, four employers in my district, as well as 1,100 others, are caught in a web of legal uncertainty. And we are in an era where companies are eliminating pension plans, including hybrid plans.

Failing to fix this problem will only perpetuate that trend. A cash balance plan is a defined benefit plan, and it is the future of our defined benefit system.

It is not correct that others have not offered alternatives. I specifically introduced H.R. 4274 to address this specific issue.

I ask all of my colleagues to pay attention to the issue. Cash balance plans are the future plans. They are portable. It is a way a worker can go from one place to another.

We need to protect older workers, and we need to make sure that this motion to instruct is passed.

I thank Mr. MILLER for his leadership on this issue.

Mr. KLINE. Mr. Speaker, I continue to reserve.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 9 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I rise today in strong support of the Miller motion to instruct, and I commend the gentleman from California for his leadership on this issue.

Mr. Speaker, the middle class in America today is under assault. Over the past 5 years, 5 million more Americans have slipped into poverty, 6 million have lost their health insurance, and nearly 3 million manufacturing workers have lost their jobs. The Republican leadership has refused to increase the minimum wage, $5.15 an hour, which hasn't been raised in nearly a decade, and is now at a 50-year low in terms of purchasing power.

And adding insult to injury, it is expected that next week we will be voting on a conference report that will allow large corporations to discriminate against their older employees by slashing their pensions up to half through cash balance pension schemes.

Mr. Speaker, this motion is our only attempt to say no. Age discriminatory cash balance pension schemes are wrong. We must protect millions of employees who have seen their pensions slashed by as much as 50 percent through age-discriminatory cash balance pension schemes. That is what this motion is all about.

Mr. Speaker, pension anxiety is sweeping the country. Millions of American workers who have worked at a company for 20 or 30 years, where promises have been made to them in terms of what their retirement would be, are now waking up to the fact that those promises are being reneged upon.

Unfortunately, over the past two decades, large corporation after large corporation have been breaking the retirement promises they made to their employees, and that is wrong. Some companies are declaring bankruptcy so that they can break their retirement commitments. Other companies are freezing pension plans in order to slash the retirement benefits of older workers.

And over 300 companies throughout this country have slashed the pensions of their employees through cash balance pension schemes, sometimes up to 50 percent.

Congress must tell corporate America in no uncertain terms that when they make a promise to workers about their pensions, they must keep that promise.

Mr. Speaker, last December, the House passed a so-called pension reform bill that was hundreds of pages long. Included in that bill was an obscure provision to legalize age discrimination in cash balance plans prospectively. No floor amendments were allowed to strike this provision or offer any alternatives to it. Members were forced to vote up or down on the entire bill.

But the Senate did the right thing. In its bill, they provided important protections for older workers who would be negatively impacted by cash balance schemes.

The Senate language is supported by the AARP, the AFL–CIO, the National Committee to Preserve Social Security and Medicare, the National Legislative Retirees Network, and the Pension Rights Center.

Today, just like we did in April, we have an opportunity to do the right thing for American workers. We can and should instruct the conference committee to adopt the Senate language on cash balance plans.

Mr. Speaker, there are some who support cash balance schemes. They argue that these plans benefit employees.

Well, a couple of years ago I asked the Congressional Research Service a simple question: What would happen to Members of Congress if their pensions were converted to a cash balance scheme? If it is so good for millions of American workers, clearly it must be good for the Members of Congress.

Well, shock of all shocks. Our Republican friends decided not to debate that issue on the floor of the House. And unless I am mistaken, they still do not want to convert Members' pensions to cash balance schemes, for good reason. Because if they did it, every Member would see a huge reduction in the pensions that they are looking forward to.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. SANDERS. I would be happy to yield.

Mr. GEORGE MILLER of California. I think that is an important point. When the Federal Government made the decision to change to the TSP system, which is turning out to be a very successful system, we provided this kind of transition. What the conference committee is about to impose on the American working public no Member of Congress would impose on themselves. They would be asking for some kind of transition, some kind of hold-harmless so that people would be protected who are older, who have more years into the system, because they don't have the ability to gather other income.

And I think the gentleman makes a very important point that, once again, life is different inside of the Beltway than it is outside of the Beltway. And the people outside of the Beltway have a lot less ability to try to make up for that lost savings to manage their retirement.

I thank the gentleman for making the point. I continue to yield.

Mr. SANDERS. Let me just pick up and agree with the gentleman.

The CRS did a study on this issue: What would happen to congressional pensions if we went the direction of cash balance? Well, among other things, the Speaker of the House would not be too happy about this. His pension went down by 70 percent.

So, today, I would ask the opponents of the Miller motion this question: If cash balance plans are so good for American workers, why don't we go first and adopt them here?

Well, obviously, that is not going to happen. If it is not good for Members of Congress, it is not a good idea for millions of American workers. Let's support the Miller motion and stand for the rights of millions of American workers today.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. SANDERS. I would yield.

Mr. GEORGE MILLER of California. I just want to again thank him for the point that this pension bill cannot be considered in a vacuum. The very same people who are going to be punished as a result of companies that convert to cash balance that will not provide this kind of protection, they can do it voluntarily, but they will not, and many of them won't, and the gentleman has struggled with companies who thought that they didn't have to.

These are the same people that are getting their retirement health care benefits cut back, that are having trouble with or are going to have trouble with paying for prescription drugs. Today, people are continuing to work and people say to people, you know, just save more money.

Well, as we know, most people, the average American working person has a great deal of difficulty saving. And to now tell them to save, if you are 50 years old, according to the GAO, you will lose about $238 a month. If you are 40 years old, you will lose about $188 a month. If you are 50 years old, this has to be net savings that you are going to have to try to save. You'd have to save, before your retirement, a net $40,000, outside of your rent, outside of your house payment, outside of your kids, outside of everything else, if you could get 5 percent return on your money.

Where does the American family go to get that kind of money that Congress is about to take away from them? Where do they go?

Most families, both people are working. And if you are 50 years old, it is highly unlikely that you are going to go out and find a job that is going to replace this loss of savings.

So when people say, well, we can't guarantee the expectations of these workers. No, what we are guaranteeing is a contract that this worker made with the company and the company made with the worker. We understand the benefits and the changes for younger workers, and this isn't about being against cash balance plans. It is about fairness.

I yield to the gentleman.

Mr. SANDERS. Let me reiterate the point Ms. WOOLSEY made a few moments ago. We have people who have worked for a company for 20 or 30 years. During their careers, in many instances, they had offers to move elsewhere, but they said, no, I am going to stay here because I have a good retirement plan. And suddenly, for no fault of their own, that retirement plan is being pulled out from underneath them. They had dreamed of what their retirement would be. It is no longer. And they are 50 years of age. They are 52 years of age. Where do they go?

Mr. GEORGE MILLER of California. The idea, again, the suggestion is somehow, when the Senate passed this, 97–3, and when we voted overwhelmingly in a motion to instruct to do this, that somehow you are trying to reserve the status quo. The fact is that CSX, a very successful railroad company, Verizon Telecom, the Federal Government, Motorola, Dow Chemical, Federal Express, Wells Fargo, these are not slacking companies. These are leaders in their industry. They all realized billions of dollars in savings. They also took care of their older workers. And that is what we are asking that this conference committee do.

You do not have to throw these older workers onto the wood pile. They can be protected. The company can realize billions of dollars over the life of the pension plans in savings that they can reinvest in their company, and they can change their pension plans. We just ask that you don't decimate older workers.

I yield to the gentleman.

Mr. SANDERS. What was the vote in the Senate on this issue?

Mr. GEORGE MILLER of California. The vote was 97–3.

Mr. SANDERS. So overwhelmingly a bipartisan vote. Let's stand with the Senate. Let's protect American workers.

Mr. GEORGE MILLER of California. It was 97–2.

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

Mr. KLINE. Mr. Speaker, I find it absolutely fascinating to listen to the speakers, one extolling the virtues of cash balance plans, and the other condemning them.

I believe that the gentleman from California has the right to close, so at this time I would like to yield the balance of our time to the chairman of the Education and Workforce Committee, the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Speaker, I thank the gentleman for yielding and thank him for running this debate for us.

It is interesting. You know, I don't know what thrill there is in coming to the floor and trying to scare people that the Federal Government is trying to take away their pensions and trying to destroy their lives.

We have been working hard to try to finish up this pension conference. It is a very complicated, very complex issue. It hasn't been done at this level by the Congress for decades. And we are working hard on this.

And this week we have made tremendous progress. The fact is that what we have done this week, we are very, very close, and we should be able to wrap this up next week. And that is what we should be spending our time on, trying to finalize this bill, trying to get the help that is needed for these people and their pensions.

A few years ago, we had over 100,000 defined benefit plans. We are down now to about 30,000. And the whole purpose of this bill is to protect the American people, to protect the worker.

Promises have been made. Promises should be kept. And so the fine line that we have been working on throughout this conference is to be able to strengthen the law that is currently in place, keep companies from going bankrupt, and keep companies from dropping their defined benefit plans. That is the goal; that is where we are.

We are, you know, if this were a marathon, we are down to the last few yards; and hopefully we will bring this to the floor next week for a final vote. And that is what we should be spending our time on, instead of this political charade.

I would encourage my colleagues to vote against this motion to instruct.

Mr. GEORGE MILLER of California. Let me inquire how much time I have left.

The SPEAKER pro tempore. The gentleman has 8½ minutes left.

Mr. GEORGE MILLER of California. Mr. Speaker and Members of the House, I would hope that when this vote comes on Monday, that the House would, once again, reaffirm its obligation and its commitment to older workers in this country.

This is a defining moment for these workers. This is a defining moment about what kind of retirement many workers in this country who have been working for 20 or 30 years in a company, what kind of retirement they will have.

□ 1545

Will they have the retirement that was promised to them and that they have expected and that they have built their financial planning around, that they have built the decisions today about tomorrow around their families, their children, and others? That is really what this is about.

The gentleman is quite correct. They are quite close. They have been working very hard. It has been a one-party bill, but they have been working very hard, the Members of the House in this conference committee, and they are very close. They are just also very wrong. They are very wrong in how they treat the older workers of this country because, as we see from the GAO report, under the GAO report, under the plan that the Republicans want to bring to the floor, if the conversion plan is done the way it is allowed under the conference report, which will be Federal law, the average 50-year-old worker will lose about $238 in income each and every month of their retirement plan.

The question that most Members of Congress will not ask is, Where does that worker, where does that family, go to make up that income? Where do you go to earn the 40, the 60, the $80,000 you have to have over your retirement life to get that yield back? Most people cannot accumulate that kind of money in a 5- or 10-year period of time. So these workers who are under assault in terms of the retirement health care benefits, their retirement benefits, where do they go?

We know what the savings rate is. We keep telling America to save more. And the fact of the matter is most American families at the end of the month have very little left to save. It is simply not there. Can Congress be that insensitive to how most of America lives? Most of America is bombarded with advice from Money Magazine, from CNN, from Lou Dobbs, from all these people about how to save for your retirement. And they try. Some could do better. But for many families they are doing the best they can. But one of the bedrocks for many people in their fifties is knowing that they have a retirement plan that they thought they could count on. But the fact of the matter is when they pick up and read the business section of the newspaper, they read the headlines of the newspaper, they see that some of the biggest, most reliable corporations in the country are changing their pension plans. United Airlines just went into bankruptcy. Without any showing of desperate need, they just got rid of the plan for their employees. Talk to those fight attendants when you fly home tonight or you fly home tomorrow. Talk to those pilots and realize the extent to which their retirements have been devastated, absolutely devastated. But it has happened to people in all of the industries around the country.

And all that we are saying is follow the model by companies that have done it the right way, companies like Verizon, companies like Federal Express, companies like Wells Fargo Bank, Honeywell. There is a way you can do this and you can realize billions of dollars of savings, which are necessary. These plans are going to be changed, but they ought to be changed in a way that protects the older workers.

That is why the AARP, the American Association of Retired People, is so dead set against this provision. It recognizes the impact this is going to have on future retirees. It recognizes the impact it is going to have on current workers and on their ability to plan for their retirement.

They want to act like this is a carefully crafted pension plan and anybody who wants to suggest another alternative is only for the status quo and does not care about pensions.

The Senate voted 97–2 to treat these older workers right. It is the Republican leadership that has stepped in and twisted that away. We didn't get a chance to vote on that in the House. When I finally did get a vote after the bill passed, the House voted overwhelmingly to protect older workers.

Another class of workers who are at risk in this pension plan are the taxpayers. We now see that PBGC is telling us that current law is a better deal for the taxpayers than the plan they are coming up with to the tune of about $2 billion over the next decade.

Don't shake your head. It is right here. You guys had this information for months. We just had to get it under a FOIA agreement under your wonderful bipartisan arrangements.

So there is a lot to be concerned about with this pension plan. It is going to have a lot of bells and whistles, a lot of tax breaks. It is going to have more things than a monkey going to the circus. And a lot of people are going to vote for it. But what it is not going to have, it is not going to have protection for older workers. And Members of Congress ought to understand that when those older workers start to come to you, as their pension plans are dramatically changed by companies with no obligation to protect workers 50 and over, they are going to want to know where you were, and this is a vote which will tell them where you stand on this. And, hopefully, you will influence the pension conference, because this can be done. As we said, the Senate, after long deliberations on the pension bill, they voted 97–2 to do it the right way.

So I would hope that people would support this motion to instruct. I would hope they understand what this truly means to working people in this country and to their families and to their retirement.

It is a devastating picture when you meet your constituents who have lost their retirement, who have lost big chunks of their retirement, and they come up and they talk to you at the shopping center, they talk to you at the grocery store, they talk to you at a town hall, and they tell you what it means to their plans.

We were all stunned as a nation when pensioners got their plans wiped out and devastated by Enron. We called those people criminals. Here we call them legislators, because people are going to get a devastating hit on their pensions and we are going to say it is the law. There we said it was a crime. We said it was a crime.

Mr. MCKEON. Will the gentleman yield?

Mr. GEORGE MILLER of California. You have plenty of time on your side.

You say it is a crime.

Mr. MCKEON. But I hadn't been called a criminal.

Mr. GEORGE MILLER of California. What are you doing to people? What are you doing to people?

You have controlled the conference. You control the White House. You control the House. You control the Senate. Control your time.

The fact of the matter is this is the same thing. We are making a conscious decision, a conscious decision, to rip away these pension benefits from these workers. And the most devastating thing about this decision is it is not necessary. You can have massive pension reform to the benefit of the employees, to the benefit of the employers, to the benefit of the shareholders, without devastating the older workers.

So why don't we do it right? Why don't we do it in a humane way? Why don't we do it right, recognizing the situation that America's older workers find themselves in, people 50, 55, 60 years old? What are they going to do? Take a second job for their retirement? Maybe their spouse can go out and take a third job for their retirement?

That is not the way we should treat American citizens. That is not the way we should treat taxpayers. And that is not the way we should treat hard-working American families who simply do not have enough money to make up for this kind of devastating cut in their retirement.

I urge my colleagues to vote for the motion to instruct. It will be up sometime, I believe, Monday; and I would strongly encourage you to vote ''aye'' on this motion to instruct.

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

Mr. MCKEON. Mr. Speaker, I would like to ask that the gentleman's words be taken down.

The SPEAKER pro tempore (Mr. TERRY). Could the gentleman describe the words he is referring to?

Mr. MCKEON. I would like to know for sure if he was calling us criminals.

Mr. GEORGE MILLER of California. No. Well, read the words back. Maybe we can clarify it.

The SPEAKER pro tempore. The words complained of were spoken too far back in the debate for the gentleman's request to be timely. Other debate has ensued.

Mr. MCKEON. Mr. Speaker, I ask unanimous consent to reclaim my time.

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

Mr. GEORGE MILLER of California. I object, Mr. Speaker.

The SPEAKER pro tempore. There is an objection to reclaiming the gentleman from California's (Mr. MCKEON) time.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. GEORGE MILLER).

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

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each

THE OCCUPATION OF IRAQ AND CONTINUED VIOLENCE

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. WOOLSEY. Mr. Speaker, today is the 161st time that I have come to the floor to deliver a 5-minute Special Order about the United States occupation of Iraq.

Mr. Speaker, this effort would not have been possible, it would have been totally impossible, without the excellent words and guidance and general assistance of a member of my staff, Eric Powers.

Mr. Speaker, Eric will be leaving my office tomorrow, after 3 years of service and 161 5-minute speeches, to attend Washington University in St. Louis, law school, where he will have the opportunity to further his work in the international law department. Mr. Speaker, believe me, Eric Powers will be missed and, believe me, Eric Powers is appreciated.

Mr. Speaker, Iraq is burning. It is becoming hard even to read the news accounts. The last few days have been marked by two of the deadliest attacks on civilians in months.

A new U.N. report concludes that roughly 6,000 Iraqi civilians have been killed just in the last 2 months. Random violence, fear, and lawlessness are ruling the day. People cannot leave their homes. Vicious thugs and vigilantes control the streets where people are pulled from cars, where they are tortured and executed.

Do not bother calling the police. They have been infiltrated by militias and are brutally corrupt themselves. One Sunni sheikh laughed as he said this about the police to the New York Republic: ''The good ones just take bribes . . . the bad ones rip off your head.''

Monday's New York Times cited an Iraqi Army official who notes that in a recent attack some of the gunmen wore the uniform of the Iraqi Security Forces. As he put it, ''You cannot recognize your friend from your enemy.''

To those who insist that all hell will break loose if our troops leave, I say hell has already broken loose. How much worse can it possibly get, and how many American lives must we endanger for a civil war that we are virtually powerless to stop?

I am not saying that democracy will be busting out all over once the last American soldier takes her last step on Iraqi soil. But we cannot begin the process of putting Iraq back together again until our troops come home. Every day that the occupation continues will make it that much harder for the United States to play a constructive nonmilitary role in Iraq as a construction partner rather than a military occupier.

□ 1600

If you will recall, the architects of the earlier Iraqi war and the resulting occupation did not just promise us democracy in Iraq. According to their fairy tale, an invasion was going to have this glorious ripple effect, spreading peace and freedom across the Middle East. These were Vice President CHENEY's words in 2002.

Regime change in Iraq would bring about a number of benefits to the region. Extremists in the region would have to rethink their strategy of jihad. Moderates throughout the region would take heart, and our ability to advance the Israeli-Palestinian peace process would be enhanced.

Of course, this week's open hostilities between Israel and Lebanon have proven that statement tragically wrong. The Iraq war hasn't spread freedom anywhere. It has made all of us, Iraq, its neighbors, the United States and the world, less safe.

There is no question, we have reached a point of diminishing returns in Iraq. In fact, the bloodbath in Baghdad has only gotten worse in the month since we moved more troops into the capital as part of a security crackdown that we called Operation Forward Together.

You know how the definition of insanity is doing the same thing over and over and expecting different results? Well, last week, General Casey said that we might need still more troops to contain the violence in Baghdad. This is madness, Mr. Speaker. Our soldiers were not trained for this. They are largely powerless to control hostility that is rooted in a religious conflict that dates back centuries. It is time to bring them home.

HONORING THE EXTRAORDINARY LIFE OF STAFF SERGEANT DUANE DREASKY

Mr. MCCOTTER. Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. MCCOTTER. Mr. Speaker, today I rise to honor the extraordinary life of Staff Sergeant Duane Dreasky of Novi, Michigan, and mourn his passing. Staff Sergeant Dreasky proudly served in the 1st Battalion, 119th Field Artillery Regiment, of the Army National Guard in Lansing, Michigan, and he devoted his life to serving our country.

As a student at Walled Lake Western High School, he enjoyed studying military history and playing football, but dreamed of serving his country as a soldier. Despite being a versatile athlete who wrestled, ran track, sky dived and taught martial arts, Staff Sergeant Dreasky suffered a knee injury, which threatened to prevent him from serving in the military.

In March of 2000, Staff Sergeant Dreasky married his best friend, Mandy, who served in the United States Army. When Mandy was deployed to Iraq in 2003, Staff Sergeant Dreasky transported members of her unit to Wisconsin for training and

helped loved ones communicate with soldiers overseas. Finally, after writing to elected officials about his desire to enlist, he was able to join the National Guard in June of 2003.

After basic training, Staff Sergeant Dreasky served in Cuba before voluntarily deploying to Iraq for Operation Iraqi Freedom. On November 21, 2005, an improvised explosive device detonated near his military vehicle near Habbaniyah, Iraq. He sustained severe injuries and was transported to the burn center at Brooke Army Medical Center in Fort Sam Houston, Texas, for treatment.

Wrapped in medical bandages and unable to stand, he struggled to salute President George W. Bush, who visited him in the hospital. With his father, Roger; mother, Cheryl; sister, Dawn; and Mandy by his side, Staff Sergeant Dreasky never lost his patriotism.

For 8 months, Staff Sergeant Dreasky fought courageously for his life, but ultimately passed away on July 10, 2006. His legendary commitment to his family, community, and country is a testament to his enduring and selfless love. Staff Sergeant Dreasky is remembered as an inspiration to the citizens of Michigan, a soldier of unyielding dedication and a hero. He will be sorely missed.

Mr. Speaker, during his 31 years, Staff Sergeant Dreasky enriched the lives of everyone around him. Today, I ask my colleagues to join me in mourning his passing and honoring his contributions to our community and our country.

ENERGY INDEPENDENCE

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to claim Mr. EMANUEL's time.

The SPEAKER pro tempore. Without objection, the gentlewoman from Ohio is recognized for 5 minutes.

There was no objection.

Ms. KAPTUR. Mr. Speaker, I wanted to point out that last Friday, the New York Times had an ad on the editorial page, the title of which was ''True Energy Security,'' and it says as a subheadline, ''Interdependence is the Surest Means of Protecting Against Energy Shocks.'' This ad was paid for by the largest energy company in the world, ExxonMobil.

I called the New York Times to figure out how much money ExxonMobil had to pay for an ad in that newspaper to tell us how wonderful it is that they are charging us such high prices and that America is truly dependent on imported fuel. Believe it or not, that ad cost $44,037.

I started to calculate if I gave several people in my district $20 gas coupons based on the $44,037 that they spent just on that ad in that one newspaper to try to get into our minds and turn around in our heads what is actually happening and make us think they are doing us a favor, I could have over 2,000 families in my district be able to save money through those coupons.

This company made so much money last year, it blew the lid off Wall Street. They made the largest profits in the history of the New York stock market, billions and billions and billions of dollars. And are they lowering gas prices for our people? Never. They are raising them. And then they are telling us we should feel good about it.

In fact, the ad says that the answer to energy security is interdependence. I wonder how much they had to pay a firm on Madison Avenue to invent that word? Because our country was not founded on interdependence on oil regimes. Our country was founded on independence. Independence, not interdependence.

If you look at what is happening with our imports of petroleum, they now consume the largest share of our trade deficit with the world. Two-thirds to three-quarters of the gasoline you buy comes from petroleum that was refined from imports. That means your money, your hardearned money, is going somewhere, in the case of ExxonMobil we are talking about Saudi Arabia. And if we really look here at the last 20 years, every single year the amount of imported petroleum has gone up, to the point where now, in 2006, it is about three-quarters.

America has lost her independence. Independence.

I am giving this Special Order tonight because I want the American people to think about what it will take to become independent again; what it will take on the part of the leadership of the President of our country, this Congress, to help move us to a new energy age.

In rural America, we know there are new biofuels on the horizon. Why isn't our government helping our butanol, our ethanol, our biodiesel producers, to guarantee their investment for 30 years, as we did when we set up rural electric and rural telephone across this country, so that small farmers can band together and have some sense that some big company like Exxon isn't going to come in and squash them if they try to put a gas pump in a town and then ExxonMobil, who is so much bigger, can come in and put a gas pump right next to them, cut the price in half, because there is no competition by these oil cartels?

We need this government to help the American people transition to a new energy age. So many farmers across this country can't raise the security, they can't raise the investment dollars in and of themselves. The hurdle is too high. We need to have the kind of leadership Franklin Roosevelt gave us when we set up rural telephone and rural electric across this country and have a new rural energy initiative that would help America just in that sector modernize quickly, in the area of hydrogen fuels, in the area of new types of turbines.

My goodness, we invest so much money in research across this government, that ought to be at the top of everyone's priority list. Yet the Secretary of Defense said before our committee, well, Congresswoman, energy independence isn't my job.

What a wrong answer that was. The Department of Defense buys more petroleum and more imported fuel than any other organization in this country, public or private. The Department of Defense ought to be leading America into energy independence again and unhook us from our dependence on oil regimes.

IS AMERICA BECOMING ANOTHER ROME?

Mr. POE. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from North Carolina.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. POE. Mr. Speaker, this Hall that we work in every day is lined with 23 marble busts of great lawgivers that influenced American law. We have Hammurabi, Gaius, Justinian, Napoleon and, of course, Moses over here in the very center. But one of those people you won't see up there is Caesar Flavius Valens.

Let me take you back 1,642 years, Mr. Speaker, and let's talk about a little bit of history. Caesar Valens controlled the Roman Empire. The Roman Empire at this time in the year 364 wasn't just Italy. It controlled all the area to the Balkans, the Mediterranean coastline, including North Africa, France, and even Spain and part of what is now England; and the Caesar of the Roman Empire at this time was Flavius Valens. He controlled basically the eastern part of the empire.

And while he is Caesar, the barbarian nation of the Goths to his northeast started coming toward the Roman Empire. The reason was because the Huns, another barbarian group, had taken over the Goths' land and moved them toward the Roman Empire. So they migrated toward the Roman Empire, and at the time that this occurred, they came on the border.

They were led by a person that was supposedly a friend of Rome, his name was Fritigern, King of the Goths, and he asked permission to come into Rome with some the Goths.

Normally the Roman Government would not allow this, to have a state within a state; but, you see, Valens needed more people to be in his army and he needed more workers in the Empire of Rome. So he granted permission for some of the Goths to come in legally. But when the crossing started,

the Roman Government didn't have enough border guards to control entry, and so massive waves of Goths came into the Roman Empire.

What started out as a controlled entry mushroomed into a massive influx. Several hundreds of thousands came across the Roman Empire.

But the Goths did not take the oath to support the emperor. They did not assimilate. They did not become Roman. And a few years later, this state within a state revolted and internal war started.

It culminated at the Battle of Adrianople. Most Americans don't know where that is, but that is a place over in that area. It was the Waterloo for Valens. And the Goths and other barbarian groups assembled and took to the field. Of course, one of the Goth leaders was a person by the name of Fritigern, this supposed friend of Rome.

The battle ensued and the Goths, with their large confederation, engaged the Roman cavalry. The Roman cavalry left. The Roman infantry was annihilated. Over two-thirds of these thousands of legionnaires were murdered, and Valens, of course was killed.

I have a coin of Valens, it is about 1,600 years old. He is not on our wall. I just have this coin of him, and just his head, because that was all that remained of him after the Goths executed him, cut his head off, put it on a stake and marched around the Goth camp.

Rome negotiated with all Goths and allowed them permanent status on Roman soil, and historians say this is one reason for the eventual fall of Rome, to allow a state to come into their state and refuse to make them assimilate. And in 410, the Goths sacked the City of Rome.

History speaks for itself, Mr. Speaker. Failure to control illegal entry into a country causes some problems, and we are not talking about legal entry. We are talking about illegal entry. And it encourages a state within a state. And when people come illegally to a nation and refuse to take allegiance to that country, start sending money to another nation and they don't even learn the language, is America asking for trouble? Is America becoming just another Rome?

Mr. Speaker, there are many reasons for the fall of Rome, but one of those reasons is simply the failure to control who came into their nation. I think the analogy is obvious.

And that's just the way it is.

□ 1615

REAL SECURITY PLAN FOR AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from California (Mr. SCHIFF) is recognized for 60 minutes as the designee of the minority leader.

Mr. SCHIFF. Mr. Speaker, tonight Representative VAN HOLLEN and I will be discussing one of the core issues of national security, and that is energy independence.

National security is the core function of our government. For most of our history as a Nation, bipartisanship governed American national security policymaking. In the words of Senator Arthur Vandenberg, a Republican, ''Politics must end at the water's edge.''

A succession of American Presidents from Woodrow Wilson to Harry Truman to Dwight Eisenhower to Ronald Reagan guided this Nation through two world wars and the tense decades of the Cold War. Their leadership was based on asserting America's power in a way that advanced the ideals of our founders, and which made America a beacon to millions of people who were suffering under fascism and communism.

Most importantly, these men knew the limits of any one Nation's ability, and they saw the wisdom of marshaling our strength with that of other freedom-loving people. They listened to the counsel of our allies and members of both parties here at home.

The current administration has too often believed that it has the answers and does not need to pay attention to the ideas of others. This refusal to listen to other voices and an excessively partisan and ideological approach has resulted in an America that is more isolated than at any time in the postwar era.

Around the world, among nations that should be our strong allies, we are less often seen as a force for good in the world, and this has jeopardized the cooperation we must have to win the war on terror. This has been most clearly seen in Iraq, where insistence on invading the country without the broad international coalition we assembled in the Gulf War, and then our brushing aside offers of help from the international community, have seriously undermined the war effort and increased the burden that our troops and our country must bear.

But Iraq is not the only challenge facing our Nation. The ongoing crisis involving Israel, and Hamas and Hezbollah terrorists, Iran's standoff with the international community over its nuclear program, and a similar faceoff with North Korea are all competing for the attention of American policymakers.

In each of those crises, America's ability to marshal international support and use the full range of our power to effect a positive outcome has been undermined by the administration's ineffective stewardship of our national security. Democrats have developed a comprehensive blueprint to better protect America and to restore our Nation's position of international leadership.

Our plan, Real Security, was devised with the assistance of a broad range of experts, former military officers, retired diplomats, law enforcement personnel, homeland security experts and others, who helped identify key areas where current policies have failed and where new ones were needed.

In a series of six Special Orders, my colleagues and I have been sharing with the American people our vision for a more secure America. The plan has five pillars, and each of our Special Order hours have been addressing each of them in turn: Building a military for the 21st century, winning the war on terrorism, securing our homeland, a way forward in Iraq, and achieving energy independence for America, the subject of Ms. KAPTUR's recent 5-minute speech.

During our first Special Order we discussed the first pillar of our plan, building a military for the 21st century. To briefly summarize what we discussed 2 weeks ago, here are the elements of that pillar: Rebuild a state-of-the-art military; develop the world's best equipment and training, and maintain that equipment and training; accurate intelligence and a strategy for success; a GI bill of Rights for the 21st century; and strengthening the National Guard.

We next discussed a comprehensive plan to win the war on terror, which focused on a wide-ranging series of strategies to destroy the threat posed by Islamic radicalism. This involves destroying al Qaeda and finishing the job in Afghanistan; doubling special forces and improving intelligence; eliminating terrorist breeding grounds; preventative diplomacy and new international leadership; securing loose nuclear materials by 2010; stopping nuclear weapons development in Iran and North Korea.

The job of securing our homeland remains unfinished. In the wake of 9/11, there have been numerous commissions and investigations at the Federal, State and local level as well as a multitude of private studies. All of them, all of them, have pointed to a broad systemic and other flaws in our homeland security program.

Almost 2 years ago, the independent 9/11 Commission published its report, but most of its recommendations have yet to be implemented. Our homeland security plan requires the implementation of all of the 9/11 Commission recommendations. It provides for the screening of all containers and cargo.

It safeguards our nuclear and chemical plants. It prohibits outsourcing of ports, airports and mass transit to foreign interests. Trains and equips our first responders and invests in public health to safeguard Americans.

In early June we discussed our plan for Iraq, a new course to make 2006 a

year of significant transition to full Iraqi sovereignty, with Iraqis assuming primary responsibility for securing and governing their country with a responsible redeployment of U.S. forces. Democrats will insist that Iraqis make the political compromises necessary to unite their country and defeat the insurgency, promote regional diplomacy, and strongly encourage allies and other nations to play a constructive role.

For the remainder of today's hour, we will discuss the fifth pillar of Real Security: Stable, reliable, affordable sources of energy are crucial to the U.S. economy and to the global economy.

To ensure such a supply, I believe developing cleaner sources of energy and encouraging energy efficiency and conservation must be among the Nation's top priorities. Members of both parties in Congress and the administration must work together toward a pragmatic and comprehensive strategy to secure American prosperity in the 21st century.

Democrats have long advocated increased investment in the search for alternative fuels and the development of energy-efficient technology. Today European and Asian competitors are already developing technologies that will reduce fuel consumption and lower the emission of greenhouse gases.

Rather than American entrepreneurs, it is our competitors who are prospering from these developments. By marshaling America's great strengths, our innovativeness, our technological prowess, our entrepreneurial spirit, we can better secure our Nation, save our environment, and become the world leader in this cutting-edge industry.

In pursuing energy security, we must use the Nation's resources effectively. The Real Security Plan directs the national investment to areas that minimize economic risk while maximizing the potential benefits. It also aligns incentives for American consumers with the goals of our Nation.

It makes transparent the true costs of energy and ensures that the easy choice for Americans is also the right choice for the Nation. Finally, it emphasizes the importance of energy as a national security issue.

To achieve this vision, the Real Security Plan offers fresh policy ideas. These ideas are drawn from a broad range of stakeholders, academic experts, government administrators, energy industry executives, environmentalists, and a vibrant grass-roots community.

The Real Security Plan pushes the Federal bureaucracy to overcome its business-as-usual approach and it encourages American entrepreneurs to innovate. While many of the ideas are new, some have been around for years. For example, experts have for many years recommended updating the Corporate Average Fuel Efficiency or CAFE standards. This year even the majority on the Government Reform Committee stated in a report that the fuel economy standards have stagnated for years.

Unfortunately, while the President has talked about the Nation's addiction to oil, he has failed to take the simple action of updating the CAFE standards. The President may believe that fuel efficiency standards are a burden on American manufacturers, or a constraint on the American consumer, but, sadly, he has underestimated American ingenuity and the willingness of Americas to sacrifice in the war on terror.

In contrast, in 1961 President Kennedy announced his vision for the Apollo project to put a man on the Moon in one decade, by saying, ''I believe that this Nation should commit itself to achieving the goal before this decade is out.

''But I think every citizen of this country as well as the Members of Congress should consider the matter carefully in making their judgment, to which we have given attention over many weeks and months, because it is a very heavy burden. And there is no sense in agreeing unless we are prepared to do the work and bear the burdens to make it successful. If we are not, we should decide today and this year.

''This decision demands,'' he said, ''a major national commitment of scientific and technical manpower, material and facilities, and the possibility of their diversion from other important activities where they are already spread thin.

''It means a degree of dedication, organization and discipline, which have not always characterized our research and development efforts. It means we cannot afford undue work stoppages, inflated cost of materials or talent, wasteful interagency rivalries or a high turnover of key personnel.''

You might recall, in speaking of the Apollo project, President Kennedy also said, ''We do this not because it is easy, but because it is hard.''

This is the sort of leadership we need today on energy, and the level of commitment that we must be prepared to make, and we must ask of the American people. Unfortunately, this President has not asked the American people to sacrifice in the face of war or in the face of our tremendous challenges.

I would now like to turn to my colleague, Representative VAN HOLLEN of Maryland, who has been a very outspoken leader on national security, in general, on energy independence, in particular. I yield to the gentleman from Maryland.

Mr. VAN HOLLEN. Mr. Speaker, I thank my colleague, Mr. SCHIFF from California, for his leadership in bringing us together to discuss these very important national security issues. We are very pleased to be joined today by Congresswoman KAPTUR, as well, who is very well versed in the issue of energy security and energy policy. It is wonderful to have her with us on the floor today.

Mr. Speaker, I think America understands that energy security is a very important part of our national security. But if we are going to address energy security in a meaningful way going forward, we need to do it in a new manner. We cannot just be doing the same old thing.

Now, I think many of us were pleased back in January when the President delivered his State of the Union address, and from the podium right behind Mr. SCHIFF, he said to the Congress assembled and to the American people that the United States was addicted to oil.

In fact, his exact words were: The United States is addicted to oil which is often imported from unstable parts of the world.

I am pleased that the President finally acknowledged that. That was kind of the headline in the newspapers the next day.

The confusing thing, I thought, was that most of America already knew that we were overly reliant on oil, especially on foreign oil. But it was news that this administration had begun to at least acknowledge that problem.

The question is, having acknowledged the problem, whether we are serious as a Nation about doing something about it. Unfortunately, if you look at the record to date from the Bush administration, despite the rhetoric he gave at the time he addressed the United States Congress, we have not seen the follow-through in terms of a new plan. And we need a new direction in energy policy.

For example, that night he talked about the fact that we need to do more in the area of renewable energy, which we do; as you, Mr. SCHIFF, have said, that many of us have been pushing for for many, many years. But I think we all remember that it was not long after the President gave his State of the Union address that he flew off to the National Renewable Energy Lab out in Colorado, part of NOAA, and discovered that in fact the budget that he was submitting the day after the State of the Union address actually cut about 40 employees who were working on renewable energy at that lab.

And so the difference is really the one between actually doing something about an issue or just talking about an issue.

□ 1630

Because when you submit a budget the day after your State of the Union address, in which you say that the country is addicted to oil, and we have got to do something about it, and you submit a budget that cuts individuals'

pay at one of the greatest national labs on that issue, in fact, the one that the President chose for his photo op on this issue, you know there is some kind of miscommunication between the guys who write the speeches and the guys that actually are putting the budget together which reflect the priorities of our Nation.

Clearly, the priority in that budget wasn't to follow through in a new direction on energy policy. In fact, unfortunately, what we have seen is the same old, same old. We have an energy policy bill that some people say will help wean us off our dependence on oil, but a major feature of that bill is to provide more taxpayer subsidies to the oil and gas industry.

Now, I have got to believe that the American people are scratching their heads and saying, what's wrong with this picture? I just went to fill up my car with gasoline. We have record prices at the pump. The oil and gas industry is making record profits, and yet you, the United States Congress, under this Republican leadership, you are taking some more of my taxpayer money and saying to the oil and gas industry, gee, even though you are making record profits and gas prices are through the roof, we are going to give you some of our constituents' taxpayer money as additional incentive for you to go out and explore and drill for oil and gas.

What happened to the free market? What happened to the notion that here we want to make sure that the market works? In fact, we are taking money from our taxpayers to subsidize an industry that needs absolutely no subsidy. They are making record profits. In fact, the President announced that we have to break that addiction. If you want to break an addiction, the first thing you need to do is acknowledge you got a problem. Then you got to do something about it.

Providing a greater subsidy or additional subsidies to the oil and gas industry, when you have acknowledged, as the President said, that we are addicted to oil, does exactly the opposite.

Mr. SCHIFF. This sounds a little bit about the equivalent, if you are dealing with someone with a substance abuse addiction, to give them a subsidy to buy the contraband that is the subject of their addiction.

Mr. VAN HOLLEN. Well, that is exactly right. Let us say you had an alcoholic. The last thing you want to do to help that person kick the habit is to provide a subsidy, for example, to the alcohol industry to make more alcohol at different prices. So we have got a real contradiction here between what we now acknowledge should be our national priority, a national priority, and what we are actually doing about it.

That is why I think it is very important that we are here today to talk about a new direction, because I do believe that if we want to really help break that addiction and reduce our reliance on oil, we need a large national effort. That is why many of us have joined together to introduce the new Apollo Energy Act, which says we need to harness the great potential of this Nation, the grant entrepreneurial spirit, and make sure that we commit ourselves to this real national effort, in addition to the fact that we need to encourage, not just more renewable energy, but in the immediate short-term we can also encourage greater energy efficiency.

We waste an awful lot of energy as a Nation through inefficient use of energy. So the Federal Government has tried and gave us a push to try to encourage States and local jurisdictions, the American people, to find ways to improve energy efficiency. But if you look at the President's budget with respect to energy efficiency efforts, you see dramatic reductions in the budget that he submitted for that purpose.

In fact, Diane Shea, who is the executive director of the National Association of State Energy Officials, has said that the assistance that the States received from the Department of Energy is not going to be available this year as it was in the past. This year, the year after the President stood at this podium right here in this Chamber and said this is a national problem, we have got a national addiction, we have got to do something about it.

Yet he reduced the efforts that we had put in place and were trying to develop to try to help people with energy efficiency, because we know that if we can use energy more efficiently, obviously, then we need less to produce the same output and the same quality of life.

So if you look at all of these different areas, you just find a growing gap between what the Bush administration says it wants to do and what it is actually doing. It is a credibility gap that is growing. I think the American people recognize that fact, and they are looking for an alternative that is real.

That is why we have developed what we call a real security plan, not a fake one, not one where you say one thing and do another, but a real plan, which really makes the national commitment to this effort in many, many different areas.

The new Apollo Energy Project is part of that. A project to provide greater efforts in the area of ethanol is part of that. A whole series of concrete steps that are in a proposal that is put together through a consensus by many experts is part of that. We need to act on that proposal, and we need to start acting today if we really want to reduce our dependence on foreign oil, improve our national security situation, and improve our environmental situation and address the issue of global climate change, which we necessarily need to address as well.

I would be happy to yield to our colleague, Ms. MARCY KAPTUR, and thank her for her leadership on this issue.

Ms. KAPTUR. I thank our colleague from Maryland (Mr. VAN HOLLEN) and the gentleman from California (Mr. SCHIFF) for their own energy and helping America shape a different century and different millennium in this 21st, and to say that there could be no more important dedication for us as public officials than to meet America's chief strategic vulnerability in imported petroleum with real answers. To do so, as Congressman SCHIFF reminded us, when President Kennedy helped to do what was hard and lead America to land a man on the Moon, it was done within 10 years.

At that time, I remember as a child, it seemed so impossible to land a man on the Moon. Yet now we see space shuttles. When you stand outside and look at the sky, and you watch the shuttle come before the Moon and then go back around again, you may see what this Nation has achieved since the 1960s.

But, indeed, we did land a man on the Moon in 10 years. I am troubled by the long-time horizon on new forms of energy, because if the government of the United States were serious, within 10 years it could use its own power to help convert this Nation.

I will just discuss two of the committees on which I serve that have major roles to play in this conversion. Both Congressman SCHIFF and Congressman VAN HOLLEN have talked about the Department of Agriculture.

What Congressman VAN HOLLEN has said is true, that although the President, in his State of the Union, talked about energy addiction and the importance of transitioning America to be energy independent, the cost-cutting budget of the Department of Agriculture, under his administration every single year, has cut funds for renewables.

Farmers struggle in the rural communities across this country to try to piece together the investment dollars and have the confidence that what they are doing will weather the kind of beating that they will take from the oil cartels, who command the marketplace and control the price in this country. Please don't try to convince me it is a free market. Oh, no, it is only a free market for those who control the spigots.

It isn't a free market for the consumer at all. Because in the community I represent, even if I want to buy a car that runs on ethanol, there is only one pump, and that was only put in after considerable pressure. Who has time to go way over to another part of the State or another part of the city to go fill up, with families having the pressures that they have on them in the workplace today?

No, the Department of agriculture, although I authored the first title to a

farm bill in American history, title 9, that has the ability to invest some dollars in renewable energy through the farm community, it is such a pittance. It is almost laughable, except it is all we have. There isn't any major division over at the U.S. Department of Agriculture, even until today, that deals with energy independence and bringing up the full array of renewables.

We know about ethanol, because ethanol is derived from corn, and corn is heavily subsidized. So, of course, we are going to get more alcohol from corn. But you know the truth is, in terms of science, that isn't the crop with the most oil, with the most ability to be refined. There are other seed crops that have much higher oil content. We have just never developed them.

So the Federal Government isn't in the lead on this in agriculture. It is actually following in the wake of real progressive States like Minnesota, which I call the Thomas Alva Edison Center of the 21st century. What they are doing, they are viewing new energy production and new renewables and new investment there as economic development for the State of Minnesota.

We have a lot to learn from them. The Federal Government ought to just copy what the State of Minnesota has done and make it available across the country. But it is a tragedy now because even though Detroit makes dozens and dozens of vehicles that will run on these new renewable fuels, there are no gas pumps around the country.

There were a few incentives in one of the bills that we passed here in terms of tax credits and incentives for companies to put in tanks in the ground, but it is not serious. It is just sort of limping along. It isn't the kind of great challenge President Kennedy gave to us and the challenge that the Nation met.

If I could just say a word about the Department of Defense, it is incredible that the Secretary of Defense of this Nation would come before the Defense Appropriations Committee, when asked the question, what role did he see for his Department, the largest purchaser of petroleum in the United States of America, and petroleum-based products, to help erase this strategic vulnerability that we had due to the fact that we import three-quarters of our petroleum, he said, That is not my job. That's the Department of Energy's job.

I couldn't believe it. I went up to him afterwards, and I said, well, if it isn't our job, why do we have our Fifth Fleet porting in Bahrain holding up that government? You start looking around where we have put our defense forces to protect the oil lanes. We had a vote here today on Oman. It is pretty clear the Strait of Hormuz is very strategically important to us, because we are totally dependent on that oil lifeline.

To me, that is America's chief defense vulnerability. So why doesn't Secretary of Defense Rumsfeld know about it? He doesn't want to know about it. Know what, the generals know about it. The generals at the Air Force know it, the generals at the Navy Department know it. The generals over at Army know about it, and they know about the soldiers in the field.

We have research projects going on at DOD to try to have solar tents where the sun's rays are used if we have to move battalions around and try to provide alternative ways of powering these different defense systems that we have in theater. People on the ground know. The Guard and Reserve know. America has to change.

I hope the Secretary or somebody in his office will give him some of my remarks, because the Department of Defense ought to be in the lead. Then many of the other Federal agencies will follow.

The Federal agency that deserves the biggest star for doing what is right is the postal service. The postal service, with its vehicles, and some of them only get 12 miles a gallon, we ought to convert those, has done more than any other Federal agency to use its power to try to use vehicles that run on new fuels, batteries, new technology, hybrids, which Congressman SCHIFF and Congressman VAN HOLLEN have referenced in their remarks.

The Federal Government itself, as major a share of the U.S. economy as it is, could do wonders. Would it not be great if the President had hybrids as part of the White House lineup? Wouldn't it be great if the Secretary of Defense could see his way to thinking about this and integrating the energy mandate into what the Department of Defense does?

Wouldn't it be great if the Secretary of Agriculture actually helped the farmers of this country become owners in the new energy industries that are being created across the fields of Minnesota, Iowa, Ohio, Indiana and so many other places, rather than making these farmers struggle and be threatened with bankruptcy because they can't, they don't have all the connections on Wall Street, and they can't get up to the $40 million level for investment?

So I thank the gentleman for giving me a chance to say a few words here this evening. I share your absolute commitment to energy independence by 2020 or even sooner than that.

□ 1645

Mr. SCHIFF. I thank the gentlewoman for all her leadership on this issue, and you alluded to the free market and the operation of market forces. That is not always as free as it might appear, particularly in the price at the pump. But there have been several obstacles to our energy independence, what has been a lack of vision in terms of where we need to go as a country in the administration and in the Defense Department, as you point out, but there have also obviously been within the oil industry efforts to stop this from happening.

I have to imagine the best and quickest way to bring oil prices down is to make other sources of energy competitive. If we can incentivize the development of these biofuels and make them more readily available, the oil companies are going to drop their prices in a hurry in order to undercut this new industry, if nothing more.

But what really kind of gnaws at me is when we look around the world at what China is doing with solar power and solar cities now, at what South American countries are doing at making themselves energy independent with biofuels, and what Japan is doing in terms of development of hybrid technology and how they are passing us by, that really grieves me because it hurts our national security interests. It hurts our economy.

Let me do a reality check with Mr. VAN HOLLEN's district which is 3,000 miles from mine. If I ask my constituents, would you be willing to make a sacrifice so that you could tell the oil producing Nations of the world, many of which are not our friends, we do not want your oil, we do not need your oil, you can take your oil and whatever, my constituents would leap at that. How would your constituents feel?

Mr. VAN HOLLEN. I think despite the fact there are 3,000 miles between the area you represent and the area I represent, that is certainly one of the things that brings our constituents together. I think what they are all looking for, regardless of where they live in this great country of ours, is some real leadership on this very important issue.

This House just a few weeks ago had another opportunity to send a statement on the fact that we wanted a forward-looking energy plan with a new direction or whether we just wanted to go the same old, same old.

Our colleague, Congressman MARKEY of Massachusetts, offered an amendment. It said let us put an end to another subsidy to provide for deepwater drilling for oil and gas. In other words, and I just want to make this clear, in other words, taking funds from our constituents and providing it to the oil and gas companies effectively in the form of a subsidy so that they can drill for oil and gas.

Now, even this administration said they were against this particular subsidy, but not the leadership in this House, not the Republican leadership in this House. It went right out of this House because, unfortunately, the Republican leadership is still in the old frame of mind that we can just keep doing what we used to be doing rather than moving in a very new direction.

I would like to pick up briefly on our point that our colleague here, Ms. KAPTUR, made with respect to the issue of the Federal Government leading by example.

It is hard for all of us to ask people around this country to do things in the area of energy efficiency when the Federal Government itself has been such a deadbeat on this. The Federal Government, after all, is the largest single consumer of energy in the United States and yet, again, after the President gave his State of the Union address, he submitted the fiscal year 2007 budget, and that was the lowest request ever for Federal Government energy efficiency efforts. In fact, that was lower, despite the fact in 2004 the Federal Government consumed more energy than at any other time in the last 10 years.

So, again, I get back to the point, you got to say what you mean and you got to follow through.

Here was another example. This is the day of the State of the Union address, the budget came down, and yet the budget came down, the President, head of the executive branch, submitted a budget that reduced funds for energy efficiency programs in the Federal Government. That is not leading by example.

Part of our new directions program is we say we will ensure that the Federal Government will be part of the solution, not part of the problem.

Mr. SCHIFF. I wanted to make one comment and I have a question for Ms. KAPTUR.

When we talk about sacrifice during the War on Terror, really the only people in America who have been asked to sacrifice are the men and women in uniform and their families, and they are sacrificing big time; multiple deployments to Iraq, to Afghanistan, families left behind, wondering if their loved one is going to come back at all, come back in one piece, how to make ends meet while they are gone.

I met when I was in Iraq a young man serving there who was on his way back home. His wife was also in the service. She was on her way to Iraq. They were going to be like two ships passing in the night. The level of sacrifice of the men and women in uniform is nothing short of outstanding.

Outside of that group, though, Americans have not been asked to sacrifice for the greater good, but we are sacrificing in an unexpected way, and that is when we go to the pump. We are paying a heavy price. The problem is that the price we are paying is not going for any productive gain.

Yes, we are paying a lot more at the pump. But where is that money going? It is going in two places. It is going into the record profits that Mr. VAN HOLLEN mentioned, which it is not just record profits for the oil industry. The oil companies have had the largest profits of any corporation in American corporate history, and these are the same companies that are enjoying the tax subsidies that we keep passing. And yes, the market is allowing them to take these profits. It is not compelling them to. It is not compelling them to charge that price at the pump, but it is giving them the opportunity to, and they are taking it. So part of the money is going there.

Where else is the money going? Well, a lot of the money is going to the Middle East. A lot of it is going to countries that, either openly or covertly, are funding people who are trying to kill us. That is not a worthwhile sacrifice for Americans to make. And the terrible tragedy of this is. And I think probably the biggest missed opportunity of this administration is if we had started 5 years ago, or even after 9/11, and we said we are going to make the sacrifice now to wean ourselves off of oil, we might have had to pay a little bit more in terms of our conservation measures, but that money would be an investment in our security. Now we are paying 10 times as much, and it is going to some of the people trying to kill us.

What I wanted to ask Ms. KAPTUR, I know other countries in South America, for example, have gone a long way in terms of using biofuel, have made themselves energy independent, have done what we have not been able to do. If we did have the right package of incentives, if the government was a leader and worked with the agriculture industry, how much of our domestic consumption of energy could be supplied by biofuels?

Ms. KAPTUR. I think the honest answer to that is initially about 15 percent. If one looks at the current type of production where we have field crops, if we compare ourselves to Brazil where they have many fewer cars than we do but they are really heavily biofueled right now, they have got well over half of their vehicles that are running on alcohol-based fuels. Under current technologies and current types of plants that we use, and current refining capacity, I think we could get up to about 15 percent.

I do believe that with biotechnology and the introduction of more oil-rich seed crops we could push that number up, and that is part of the horizon of cracking the carbohydrate molecule, as we in the 20th century cracked the carbon molecule to produce gasoline and refine it off of petroleum.

We are really neophytes in terms of really using oil seeds in order to produce the maximum number of Btus per acre and per ton. So I think if one looks at the period of a decade, we could do an enormous amount surely in the areas where we have field crops already in production.

I would say that for the future, the Midwest would have a larger share of its vehicles that run on alcohol-based fuels than perhaps California. California might have more of a mix of hybrid battery technology, maybe hydrogen-infused systems. I do not think that there is just one answer here.

But right now, because the oil companies really lock out the biofuels at the pump, we cannot move the vehicles that are already being made and sell them. Most Americans who are driving these flex-fuel vehicles do not even know it. So I would say that biofuels is at least a fifth of the answer, and then we have to look to fuel cells. We have to look to hydrogen-infused systems.

I think that in the future, we are working on one project in the Midwest, we are taking the rays of the sun and converting them to hydrogen. Then we will have the plug-in vehicles, the experimental plug-in vehicles.

So there is a series of technologies being used and developed. But imagine if the Federal Government were a partner rather than just sort of a bystander in this effort. We could ratchet up the usage so much more quickly.

Mr. SCHIFF. I thank you very much for your leadership on this, and it seems to me there is maybe no other issue that is as cost-cutting, as energy independent and has such a positive synergy, since that to the degree we could wean ourselves off of foreign oil, that helps us with our national security and our foreign policy.

To the degree we can develop these new technologies, that helps us economically. There has been tremendous demand in China, India, and elsewhere that are energy-starved countries with strong GDPs. So it is an economic winner.

In terms of our environment, not sending all of those ozone-depleting gases and the greenhouse effect and the global warming, it is an environmental imperative.

In terms of rescuing the family farm and helping our agriculture industry, it could be a vital part of the answer.

Almost every challenge we face as a Nation intersects at the intersection of energy independence. Now, some people point at other solutions, and I want to ask the gentleman about this.

Probably the most prominent debate we have on energy kind of tells you where we are here is on drilling in Alaska. From my point of view, that does not make much sense, both in terms of how long it would take to extract the oil, the environmental costs, but I wanted to ask your thoughts on that.

Mr. VAN HOLLEN. Well, the gentleman is right, and I think the statistics on this are clear, that even if you took all the oil you could possibly drill out of Alaska, with all the costs and the environmental damage, it would deal with only a very short period of 1 year, less than 1 year, a couple weeks to months in terms of our total energy use.

So if you are trying to break an addiction, you do not keep feeding that addiction. What you need to do is have a different approach in general.

□ 1700

As Ms. KAPTUR has said, it is not just one different thing, it is many different technologies and different ideas that you need to work on. But what you don't do if you want to kick a habit is keep encouraging that habit to remain. And yet that is what we have been using so much of our natural resources to do. We should not be using taxpayer money to do the oil and gas subsidies. Rather, we should be using our efforts to encourage these other ideas that are in our national interest.

The President has said we have a problem. That is not the issue, apparently. But the issue is what are we doing about it. That is why I think this discussion is important.

I really do believe it is a terrible thing when so many of the others around the world are ahead of us in so many areas where we should be leading the way. We have a great entrepreneurial spirit. We have the resources and talents to do this. There is no reason why other countries should be beating us in the area of renewable energy development and energy efficiency technologies. And yet they are. I think that is because of a lack of national leadership. Other countries have made this a priority. In this country we have made it a priority for sound bites, but we have not made it a priority for policy.

Ms. KAPTUR. Coming from the industrial Midwest, I think I have more automotive plants in my district than the entire State of California has, so I come from an area where the automotive industry was born and hopefully is being reborn. But it is amazing to me the way in which the U.S. automotive industry chose to meet foreign competition. It was not to try to pry open Japan's market which remains closed to the goods of all countries. Even when the old Yugoslavia made Yugos, you couldn't get them into Japan. So less than 3 percent of the cars on their street are from anywhere else in the world, the second largest auto producer in the world.

They did not really choose a strategy of opening up closed markets or of converting here at home the largest automotive market in the world through the intervention of more fuel-efficient vehicles. They were forced to do that by CAFE standards and so forth here. But they fought that every step of the way and forced on the American people choices that were very, very oil-consumptive choices. So SUVs came on the market, and yet you could look over to Europe and see a Mercedes diesel run on biodiesel operating over in Europe.

Yet here we had something like the Hummer comes out, and it gets 9 miles to a gallon at a time when we know that we have to have more fuel-efficient vehicles.

I had an interesting experience a couple of years ago. I went up to the Detroit auto show, and I said I would like you to show me the floor with the new flex fuel or the biofuel vehicles, and the salesman just looked at me.

We really don't have the industry well focused yet in terms of, look, Americans want to change the country. These are the vehicles that are available to you. This is how we are going to make it easy for you to convert. They are still not there yet. They have globally forced on the American market the big gas guzzlers. But if you go anywhere else in the world, whether it is Brazil or Germany, anywhere you go, you see the more fuel-efficient vehicles being employed.

Think about your church parking lot or think about the supermarket parking lot that you shop in, and just go and look and see what is in the lot and what people are buying and what the miles per gallon is, and then do the same thing in Italy and do the same thing in Japan and do the same thing in Brazil and say to yoursel, What is wrong with this picture? Why aren't Americans being given the very same choices as consumers in other countries? Why have they been able to be more fuel efficient than we are?

And if I can say just one thing on solar energy, since I represent the solar energy research center of the Nation, we make solar panels at a third of the cost of the Japanese, and they are just as efficient. In fact, they are more efficient, but they are bigger. Because they are bigger, they are one-third the cost. All of the companies in my district that are making these solar panels, they are being exported to Europe because Europe has the special incentives for renewable applications. And the majority of the technology on solar roofing and solar panels is being shipped to other countries because we don't have those same incentives here.

So our government, those in the leadership here, can't see their way forward to help America convert when she wants to. The American people are with us on that. They know we have to change. Why don't we make it easy?

Mr. SCHIFF. That is one of the things that drives me crazy. One of my staff just got a Toyota Prius. She had to wait 6 months to get that Prius. There is a 6-month waiting time to get a hybrid made in Japan.

We don't have a non-SUV hybrid yet that I am aware of, an American car out on the road that competes with the Prius or with the Honda Civic hybrid. Why is it that some of the foreign automakers seem to know the American market better than we know ourselves?

Mr. VAN HOLLEN. If the gentleman would yield, I understand your confusion, and I share that. I think it has been so shortsighted that we as a Nation didn't take the steps that we needed to take many years ago in this regard in terms of updating in a significant way the CAFE standard, the corporate average fuel economy standards in this country.

When gas prices started going up over the last many months, all of a sudden you saw people running around with their heads cut off, trying to think of quick-fix solutions.

You had the majority leader of the Senate, Senator FRIST, he floated this idea of a $100 rebate to every American, as if that was somehow going to solve the problem. Quick fixes are not going to solve the problem. We need serious solutions.

One of the things that should have been done years and years ago was updating the CAFE standards. It is interesting to hear Members of Congress who have been here for a long time, I listened to Senator LOTT and others on the other side talking about this. They said, Gee, you know, if we had known what we were going to see today in terms of gas prices, we would have supported an increase in the CAFE standards back then. Well, you know, we don't all have crystal balls, but we have to exercise our best judgment.

And the fact of the matter is that is a long overdue measure. And it is not a quick fix because it takes time for the fleet of cars to turn over. You can't just change the corporate average fuel economy standards today and, presto, have a result. It requires some forward thinking.

The fact that we didn't do it before was a big mistake, and I think people should hold people accountable for their mistakes. On the other hand, it is better late than never. We need to get moving on that, and we need to get moving on the whole menu of other options that we have been discussing today. There is no silver bullet to this. You need an array of options. You need a number of efforts going on at the same time.

But in order to get all of those things going, you need one essential ingredient, and that is some leadership and a commitment to this issue and a commitment to have a new direction and not just rely on the failed policies of the past that continue to get us into the mess we are in.

Mr. SCHIFF. The gentleman is exactly right. We have this choice. We have had this choice for several years. We can have more of the same, more of the same $3.50-a-gallon gas, maybe $4-a-gallon gas at the pump, more warming of the global environment, more production of greenhouse gases, more pain economically in terms of higher energy costs for businesses.

Or we can have a new direction. I think we have talked about several of the ingredients of that new direction

tonight. The investment of biofuels: That helps our farms and it helps our economy, it helps our energy independence, and it helps our energy independence and our national security.

Investment in other alternative energy sources like solar power where the profit points are almost there, almost there for a great expansion of solar power. They just need a little incentivization before they can be broadly employed.

The development of windpower, geothermal, and the whole host of renewable energy sources. This is the new direction we need to take this country in. Otherwise, every time we have a flare-up in the Middle East, as right now we are having this tragic situation, Hezbollah has attacked Israel, kidnapped soldiers and prompted this conflagration of the region, gas prices are going through the roof.

Iran thumbs its nose at the international community and says we are going forward with our nuclear program, gas prices go through the roof.

Hurricanes in the gulf take out refining capacity. We can't predict, as you say. We don't have a crystal ball. We don't know next year if it is going to be a hurricane, or next year it is going to be the Middle East, or the Venezuelan head of state who is anathema of the United States, but we do know it will be something. And if we don't take action to change the direction of our country to a new direction, we are going to be continuing to be funding a lot of the people that are bent on our destruction.

Ms. KAPTUR. I just wanted to add that if one looks at the automotive industry, and I have all major companies in my district and in my State, and talking about their focus along with our focus, we have to continue to open closed markets of the world. That's where markets expand. You have to put some energy there. You can't just kind of put it on the back shelf.

Many years ago President George Bush the first went to Tokyo. I still remember he got very sick at a dinner, and he was there for auto parts talks, market opening talks. And ever since that day, there has never been an aggressive effort by any administration to open up the second-largest market in the world. So we have failed on the trade front significantly.

And the major automotive firms have chosen a low-wage strategy rather than an innovation strategy. So they have been moving plants around the globe seeking cheap labor, whether it is China, Mexico, wherever it is, rather than focusing on the innovation that is inherent in the American people that was responsible for the dawn of the automotive age in this country in the first place.

Those kind of minds are still out there, but we are kind of wed to old technology and the fact that if you sell a very large vehicle in this country, you make a little more profit than if you sell a smaller vehicle. The larger vehicles use more gas and petroleum-based products. We were stuck in that mold for a very, very long time.

And if you go out and ask the average consumer what they are looking for, and the lines are showing it, they are looking for the new technology, and it just was not brought on.

So the strategy that was chosen in the 1980s and 1990s has not led our Nation toward energy independence in vehicles. Now we see ads on television by the big companies saying we are trying to catch up. Well, we really need to catch up very, very quickly or they are going to become another segment of our wealth that are purchased by foreign interests and no longer belongs to us. We are seeing a lot of that as we pawn off pieces of America to try to cover our long-term debts and what we owe to the future, which I am very upset about, but alone can't solve.

Nonetheless, I think our automotive companies really need to focus on innovation, listen to what the consumer is saying, give them what they want, and open up the closed markets of the world. That would go a long way to helping this industry revive. And then we have the legacy costs of the companies that have been in existence for a very long period of time that this Congress could do something about in order to make whole the pension and health benefits that workers were promised. That is a whole other Special Order.

I thank Congressman SCHIFF and Congressman VAN HOLLEN for allowing us to speak about such an important subject and one that is at the top of the list in terms of domestic security, and that is energy independence.

Mr. SCHIFF. I thank the gentlewoman for her leadership on this issue and on so many other issues here in the Congress.

I want to wrap up by bringing this back to where we started, and that is the integral nexus between energy independence and national security. You can imagine what a positive to our national security policy it would be if in our dealings in the Middle East, our dealings with Russia and China and our dealings with South America, if energy was not an issue in the sense we were not dependent on other parts of the world, and particularly the Gulf States. What a transformative effect that could have in a positive way on our national security policy. Energy independence is really key.

Our new direction, as outlined by real security, is energy independence by 2020. This is an achievable goal. It would require the kind of commitment that President Kennedy talked about when he talked about the Apollo project, but it can be done.

I have great confidence in the American people and the American entrepreneur. We can do this. It would eliminate our reliance on Middle Eastern oil. We would increase production of alternative fuels in America. We would promote hybrid and flex-fuel vehicle technology in manufacturing, and we would enhance energy efficiency and conservation incentives. This is the direction Democrats feel we need to bring this country in order to make sure that our security is in fact very real.

I want to yield to my colleague from Maryland for his closing remarks and once again thank you for not only this evening, but for all of your work on the national security plan.

□ 1715

Mr. VAN HOLLEN. I thank my colleague, Mr. SCHIFF from California, again, for his leadership. And I think we have covered a lot of territory in this hour. I think we will have a continuing conversation here in the Congress, and I am sure we will have a continuing conversation throughout the country about this very important issue.

And, again, it goes to the question about whether we take our words seriously in terms of moving the policy of this country forward. And you can't have a situation where you have the President say this is a national priority, on the one hand, and then have a budget that comes down the next day that sends a very, very different message because, if you do that, number one, you lose credibility with the American people; and, number two, you obviously can't achieve your objective if you don't harness some of our national resources to this very important, very important effort.

So I want to thank my colleague for his leadership on this issue. And I hope that in the days ahead, this Congress will move from a position of rhetoric on these issues to actually doing something meaningful and taking this country in a new direction when it comes to energy policy, which, as we have discussed tonight, is such an important component of our national security policy as well. So I thank the gentleman for his leadership on this issue.

THE ORIGINAL MISSION OF THE UNITED NATIONS

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). Under the Speaker's announced policy of January 4, 2005, the gentleman from Tennessee (Mr. WAMP) is recognized for 60 minutes as the designee of the majority leader.

Mr. WAMP. Mr. Speaker, before I get to the topic that I want to spend at least the lion's share of the next hour on, I want to respond somewhat to the commentary from my friends on the other side over the last hour and really agree with them on a whole lot of issues.

As the cochairman of the bipartisan Renewable Energy and Energy Efficiency Caucus here in the House, which has over 218 members, a majority of the House belong to our bipartisan caucus. Congressman MARK UDALL of Colorado is the Democratic cochairman, and I am the Republican cochairman; and we are working together to advance many of the initiatives that they have talked about as quick as we can.

I do think that tremendous energy now is put behind the goal of becoming energy independent as soon as possible in this country.

Last night, Congressman UDALL and a bipartisan group that I participated in met for about 2½ hours with Vinod Khlosa about this issue of cellulosic ethanol and what potential it has in this country for transportation.

Earlier today I participated with Congressman INGLIS of South Carolina, who chairs the Fuel Cell and Hydrogen Caucus here in the Fuel Cell event we had in Cannon Caucus.

Just a few days ago we had the Renewable Energy Expo here, which Congressman UDALL and I participated in. Through all of these efforts, I would say that what we are doing is not this particular technology or that particular technology, because in many ways our free enterprise system is going to sort the winners and losers out.

But, really, our position is we have got to do all of the above. Time is of the essence. I don't think we can pick and choose right now. We need domestic capacity, so we have to go after new oil and gas resources. But we have to wean ourselves off foreign oil and move towards advanced transportation systems.

Clearly, hybrids are a bridge. We want to promote that. But we have got to move through all these technologies.

I think fuel cells have great applications but, frankly, so do the E85-based fuels.

So I just want to say that that is something that many Members from both sides of the aisle are doing an awful lot about.

Last summer the Congress passed EPACT, the Energy Policy Act of 2005. This President signed it into law. Today we hailed, many people in a bipartisan way, the successes that the tax incentives give to the renewable sector, to the fuel cell sector, to the advancement of hydrogen. I would argue that we need to go further because the production tax credits that are in that bill need to be extended for a longer period of time so that the industry out there has a definition. They know what to expect. It is not a 2-year thing that might or might not be renewed. So clearly, we need to do more.

But there is bipartisan resolve to advance all of our energy sources as rapidly as possible. And so I applaud them in a sense, but I would also say that there is no silver bullet. We need to do all of the above, and we can't just rely on particular fuels. We need to increase our domestic capacity.

Now, to lay the groundwork for what I am going to talk about, with the help of a couple of my colleagues, Mr. MCCOTTER from Michigan has joined me already, and I think the gentlewoman from North Carolina (Ms. FOXX) will also join us.

I want to talk a little bit about world events, but then get to the meat of this hour, and that is the United Nations and whether or not it is living up to its original charter, whether or not it is a viable organization today, or whether or not, frankly, it has been corrupted over time, especially in recent years.

But I want to say, to begin with, that I think to define this war that we are in as a war on terror misses the point in many ways. Terror is a tactic that our enemy is using, but it is not really a war on terror. We need to be honest that we are at war with the Islamic jihadists. The jihadists are spreading their networks around the world.

A letter between Zarqawi and Zawahiri laid out specifically that they wanted to use our involvement in the Middle East as an opportunity to remove the infidels from Iraq, and then expand the califate, according to Mohammed, from Morocco in Northwest Africa, all the way into Indonesia. Clearly, aggression is part of the plan.

And the jihadists don't just surface through al Qaeda. The jihadists surface through Hezbollah, frankly, a seasoned terrorist organization that has now taken up a very important place of power in Lebanon, supported, without question, articulated last night on the floor of this House, by Iran and Syria.

Democrats and Republicans, over and over again, last night, as we debated the resolution in support of the State of Israel, talked about who is backing Hezbollah right now. Hamas, also elected to governmental leadership in Palestine, includes the jihadists, people who have declared war on the United States of America and its ally, Israel. And this really is a war of global proportions. And we need to be realistic about this and share with the American people the seriousness of the moment that we live in and rise to our generational call to address this issue and not just think that this is about Iraq.

If we pulled out of Iraq tomorrow, Islamic jihadism is on the rise. And they continue, as we see in Lebanon, to seek to destroy the State of Israel and seek to drive America back and bring us to our knees. We must stand tall and straight.

Now, the United Nations is an organization that I believe was founded with good intentions. As a matter of fact, a prominent Tennessean named Cordell Hull was very involved with it. And if you call the Congressional Research Service or look for the records of all this, and we did, you find out the history of all this, because Cordell Hull came out of the State of Tennessee. He was elected to Congress in 1907. He served here in the House until 1931. He was elected United States Senator, but resigned upon his appointment as Secretary of State by President Franklin D. Roosevelt in 1933.

Foreseeing danger to peace in the rise of dictators, he advocated rearmament, pled for the implementation of a system of collective security, supported aid short of war to the Western democracies, condemned Japanese encroachment into Indochina, warned all branches of the United States military well in advance of the attack on Pearl Harbor to prepare to resist simultaneous surprise attacks at various points.

Although Hull participated in some of the policy-making conferences of the allies, his major effort during the latter stages of World War II was that of preparing a blueprint for an international organization dedicated to the maintenance of peace and endowed with sufficient legislative, economic, and military power to achieve it.

Shortly after the outbreak of the war, Cordell Hull proposed the formation of a new world organization in which the United States would participate after the war. To accomplish this aim, in 1941 he formed an advisory committee on postwar foreign policy composed of Republicans and Democrats. Mindful of President Wilson's failure with the League of Nations, Hull took pains to keep discussion of the organization nonpartisan.

By August of 1943 the State Department had drafted a document, entitled ''Charter of the United Nations,'' which became the basis for proposals submitted by the United States at the 1944 Dumbarton Oaks Conference.

Poor health forced Hull to resign from office on November 27, 1944, before final ratification of the United Nations charter in San Francisco. President Roosevelt praised Hull as the one person in all the world who has done his most to make this great plan for peace, in effect, a fact.

Following nomination by Roosevelt, the Norwegian Nobel committee presented the 1945 Nobel Prize for peace to Cordell Hull in recognition of his work in the Western Hemisphere for his international trade agreements and for his efforts in establishing the United Nations.

Too ill to receive the award in person, Hull sent a brief acceptance speech that was delivered by the United States Ambassador to Norway, in which he wrote: ''Under the ominous shadow which the Second World War and its attendant circumstances have cast on the world, peace has become as essential to civilized existence as the air we breathe is to life itself. There is

no greater responsibility resting upon peoples and governments everywhere than to make sure that enduring peace will, this time, at long last, be established and maintained. The searing lessons of this latest war and the promise of the United Nations organization will be the cornerstones of a new edifice of enduring peace and the guideposts of a new era of human progress.''

As a matter of fact, the U.N. charter preamble says this: ''We, the peoples of the United Nations, determine to save succeeding generations from the scourge of war which twice in our lifetime has brought untold sorrow to mankind, and reaffirm faith and fundamental human rights in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and promote social progress and better standards of life in larger freedom. And for these ends, to practice tolerance and live together in peace with one another as good neighbors and unite our strength to maintain international peace and security. And ensure by the acceptance of principles and the institution of methods that armed force shall not be used save in the common interest, and employ international machinery for the promotion of the economic and social advancement of all peoples.''

Now, that is a bold plan for an organization, to secure international peace and guarantee international security. And I just want to say, fundamentally, a fair assessment of the United Nations in 2006 on its original mission is a low grade. If not an F, it has got to be a low D, because the United Nations today, as was written yesterday in a column by Norm Ornstein in Roll Call, is effectively impotent in certain areas of the world today.

Clearly, as we look at the observers in southern Lebanon and the U.N.'s role with peace keeping, we are facing the most difficult challenges of our generation with respect to war and peace, and the United Nations is not effective anymore. That is the sad truth today, and we are trying to change that.

Here in the House of Representatives, we passed the Henry Hyde United Nations Reform Act and sent that bill to the United States Senate, where we can't even get agreement on a conference report. As a matter of fact, that bill said that there were 38 recommendations for reforming the United Nations to clean up the graft and corruption, make it more efficient and accountable, have it live up to its original charter; and unless 31 of those 38 reforms were implemented, we were going to, the United States of America, withhold up to 50 percent of our dues to that organization. And we are, and will show later in this hour, by far and away the number one contributor to the United Nations in the world.

□ 1730

We were trying to bring some accountability to the United Nations, and I have to tell you that the resistance to that accountability not only comes out of the heart of the United Nations, but there is resistance even in this country for reforming the United Nations.

I have to say this Member of Congress from the State of Tennessee, much like the Member of Congress from Tennessee who received the Nobel Peace Prize for starting the United Nations, looks back on the legacy of Cordell Hull and, sadly, says that we need to reevaluate our participation in the United Nations as long as it is going in the direction that it is going in.

Before I yield to the gentleman from Michigan, I want to point to a book that has been written, called The U.N. Exposed, by Eric Shawn.

Eric Shawn is not an author trying to make money writing a book. Eric Shawn is a very legitimate journalist who has been incredibly effective over the years at reporting on the United Nations. It is very similar to a reporter covering city hall that sees so many things going on in city hall that, after a long period of time, they just kind of look themselves in the mirror and say, this stinks and somebody needs to write about it. And this book documents all of the graft, corruption, deals, inefficiencies, arrogance that exist at the United Nations. The U.N. Exposed. And I want to just read a page out of it in the introduction to set the stage and then yield the floor to the gentleman from Michigan.

In the introduction it says: ''Terrorism is not a United Nations priority. The majority of its members are focused on 'development,' '' which is ''diplomat-speak'' for increasing the amount of money coming into their own nations. Terrorism, even though it should be the most pressing international issue of the 21st century, is simply not on most U.N. agendas.

''The United States is compromised. The United States funds a whopping 22 percent of the U.N.'s $3.6 billion budget, pays 27 percent of an additional $3.6 billion in peacekeeping operation costs, and provides billions more for the U.N. agencies and related operations each year. And yet the United Nations has become the coliseum for confronting and opposing the United States. With the end of the Cold War and the rise of one lone superpower, the United States' veto-wielding rivals press their agendas at our expense and maneuver for their own advantages, not ours.

''The United Nations Security Council guaranteed security for the Iraqis and an unstable and untenable environment for American and British forces attempting to enforce the Council's mandates from 1991, when Saddam surrendered in the Gulf War, to the 2003 invasion made necessary by the U.N.'s malfeasance. Had the Council and the United Nations held to moral principles and enforced their resolutions and requirements, the war could have been prevented. There would have been clarity, not confusion, regarding Saddam's possessions of weapons of mass destruction. His corruption and bribery of the Council created conditions of uncertainty that empowered his regime.

''The same mistakes are now being repeated elsewhere. The U.N. is incapable of effectively resolving the nuclear threats posed by Iran and North Korea, member states that have in some cases lied to U.N. officials, including those of the International Atomic Energy Agency, or, in other cases, ignored their request.

''While the U.N.'s humanitarian programs are rightfully praised for providing food, shelter, and medicine to millions of the world's needy, they have now also come under questioning and criticism. The U.N.'s own independent investigation, headed by former U.S. Federal Reserve Chairman Paul Volcker found that even the gems of the U.N. system, such as the World Food Program, the World Health Organization, and UNICEF, operated in Iraq with 'little transparency and oversight' amid evidence of 'gross mismanagement.' ''

A fair assessment says the United Nations is not effective at all in international peace and security and they do provide humanitarian assistance, but even their provision of humanitarian assistance is grossly mismanaged, and basically everybody involved in the leadership of the United Nations is, in one way or another, benefiting financially from the very programs that come through the United Nations.

We are going to document even more of that as we go on. But at this point I want to yield to the gentleman from Michigan, THADDEUS MCCOTTER.

Mr. MCCOTTER. Mr. Speaker, I thank the gentleman from Tennessee for yielding.

I am here as a Representative from Michigan. And as many of you know, and I am sure you do, Mr. Speaker, Senator Arthur Vandenberg from Michigan played a key role in bringing the United States into the postwar world. He originally started out of Grand Rapids as an isolationist. And yet as he saw the gathering clouds of World War II and the impact of isolationism and appeasement upon the course of world events, he quickly became a believer in the United States' role in the world, and not simply being in the world itself and going along with

the tide of history but trying to direct that tide of history towards a positive outcome for our own citizens and for humanity.

This is why today, as an admirer of Senator Vandenberg and, yes, as an admirer of President Roosevelt, we have to admit that today the dream of President Roosevelt has been turned into a nightmare by the corruption of the United Nations.

The dream which President Roosevelt inherited from President Wilson and his League of Nations, a torch that President Roosevelt carried throughout election after election, despite its being many times unpopular, has been put in the hands of people who operate the United Nations not as an entity to bring about global peace and prosperity and security through mutual diplomatic action but rather as a corrupt political machine. In fact, the United Nations has one advantage over a traditional municipal political machine. It is that the enormity of their crimes tends to mask their crime.

The global scale of the theft, which the gentleman from Tennessee will soon help to elucidate, has masked the simple fact that they are operating in their own interests rather than the interests of the citizens of the United States and rather than the interests of people throughout the world.

One of the things which is most striking, as the gentleman pointed out, is the fact that when we look back upon the search for weapons of mass destruction by the Security Council and the resolutions that were passed and passed and passed, and ignored and ignored and ignored, is the simple, ineluctable fact that Saddam Hussein had bribed the jury, that Saddam Hussein had taken the Oil-for-Food program and turned it into an instrument not only for his aggrandizement and enrichment at the expense of starving people in his own nation, he also utilized it to buy influence amongst member countries at the Security Council level.

When viewed in that light, it is easy to see why there was such discord and such incomprehensible division amongst former allies and erstwhile allies in the buildup to the invasion of Iraq by the United States to liberate that country from Saddam. It is also easy to see why, in so many other instances when dealing with the dictator, it was very difficult to get the U.N. to take a stand and to commence action to enforce its own resolutions.

As the distinguished ranking member of the International Relations Committee, Mr. LANTOS of California, has pointed out, the United Nations is a derivative reality. As he points out, it is a derivative reality in the sense it is composed of member states. And member states can be bad actors on the international stage or good actors on the international stage, and when they come together, the results can often be less than productive.

But in the end, it is not the position of myself or many in the United States who are encouraging U.N. reform that the U.N. do what we ask it to do or that it be led by the nose by the United States of America and back us in all our diplomatic efforts.

But what we are trying to do, through the Henry Hyde bill and through other attempts legislatively, is to guarantee a fair and impartial hearing amongst the Security Council and amongst the member states and know that when we make our case that we will not be greeted by a bribed judge and jury, but that we will be greeted by other sovereign nations acting objectively in the best interests of world security and world prosperity.

It is this chance that we were cheated of, and it is this chance that we are endeavoring to restore because endeavoring to restore the integrity to the United Nations, we are endeavoring to rekindle the spark of the dream of Franklin Roosevelt and the entire postwar generation that hoped that the horrors of the Second World War would not be lost upon future generations, thus condemning them to a third world war. Arguably, that chance has already been lost.

Regardless, we must press ahead because the United Nations as a concept, as an ideal, has a very practical value in the world today. And I think it is very difficult for us not to confront the reality that it is not performing that function, largely due to its own corruption.

Mr. WAMP. Mr. Speaker, I thank the gentleman for his commentary.

What is the United Nations? To a lot of people, they may not have been there, they may not realize it, but it is an 18-acre compound on the East River in Manhattan, in New York City. And that 18-acre compound, which is very much delineated, detailed in Eric Shawn's book, is basically a safe haven for everyone who operates there. They are immune from virtually everything. They do not even have to pay sales tax on the food that they eat in New York City. They do not have to pay their parking tickets. They operate with such impunity that they, frankly, have become incredibly arrogant toward our country.

The number two guy at the United Nations, Malloch Brown, recently just delivered a scathing analysis of the United States' position toward the United Nations as if we had no business whatsoever meddling in their organization, as if we should not in any way exert oversight when, again, about a fourth of all of their revenues come from us and they have this autonomy here in our country.

The Oil-for-Food scandal, which an investigation was ordered on here in the Congress, it showed such gross graft and corruption that it could very easily be the largest case of grand larceny in the history of our country in terms of the billions of dollars that were siphoned off and used to manipulate, to effectively bribe member countries; even, as one of the chapters in the book shows, the media, the press that covers the United Nations, setting up these organizations where reporters could actually draw income from outside of their work at the United Nations. Now, if that is not a conflict of interest for a journalist, I do not know what is.

But Saddam Hussein methodically set out to use the revenues from the Oil-for-Food scandal to keep the countries that could very well force the United Nations or hold the United Nations back from going in and enforcing their resolutions in Iraq. He used the money. It was a scheme. It was a scam, a multibillion-dollar scam. That has been documented here on the floor, but I do not think the people in this country ever really got it. I do not think that they fully understood it.

A summary of the time line, after Saddam Hussein invaded Kuwait in 1990, the United Nations barred him from profiting from sales of his country's vast oil supplies. The ban was meant to keep him from rebuilding his military and pursuing a nuclear weapons program. It also deprived the Iraqi economy of its main export, leading to hunger and deprivation among his people, according to him, a condition that Saddam both exacerbated by hoarding the wealth his country possessed, and then publicized to win international sympathy. Eric Shawn's book points to the fact that a lot of it was just propaganda coming out of Iraq by Saddam that, indeed, a lot of the children that he had claimed were starving to death because of the lack of oil revenues were not, in fact, starving to death. But he won a lot of international sympathy.

So support for the sanctions gradually eroded. And in 1996 the United Nations created the Oil-for-Food program through which Iraq could resume oil sales to pay for humanitarian goods such as food and medicine. Saddam exploited, though, the renewed oil flow in three ways:

First, he simply ignored the sanctions and illegally sold oil to Syria, Turkey, Jordan, and other countries with no U.N. supervision, which furnished him by far his biggest source of illicit income, about $13.6 billion, according to a Senate subcommittee investigation.

Second, Saddam and his loyalists used tricky pricing schemes, surcharges, and kickbacks to milk another $7 billion or more from oil buyers and sellers of humanitarian supplies as a result of Saddam's successful arguments at the United Nations, that as a sovereign nation Iraq should be allowed to negotiate contracts directly.

□ 1745

Legitimate Iraqi oil profits went to a U.N.-controlled escrow account, but kickbacks were secretly routed by complicit companies to hidden regime bank accounts.

And, third, Saddam bribed foreign officials and others. He oversaw a list of people who were given vouchers to buy Iraqi oil at below market price, essentially multimillion dollar buyoffs. Their apparent purpose was to win Saddam defenders in his fight to lift U.N. sanctions. Beneficiaries allegedly included oil company executives from Russia, China and France and prominent politicians from Russia and France.

There is documented evidence now that he systematically sought to use this revenue to buy basically the votes at the United Nations to keep the United Nations from enforcing their own resolutions.

So was the United Nations corrupted through the Oil-for-Food scandal? Absolutely it was. Over a period of a decade, it was corrupted in a gross way, so that the United Nations was never going to enforce their resolutions because basically everybody in the decision-making process had some obligation to Saddam Hussein because of where the money flowed.

Kofi Annan runs the United Nations. Thankfully, his term is going to end at the end of this year. His son, Kojo, his fingerprints are all over this stuff. Money flowed. Investigations have been run. People just looked the other way. Maloch Brown then criticizes us for exerting oversight, saying that the United States has just become anti-U.N.

Listen, we all believed in the original legitimacy of the United Nations, the original mission, international peace and security. But I will tell you what, the United Nations is, if anything, not only not helping with international peace and security; the United Nations is in the way today sometimes of international peace and security if they are unwilling to enforce their own resolutions.

You might say, well, you know, if it is not the United Nations, then what? I got to say the coalition of the willing needs to reevaluate, in my humble opinion. The coalition of the willing means countries willing to fight Islamic jihadists, willing to stand strong against terror, willing to engage, to say we have to drive this threat back.

Then what do we do? Let's look at an expanded NATO. Let's look at a coalition of the willing. Or let's insist that the United Nations go back and meet its original charter. It is, frankly, not an organization worthy of this level of support by the American people today. That is the bottom line.

Now, I am prepared to yield to the gentlewoman from North Carolina, if she is ready. Are you ready?

Ms. FOXX. I am ready.

Mr. WAMP. I yield to VIRGINIA FOXX from North Carolina.

Ms. FOXX. Thank you, Mr. WAMP. I appreciate your inviting me to be with you all today. It is a real treat to listen to you and Congressman MCCOTTER. The things you have said I agree with wholeheartedly. I am not nearly as eloquent as the two of you. I am a much more plain-spoken person, I think, a product of having grown up in the mountains of North Carolina, and I think that in many ways you are being very kind about the United Nations.

I agree with you that the United Nations was born in a spirit of optimism and that people had hoped very much that the United Nations could provide peace and stability in the world. And we all want that. We all want that to happen.

But I will tell you, as I talk to my constituents and as they talk to me about the United Nations, even the average American, you don't have to serve in Congress, the average American knows that the United Nations has failed miserably in its role as a peacekeeper in this world. All we have to do is look at what is happening right now in Lebanon, what is happening in Israel, to know that it has failed miserably. We would not be having the problems that we are having in the Middle East if the United Nations were doing its job. I think that it is high time for the Congress and the administration to demand a great deal more from the United Nations.

I think that our Secretary of State is doing a fabulous job in her job, and I think that it was a sad day when we could not get Ambassador Bolton confirmed by the Senate to his job, and I think that the President was right to appoint him on an interim appointment and that he is speaking for the majority of the American people and saying the kinds of things that need to be said.

I want to quote HENRY HYDE. Again, there are very few people in this House who are as eloquent as Chairman HYDE, and I think that it is entirely appropriate that the bill that he introduced, the United Nations Reform Act, was named for him. I want to just quote one quote from him relating to that bill and relating to the United Nations:

"No observer, be they passionate supporter or dismissive critic, can pretend that the current structure and operations of the U.N. represent an acceptable standard. Republican and Democrat administrations alike have long called for a more focused and accountable United Nations. Members on both sides of the aisle agree that the time has come for far-reaching reforms."

I think that the comments, again, that have been made here by my esteemed colleagues have set the stage for some of the things that we ought to be talking about. The United Nations charter has laudable goals, but, as I said, I am a much more plain-spoken person than some others. But when the rubber meets the road, the U.N. has failed miserably to put these ideals into practice, especially in recent years. And we have a duty here in the Congress and as a permanent member of the U.N. Security Council, the United States, we have a duty to insist on a higher standard. We have a duty to ensure accountability of each and every American taxpayer dollar that goes to the United Nations.

I know my colleague is going to point out some of the problems with the U.N. "supervised" Oil-for-Food Program. But I want to say that from that program, to the lack of action with respect to genocide in Darfur, Sudan, to the tremendous human rights abuses by the U.N. peacekeeping staff during their mission to Congo, the U.N. is absolutely rife with fraud and abuse and needs reform.

We could list these things, and there is a long list, and I am going to talk a little bit about the history of scandals in the United Nations: the Oil-for-Food Program, we will talk a little bit more about; the peacekeeping operations; the Center for Human Settlement or Habitat; Settlement Rehabilitation Program in Northern Iraq; UNICEF, the U.N. Children's Fund; the Conference on Trade and Development; the Development Program; the Educational, Scientific and Cultural Program; we all know UNESCO; the Electoral Assistance Division, meaning electing people, not electricity; High Commission for Refugees; the Office of Drugs and Crime; the Claims Commission; the Population Fund; and the Environmental Fund. Every one of these programs has had a scandal attached to it.

The American people are much more familiar with the U.N. Oil-for-Food dollars because, fortunately, the popular press and the popular media picked up a little bit on that program and have talked about it. But all of these programs have had scandals associated with them, and I think that just by highlighting this one program, we can give an example of what some of the others are.

I would like to come back in a few minutes and talk about some other issues that have been touched upon by Congressman WAMP, but I am going to turn it back over to him so that he can explain in some detail some of what went wrong with the Oil-for-Food dollars.

Mr. WAMP. I thank the gentlewoman.

Put this in perspective: think like North Korea today. Kim Jong Il is defying the international will in terms of developing a nuclear program and nuclear weapons capabilities, so the world is rightly isolating him.

So back in 1990, Saddam Hussein invades his neighbor, and the world

comes and drives him back and basically begins to isolate him and he can't sell his oil to the world.

So he comes up with a scheme. Hey, this is what we can do: we can claim that children are starving and that our country is experiencing all these humanitarian crimes, and, as a result, we have got to kick the oil revenues back in.

What happens is the $64 billion worth of oil revenues which Oil-for-Food was supposed to send through a New York escrow account and on back for humanitarian needs, and the administration associated with getting the money back there. And the way the thing ended up getting corrupted, it goes through Jordan and Lebanon and other countries and other accounts and back to Iraq, and this is what happens with the money: military equipment, weapons from Belarus, Bulgaria, China, France, India, Jordan, Russia, Poland, North Korea, South Korea, Syria, Ukraine and Yugoslavia. He bought with all that the military arsenal to put himself back on his feet in the nineties.

And who was co-opted into believing all that? The United Nations, very easily. How were they? Well, kickbacks. Bribes. A methodical effort to make sure that the very people that could expose this or stop this were all somehow on the payroll.

That is exactly what happened. It is one of the most outrageous stories in the history of the world, especially in an organization that most people have a good impression of. After all, when the light-blue flag of the United Nations shows up around the world, people think good thoughts. It is like the American Red Cross. They say, hey, that is nice, they are here. Little do they know, though, that there is this kind of fraud and abuse and corruption at the United Nations.

This is all documented now. We really need to evaluate how long this country is going to participate in a scam like this and then be criticized by the rest of the world every time we try to hold them accountable as being arrogant or too bossy, the things that they say.

Eric Shawn has done this country a service by putting all this in a document, his book, ''The U.N. Exposed.'' He really has. Again, he is just a journalist. He is just trying to show what he learned over the years reporting on the United Nations.

In an interview, they asked him about Iran, because we now know what a threat Iran is. Iran is backing Hezbollah. That is all about this war. And, frankly, Ahmadinejad, the President of Iran, has denied that the Jews were ever put through the Holocaust. He says the Holocaust didn't exist, and he wants to end Israel. He wants to destroy Israel. That is a stated objective of the guy running Iran now.

All right. So they asked Shawn about the United Nations and Iran, and he says this: ''The United Nations has given Iran a 21-year head start in its development of nuclear technology, a country whose President now vows to wipe Israel off the map. It seems inconceivable, but the United Nations' own nuclear watchdog, the IAEA, didn't even know about Iran's nuclear facilities for 18 years. Then in 2003, after Iran's program was exposed, Iranian activists and the IAEA confirmed Iran's violations, it took another 3 years for the issue to even reach the Security Council. Russia and China served as Iran's linebackers on the governing board of the agency, refusing to allow Iran's infraction to be reported to the Security Council until earlier this year. The latest IAEA report details Iran's many violations, such as the existence of uranium metal designs that can only be used for nuclear warheads. Moreover, it also raises many unresolved questions about Iran's nuclear capabilities as a whole.

''Despite the crisis, Russia and China, whose economic interests clearly lie in protecting Iran, have already castrated the Security Council by declaring they oppose sanction, creating the impossibility of full council-backed action. Even a legally binding Chapter 7 resolution would not result in a vote for sanctions, a naval blockade or other action against Iran. It may require another coalition of the willing to effectively deal with what the Security Council is unwilling to achieve.''

He says in his book: ''It was not the U.N.'s effort that exposed the extensive global black market in nuclear technology peddled by Pakistan's Dr. A.Q. Khan. No U.N. committee ordered Muammar Qaddafi to surrender his weapons of mass destruction programs. Those successes are among the achievements of the proliferation security initiative, the brainchild of Ambassador John Bolton under the Bush administration. Compare PSI's actual achievements with the U.N.'s failure on the nuclear weapons front. Iran only has to look at Security Council's crippling by Saddam to understand why President Ahmadinejad calls the U.N.'s resolutions meaningless.''

That is the bottom line. Their resolutions are now meaningless. They have no credibility. Our enemies know that they have been co-opted and corrupted and bribed and that they are not going to enforce their resolutions. Iran now knows it. And so they just laugh off anything that the United Nations does.

How dangerous is that? Well, I would say the average citizen, not just in this country but around the world, they have confidence in the United Nations that the United Nations is going to somehow carry out its original charge of international peace and security.

□ 1800

I have been a Member of the United States Congress for 12 years. I am not an expert on these things, but I have studied them and I learned them. I have very little faith in the United Nations to do much of anything on international peace and security.

They do feed people that need to be fed. They do reach humanitarian needs. That is good. But that does not mean all of the other things that they do are good.

As a matter of fact, they are AWOL, AWOL, absent without leave, on the critical issues of terrorism and international security. They will not stand tall.

On the issue of human rights, what a disaster the human rights activities of the United Nations are today. They have put the fox in charge of the hen house. They have let some of the most egregious human rights violating countries play a prominent role in human rights decisions by the United Nations. How absurd is that? I yield to Mr. MCCOTTER.

Mr. MCCOTTER. Mr. Speaker, I thank the gentleman. I am very happy, too, with Mr. Shawn producing this book, because I hope it brings light to the problems at the United Nations. I would also like to thank the gentlewoman for her kind remarks about it. Just because we are loquacious does not make us eloquent. And you certainly know how to make your point.

Aside from the international ramifications of the United Nations corruption, it would be very simple for Americans to say, well, what is the problem? We know that the world is not perfect. We know that an amalgamation of nations is not going to always act with the proper rectitude that is expected or the proper perspicacity that is required under an international crisis.

Many people in my district and throughout America will say to themselves, well, the U.N. is corrupt. That is not news to us. We are not surprised that champagne-sipping, caviar-chomping globalists are making a mess of the jobs that we have entrusted to them.

But there are several points that are important. Even if we are tempted to shut out the ramifications for the world of the United Nations corruption, let us remember that we are paying for it. The United States taxpayers are the largest contributors to the United Nations.

Now, by any objective measurement, this is not a sound investment for the American taxpayers, given the current circumstances occurring at the United Nations, anymore than I would say that in 1900 Tammany Hall was a wise investment for New Yorkers.

My concern also is that these very people, not content with their misfeasance and malfeasance internationally, now wish to do something about your

sovereign rights as an American citizen.

The U.N. continues to like to use international treaties, and as many of you know, when the United States signs a treaty, that treaty has more weight than statute, has more weight than State laws. They like to engage in coming up with conventions and conferences to come up with treaties that nations can sign and then be bound by and, consequently, their citizens governed by.

The United Nations has such incentives to deal with your second amendment constitutional rights. They have conventions that they would like you to sign to help reduce your ability to raise your own children as you see fit, to intrude upon every aspect of American life.

I think that that is insane for us to continue to fund an organizations that would like to destroy the Republic's consent to be governed through international convention while they make a nice buck off of doing it, and get to travel to all of the places that they like to frequent and hold these conventions, and, might I point out, not one of them is in Darfur or in North Korea.

The ramifications to the United States taxpayer in terms of their prosperity and in terms of economy of measures by the government, as well as in terms of their inherent sovereignty itself, is endangered by a corrupt organization that is bent on its own aggrandizement at our expense.

It is often frustrating to me, as someone who came out of Wayne County Commission, the Wayne County Government, which is very much like Cook County, Illinois, and politics in Chicago, as one of the few Republicans who got to watch a machine, a political machine at work.

Mr. Speaker, I do not think it would be wise for the United States to continue to subsidize heavily a corrupt political machine. I do not think it is wise for us to subsidize it at all. I think that we should terminate it if it proves that the reforms that we are trying to achieve are impossible.

I think it is imperative that we continue to demand accountability from them. But I think it is also important, as Mr. WAMP from Tennessee and Ms. FOXX from North Carolina and others are trying to do, is to make the American public aware that this is not some esoteric exercise in international law. This is a direct threat to your sovereign, inalienable constitutional rights as an American citizen.

If we do not demand accountability from the United Nations, if we continue to allow the United Nations to believe itself, as a self-aggrandized harbinger and herald of a new world order, then we will feel the ramifications not only in places like North Korea and Iran and Iraq, we will feel those ramifications in Iowa and New Hampshire and Idaho.

That is why we are engaged in this discussion tonight. It is not only to decry and curse the darkness of the past, it is try to light a candle upon the unsavory activities of the United Nations, to try to engage the American public with an awareness of the realties of the consequences to them should U.N. reform not occur; again, in our own way, to try to start the journey of the thousand miles that is U.N. reform, and put that organization back on a track that will serve the people of the United States, that will serve the citizens of other nations, and will again rekindle Franklin Roosevelt's dream for that organization.

Mr. WAMP. Mr. Speaker, I thank the gentleman for his participation and his contributions to our country. He is one of the most articulate Members of the U.S. House of Representatives, very bright man. I am grateful for his leadership. He talked about the U.S. paying 22 percent of the overall dues to the United Nations, and 27 percent of the peacekeeping operations around the world.

You know, China has the same Security Council power at the United Nations as the United States. China pays 2 percent of the United Nations dues. So at the very least, one of the reforms should be Security Council reforms on the balance of power.

Because, frankly, again I have been to the United Nations several times. They do not treat the United States well. And I do not understand why. I know there are a lot of excuses why. But I will tell you this. We are footing the bill and many other countries are not. And the ones that have the same kind of veto power through the Security Council need to be carrying more of the weight, especially when you consider the gross trade imbalance that our country now has with China.

It is not exactly like China needs a lot of help financially, they need to pull their weight. So I am prepared to yield to the gentlewoman from North Carolina.

Ms. FOXX. Mr. Speaker, I thank Mr. WAMP. I appreciate that very much. I would go even farther than you have gone in terms of talking about the amount of money that we have put into the United Nations.

I think that we should lower completely, to a very low amount, what we give to the United Nations. And if we cannot get other nations to increase the amount of money that they give, then I think that we should seriously think about withdrawing from the United Nations altogether.

It is such a corrupt organization. It does so little for what it should be doing, that I think that it is something that we definitely should give some thought to.

I want to go back. You mentioned the Malloch Brown speech. I really want to talk just a little bit about that, because I think that Malloch Brown's speech and the comments that he made are an indication of the fact that the members of the United Nations, people at the United Nations, are totally out of touch with the world.

You described the little spot of ground that the United Nations sits on. I have been there too, went there last year for the second time in my life. I went there as a young person to visit the United Nations, you know, thinking again idealistically about what the United Nations did.

I went there and took my grandchildren to show them the United Nations and get them to get a little bit of sense of what it is. But those people who come here from other countries I think really, really are out of touch. I want to make a couple more comments about what Malloch Brown said. I find it so ironic that he would come in and criticize the American people.

We are the only superpower in world. We are undoubtedly the most successful country in the world. And yet we are criticized by the Malloch Browns of the world, by almost everybody in the United Nations, for what we do. I find it so ironic that we provide so much of the money for the United Nations.

When you look around, you see that we are the most successful country in the world, and how these people can come in and criticize us for what we do. I want to say, our Ambassador Bolton said, it was a criticism of the American people. I think that that is absolutely true.

He criticized our people. I think that that is such an affront to us, and I think the American people understood that as an affront. And he chastised the Bush administration because we had not constructively engaged the American people in what good things the United Nations was doing. He is telling us we are too inadequate to explain that.

Well, the American people are very smart people. We are the smartest people in the world too, I think. They understand, rightfully, if the United Nations was doing what it was supposed to be doing, its work would stand for itself. That is the kind of thing that we Americans understand.

I think that it is, aside from the fact that he was injecting himself into the political life of this country which he has absolutely no business doing, he really insulted the American people. And he insulted us.

I want to say that my recommendation would be on the United Nations, they are going to come to us and say they need a lot of money to renovate that old building up there. My recommendation is that they take the United Nations to the Sudan. They build a building in the Sudan, and they move the entire United Nations to Africa.

Then I would like to see how many of those people who are currently serving

in the United Nations would like to move there and use their expertise to help Africa get out of the poverty that it suffers. I do not think you are going to see many of those people want to go there. They come here and they like to live the life that they live in the United States, but they do not want to respect what we do in the United States and how we have gotten to where we have gotten.

I want to thank Congressman WAMP for bringing this Special Order here tonight. I think you are right. We need to talk about this. What is going on in the Middle East right now is because of the failure of the United Nations, not the failure of the United States, not the failure of the Bush administration, not the failure of President Bush. It is the failure of the United Nations to keep peace in this world.

Mr. Speaker, I think we need to keep the pressure on them to reform the way they do things, and if they do not, I think we need to get out.

Mr. WAMP. Mr. Speaker, I thank the gentlewoman for all she contributes here in the House of Representatives. Let me say in closing, this is not now a far-out wild kind of a position that we are taking.

You know, I am a very reasonable person, with friends all around the world. The last 12 years I have, through the National Prayer Breakfast and other ways, engaged friends all around the world. I am very much for us being engaged in the world, investing in the world. This is not a close-minded kind of a position. This is not a paranoid position. This is looking at the facts, really analyzing the bottom line of the United Nations. It is not meeting its mission. It has become ineffective, inefficient. It has lost credibility. The very people that are criticizing our country are enjoying the multimillion-dollar townhomes they live in in Manhattan. They enjoy the fruits of our free enterprise system, but they do not recognize the human rights and the responsibility.

The original charge of the United Nations was to ensure international peace and security. So I would just say if we want to be guaranteed international peace and security and sleep comfortably at night, we better not put our faith and trust in the United Nations. Put it in the men and women in the uniform of the Armed Forces of the United States of America and our allies who are willing to stand against tyranny and terror and destruction. That is the last best hope for freedom, not the United Nations.

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30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to address the House here on this Thursday evening. As you know, the 30-something Working Group comes to the floor daily to not only share with Members of the House, but also with the American people, issues that are facing our Nation and things and ideas that we have on this side of the aisle that can assist us in moving this country to a new direction.

Here in the House, as you know, we have been sharing, not only with the Members, but also with the American people a plan for a new direction for America, and a new direction that will be helping a number of Americans in their everyday lives, making sure that we have affordable health care, as it relates to fixing the issue on prescription drugs and as it relates to costs, also dealing with issues such as the minimum wage, making sure that American workers are able to receive an increase, just like we have received an increase here in the House of Representatives over a period of a number of years, year after year. We will talk about that a little further.

As you know, we have a plan here in the House, where we have been not only calling for a vote, but asking the Republicans to join us here and increase the minimum wage.

We want to increase it to $7.25 an hour. It is now $5.15. There are millions of Americans that are still, since 1977, not able to see an increase in minimum wage.

Also cracking down on price gouging, we have talked about that, we have tried to pass legislation on that. The Republican majority has blocked us from being able to do that.

The simple fact is, Mr. Speaker, the majority actually wins here in this House. Right now, that is the Republican majority, and it is important that folks understand that that is the case, and that we have the will and the desire to lead in that area and making sure that American people are able to receive an increase in the minimum wage.

Another issue, in putting America in a new direction, is making sure that we cut costs as it relates to student loans, cut interest rates in half and make sure that it is affordable for families. So many families are going to be sending their children off to college this fall. Some will not, because they can't afford it.

Student loans have gone up. Student aid has gone down. It is important that we look at that as it relates to building the next generation of leaders and making sure that we have an educated America, to make sure that parents and grandparents are able to see their children or grandchildren do better than what we have done academically, because of affordability, and also access.

Also making sure, ensuring that retirees can retire in dignity, protecting Social Security, making sure that it is not privatized, making sure that it is here for future generations is our goal. We want to make sure we are able to do that and being able to place America in a new direction.

Also, something that the Republican majority has failed to do is pay as we go, making sure that whatever we invest in that we show how we are going to pay for it. I think it is very, very important.

Mr. RYAN and I here this evening will point out a number of these issues that are not being addressed. But we have already made a commitment to the American people in housedemocrats.gov, in our commitment of putting America in a new direction, making sure that we meet the needs of everyday working Americans.

So with that, Mr. RYAN, if I can, I would be more than happy to yield to you, sir. It is once again a pleasure to be on the floor with you, to be able to hold a flag with the 30-something Working Group, to make sure that we share with the American people things that we are working on, will try to work on and will, if given the opportunity to, do so.

Mr. RYAN of Ohio. I thank the gentleman. I always enjoy our afternoon sessions here much better than the late night sessions that we normally have.

But you made a point earlier that I think we need to expound upon, that is, the issue of debt and balancing the budget. You mentioned PAYGO.

One of the fundamental issues we need to get our hands around, as the country blesses us with the majority in the fall, is that we have got to figure out what we are going to do with this tremendous debt that we have.

We have, as a country, borrowed more, and you have a great poster up there, we have borrowed more from foreign interests in the last 5 years than every President prior to George W. Bush has in the last 224 or 225 years. That's a lot of money that we owe Japan, China, OPEC countries.

We don't have the money to be giving the tax cuts that we have, war spending, military spending. We don't have that money so we go out and borrow it. It is very important that we will do as a Congress, and the first few days that we are here as a Democratic majority, is reimplement the PAYGO rules that were in place. Pay-as-you-go.

That basically means that as we pass a budget that we will not spend any money that we have to go and borrow. You either find the money from another program, or you go and raise the money somewhere else. But you don't just spend money on a program and have to go to China in order to ask them to loan you money in order to

fund it. That is a fundamental difference that the Democratic Party adheres to as opposed to our friends on the other side.

With all due respect, their rhetoric is right on, balanced budgets, rein in government, smaller government. The rhetoric is all there is. If you look at the actions over the past 5 years, when you are borrowing so much money from China and Japan, you have got to pay interest on it just like your car or your home.

So this chart highlights for us the difference between the Democratic priorities and making sure you have money that you can spend, or not spend, as opposed to going out and borrowing it. This is the chart that highlights all of this.

The big red bar on the left is what we just pay on interest, on the debt, just interest. This isn't paying down the principal at all. This is just for interest, 230 or $235 billion will be spent in 2007 just paying down the interest on the money that we have borrowed.

It pales in comparison to the President's budget for 2007 in education, homeland security, and veterans. So we need to ask ourselves, what do we believe in as a country? Do we believe this is the right way to go? Do we believe that this is how we want to administer government, or do we believe we need to put back in the PAYGO rules, put them in place, make sure that this Congress, regardless of who is in charge, or who is in the White House, cannot go out and spend money that we don't have?

Now, what is frustrating for those of us in the 30-something Working Group is that we are going to spend a good part of the next decade trying to repair some of the major structural damage that this administration and this Republican Congress have caused. That is the botto line. It is not trying to embellish what the problem is, but this is it.

When President Clinton was in, and the Democrats passed our budget in 1993, without one Republican vote, that balanced budget led to surpluses and created over 20 million jobs.

Mr. MEEK of Florida. I have a chart just like your chart. We have two of them.

Mr. RYAN of Ohio. See, last night, you tried to one-up me with the chart, and now tonight you are copying my charts.

Mr. MEEK of Florida. Well, you know, Mr. RYAN, I think the point needs to be made in such a way and I think the point needs to be made, and I asked for another chart to be made, so that you can have a chart and I can have a chart. We can talk about what is happening here.

In all seriousness, I think it is important that when you look at the interest, you can almost, as it relates to the blue, invest in education three times what we are paying on the debt.

When you look at homeland security, you got folks as well up here on the other side of the aisle talking about we have got to protect America. You have another chart. I wish you could pull that other chart out, because folks need to understand what we are talking about, because that is what we do here in the 30-something Working Group. We have third-party validators. That is the chart right there. I don't have one of those.

Mr. RYAN of Ohio. I will get you one.

Mr. MEEK of Florida. But you look at that, and then when you look at veterans, and this second chart is so that we can take it. We can leave that chart on the floor. Because when we start talking about a Republican majority making history in all the wrong ways, this chart needs to go with us throughout this Capitol.

Do you know what we need to do? We need to put this chart and that chart, just like this one, outside of our office. That is what we are going to do. All next week, this chart and your chart that looks just like it, we will get an easel and put it outside of our office.

Mr. RYAN of Ohio. Then when we come down here, we will just take the chart from our office and carry it down here.

Mr. MEEK of Florida. Bingo. Veterans, I have a lot of veterans in my district. I am going to tell you right now, Mr. RYAN, they are hurting. They are hurting because they are having to wait several weeks to see the ophthalmologist or podiatrist or whatever the case may be, because there is a back-up at the veterans administration. In rural America, which I don't represent, I represent a very urban area, Dade and Broward counties, two of the most populated counties in Florida, that veterans clinic is only open two and three times a month.

Veterans have to wait to go in and get what we told them we would give them, because they put their life on the line, some of their friends laid their lives down for us to salute one flag here today. But better yet, the Republican majority is still going out, putting it on a credit card, putting this country in debt that we have never seen before.

But even better, yesterday, they talk about, well, we have done this in homeland security. I think you have the facts there, but because this chart was so revealing, I want to make sure, and we will make sure that we have this out next week, which I think will be our last week in session before we break for August, have this out so Members can see it. We definitely want the American people to know what is going on.

Mr. RYAN of Ohio. What this really illustrates is our plan, as we have it here before I get into the homeland security, our plan is, as we begin to rein in the spending from the Republican Congress, cut out the corporate welfare, with the Medicare part D, all the major subsidies that are going to all the big pharmaceuticals and health care industries, what we want to do is we begin to move towards balancing the budget, reducing this payment here in the red, and then we have money to invest in lowering college tuition costs, making sure health care is affordable for all of our citizens, making sure we raise the minimum wage. All of these things are going to fit into our long-term economic plan that the Democratic Party has.

We just need to control the levers of government here to make sure that happens. This is exactly how we are going to go about it.

One of the other things that we will invest in, my good friend, and I think it is important to make this point, just in the first few days when we get in, think about it, raise the minimum wage and reduce the loans, the interest on the college loans, by half.

So for the parent loans and the student loans, in the first day or two that we are here, we will cut the interest rates on those loans in half. You will save thousands of dollars over the life of your loan, about $5,000 for the average loan. We will raise the minimum wage, and that is for a single mom who works for minimum wage, who lives in poverty right now. That is unacceptable in the United States of America.

Another thing that we will invest in that this administration and the Republican-led Congress have failed to address is the issue of border security. These are facts that we are going to show you here. When you compare, because I think again the rhetoric on the other side is right where it needs to be, but the reality is something drastically different. If you look at here, Clinton, and these are all comparing President Clinton and what he was doing under his term, two terms, and what happened under President Bush and trying to compare, the average number of new Border Patrol agents added, per year, under the Clinton administration, the average was 642 Border Patrol agents per year.

Under the Bush administration, 411 per year. It is one thing to say you are for protecting this country from illegal immigration, and it is another thing to do it. Under President Clinton, we were able do it under his leadership.

Fines for immigration enforcement, through the INS, in 1999, under President Clinton, 417; 2004, three. Three. Completed immigration fraud cases, 1995, under President Clinton, 6,455; in 2003, 1,389, 78 percent fewer. Democrats understand how to administer government and what needs to be done. Under the leadership of President Clinton, we were able to achieve success.

I wish we could keep going in the right direction.

□ 1830

But, unfortunately, under the Republican Congress, under the Republican House and Senate, under President Bush, this Congress has consistently taken the country in the wrong direction, and I think it is frustrating for a lot of people because I think the rhetoric is there.

The numbers for 2004 have come in, and a lot of our friends on the other side want to tell us how great the economy is doing. I invite all to come back to my district where we have thousands of Delphi workers and thousands of General Motors workers and steelworkers and people who are not doing so well, and an increase in the minimum wage would affect them.

But the numbers have come in from 2004; and in 2004, the top 1 percent, their real income grew by 17 percent for the top 1 percent. Same people that get the corporate welfare, same people that get the tax cut, real income grew by 17 percent. The bottom 99 grew by 1½ percent.

Is there economic growth? Yeah. The problem is it is not affecting everybody. The problem is it is just 1 or 2 percent of the people. Even upper-income people, upper-middle-class people did not benefit from real wage growth like they should have.

Mr. MEEK of Florida. It is so lopsided and so one-sided. Of course, Mr. Speaker, Members of Congress would come to the floor and say, oh, the economy is doing great, what are you talking about? I do not know what these folks are whining about that are making $5.15 an hour; I do not know what their problem is. Why are they talking about an increase in the minimum wage? Matter of fact, what is the minimum wage?

Well, let me just say this, they would not know because the Republican majority has not raised the minimum wage since 1997. Zero since 1997. The cost of whole milk has gone up 24 percent. Bread has gone up 25 percent. A 4-year public college education has gone up 77 percent. Health care costs have gone up 97 percent, and of course, regular gas, and this is just regular gas, has gone up 136 percent.

We have Republican leaders that are here saying in so many words not over my dead body am I going to raise the minimum wage. Of course, what are you talking about? The economy is doing great. If you let the Republican majority tell you that, you know what? In 1998 Members of Congress received $3,100 in a raise. In 1998, no minimum wage increase. In 2000, $4,600 raise for Members of Congress; in 2000, minimum-wage workers, zero. 2001, $3,800 increase, just got one the year before, Members of Congress; 2001, zero for minimum-wage workers. 2002, $4,900 increase, we just had an increase, but you know this is not good enough. $4,900 increase; 2002, of course, zero. 2003, Members of Congress, $4,700, who believe it is kind of good when you can press the button and give yourself a raise, but then you turn around, no increase for minimum-wage workers. They need to suck it up.

We are okay. $3,400 increase, thanks to the Republican majority; 2004 minimum wage, no increase, thanks to the Republican majority. Members of Congress, $4,000, hey, it is a wonderful thing; minimum-wage workers wish they can go to work and say, hey, guess what I want, a $4,000, I know you just gave me one last year, I want another one this year; 2005, zero for minimum-wage workers. 2006, $3,100 proposed for Members of Congress, and if it is like previous years, this is what it will be; 2006, zero as we stand here today.

So as people start talking about, well, you know, the economy is doing great on the Republican side. Oh, do you not know this is great. The indicators of the indicators say it is going to be a great year for Members of Congress and for the top 1½ percent or 1 percent of those individuals that are millionaires. For these big-time oil executives that are with the $398 million retirement package, it is going to be great for them.

It is going to be great for the oil industry after they had that meeting over in the White House complex thanks to the rubber-stamp Congress. They made the energy policy there, rubber-stamp Congress approved it, and look at these profits for big oil companies: $34 billion profits in 2002; 2003, $59 billion; in 2004, $84 billion; and in 2005, $113 billion.

Now, I am not on the floor as a Democratic Member of Congress complaining about things not going my way. Well, guess what. It is not about my way. It is about the American way, and no one tells you, no one says when you pull up to the gas pump, hey, you over there, let me see your party affiliation. Are you a Democrat or a Republican or Independent or do you vote at all? No, they tell you that gas is $3.24.

Meanwhile, back at the ranch, these oil companies are making hand over fist in record profits since the oil industry has even been established, ever. I mean, since it has been around.

Mr. RYAN of Ohio. Since there has been oil.

Mr. MEEK of Florida. Since there has been oil, since the dinosaurs went down and made oil. Okay, this is just where it is.

These guys, they are making more money than ever before, but guess what, the American people are paying for it, and the rubber-stamp Congress, on top of them making profits, are giving the taxpayers' money away and telling the minimum-wage workers to suck it up.

You want a minimum wage? We have got leaders in Republican conference that are saying minimum wage, please. But meanwhile, back at the ranch, they have been getting a raise. We have all been getting a raise, year after year after year after year after year after year after year after year.

Minimum-wage workers punch in and punch out every day. We ask individuals to go to work. They have gone to work. They are trying to raise their families. No one is coming to them and saying, hey, we are going to give you a $3,100 raise, we are going to give you a $4,700 raise, we are going to give you a $4,100 raise, we are going to give you a $3,900 raise, we are going to give you a $3,100 raise, and we are going to give you a $3,600 raise, and next year you are going to get another raise and the year after that you are going to get another raise. These folks are making $5.15 an hour and we are saying suck it up.

Well, on this side of the aisle, we have said we are not going to vote for an increase in the Members of Congress pay until the American people get a raise; and in our new direction for America, Mr. Speaker, we are calling for $7.25 an hour. If we have the opportunity, this will not be a Special Order floor speech talking about what we are going to do, like this is some prize fight and someone says once the fight happens, I am going to win.

We are making it a promise that one of the first actions that we take if we are in the majority when it comes after the November elections, and we get here in January, the minimum wage as it relates to this House will be raised to $7.25 to help everyday American workers and not just help ourselves.

Mr. RYAN of Ohio. And the bottom line with the minimum wage is that the increase in the minimum wage is good for the economy. In 1997, when it was raised, there were 11 million new jobs that were created after the increase in the minimum wage, 11 million new jobs. States that have a higher minimum wage than the Federal minimum wage have an increase in business start-ups, an increase in sales, retail sales, because it is a different philosophy. It puts the money in the pockets of the consumers and allows them to go out and spend the money, and that stimulates the economy.

We have implemented the neoconservative agenda, and it has not benefited 99 percent of the American people, whether it is foreign policy, the war in Iran, the disengagement in the Middle East, what is going on all over the world or on the domestic side, with Katrina and the prescription drug bill and the stagnant wages and the increase in energy costs, all of these things.

We have now witnessed what it looks like when the neoconservative agenda is implemented, and just look around. If you want to know what happens, just look around. You see it.

What we are trying to say is an increase in the minimum wage, cutting

student loans in half, implementing the 9/11 recommendations, shoring up our border security, these are things that we are going to do; and we have a long history in our party of doing it, and we will continue to do it when we take over.

But it is important to recognize that the statistics are there regarding the minimum wage. We could sit here and make moral arguments all night long because it is, it is the morally right thing to do; but at the same time it is good for the economy and it is good for people all over the country, and I think the more we recognize that, the better off we are going to be.

I want to make one more point. When you talk about this 7 million people who make minimum wage and the underclass and the people all over our country who are living in poverty, and the minimum wage would keep you in poverty if you work 40 hours a week and you are a working mom, we only have 300 million people in this country. We are competing with billions of people around the world, 1.3 billion in China, 1 billion people in India. We only have 300 million.

So we have got to go to great lengths to make sure that all 300 million that are physically and mentally and emotionally capable so they can be on the field playing for us.

This is what an increase in the minimum wage does. That is what cutting interest rates on student loans in half, that is what that does. That is when you look at the Democratic Party's Innovation Agenda, creating incentives for venture capital and research and all of these things that we are doing, broadband access for all Americans in the next 5 years, when you look at what we want to do with alternative energy sources, my God, we cannot just reject science outright.

Let us turn it up. You know, let us get America focused on an alternative energy plan, and we can do that and that is doable; but we need the leadership here in Congress and the resources. Instead of going to the top 1 percent to give them a tax cut, we should be focusing on what is the next generation of alternative energy going to be.

Let us implement the recommendations from the 9/11 Commission. Let us secure our ports. We can do all these things; and at the same time as we are doing this, we have to talk about what Mr. TANNER came down here a couple of weeks ago to talk about with us, DENNIS CARDOZA from California, his piece of legislation, that says we are going to audit, we are going to audit the Federal Government, and we are going to make sure that there is no fat, no waste, no abuse, no misspent funds, no misappropriated funds, no misallocated funds, and frankly, like in Iraq, there are funds missing, $9 billion. Nobody knows where it is.

Mr. MEEK of Florida. In Iraq missing? We are missing money here.

Mr. RYAN of Ohio. I know.

Mr. MEEK of Florida. There are agencies, Mr. Speaker, in the millions, oh, we do not know what happened to $24 million. They just write it off like it is nothing. I mean, you do not even have to go as far as Iraq. Right here in Washington, D.C., because the rubber-stamp Congress will not call these individuals in. People are in committee talking about, I do not know where it went; it came to us.

Mr. RYAN of Ohio. You know what Mr. TANNER's bill says, it is our bill, it says that if you are the Secretary of the Department and you cannot pass these audits, then after a couple of years, you have got to come back before the United States Senate and you have got to get confirmed again because you are not doing your job.

We are trying to run a government that is based, it looks like it is 1950, but society has moved forward. Society has decentralized, and the Republican Congress, they are like dinosaurs that just do not recognize the changes that have come in the world and have not done the due diligence necessary to reform government.

I mean, you can say, well, here is the Democrats making this up again. We do not have to make anything up. Look how FEMA worked with Katrina. Look at how after the military portion of the war in Iraq, look at how we have done after that, not only losing money but not achieving the objective, not really having an objective, to having a big problem there, too.

□ 1845

As Newt Gingrich said last week on Meet the Press, with all that is going on around the world, our bureaucracies do not have the capabilities of handling all these situations. State Department, Pentagon, Department of Defense, all of these. Come on. We need to reform this government and we don't have time to wait.

Because if there is going to be a terrorist attack in the United States of America, it is not going to be like Katrina where we have 5 days where we could watch it on the Weather Channel and know it is coming. This government needs reformed and it needs reformed immediately and that means getting to the bottom of things. That means getting all the facts necessary. That means calling hearings.

What that also means, Mr. MEEK, is that some people are going to get embarrassed. Maybe people just need to come before Congress and say, ''Mr. MEEK, under this system, no one could do this job.'' Maybe that is the case. I will give you the benefit of the doubt. You appointed equestrian attorneys and all this other stuff to key positions. Yes, there has been a lot of cronyism here, let's not make any mistake about it. And it cost lives and money during Katrina, bottom line. But at the same time, maybe there are good people, hardworking Americans, that want to serve their government that are trapped in a bureaucracy that was designed in the 1930s or 1940s or 1950s and has stayed there and they can't work within this bureaucracy.

Have the decency and the guts to try to reform it.

Mr. MEEK of Florida. Somebody needs to be embarrassed? Somebody needs to be fired.

Embarrassed? Oh, please. They are just following the lead of the Republican majority. If I was an agency department head or secretary or someone confirmed by the Senate, I mean, when I look at my chart here, when I look at $1.05 trillion in borrowing from foreign nations, dethroning 42 Presidents, 224 years of history where they only borrowed $1.01 trillion, how in the world could I rein in a department head where I have endorsed this, in the trillions of dollars, $1.05 trillion in 4 years alone. It is almost like me calling my children into the room and to say: You're doing the wrong thing. You're eating at 11 o'clock at night. You're going to get heavy. You're going to get sick.

They say: Well, Dad, look at you. You have eight gallons of ice cream sitting right in front of you. How can you talk to me about not eating at 11 o'clock at night and eating too much sugar?

How in the world can the Republican Congress go to these department heads who can't find $24 million that are missing in their agency and they have borrowed, here in this Congress, $1.05 trillion, record breaking, from foreign nations.

I am not going to even spend time taking the stuff off because I wish I had time to deal with it but I don't. The bottom line is these are the countries that own a part of the American apple pie because of the mismanagement of the Republican majority. That is the bottom line. You see the countries. I don't need to call them out. They are buying our debt. If you came to me and said, my good friend, can I borrow $50 from you? I consider us good friends, but if I loaned you $50, our relationship is now changed. Even if you pay me back, which I think you will, within 5 or 6 days, our relationship has changed because you have asked to borrow some of the money that I work hard for, that I can spend on issues dealing with my family.

These countries have bought our debt. The relationship has changed, thanks to the Republican majority and the White House. $1.01 trillion, 224 years, Mr. Speaker, of the country's history, 4 years under the Bush administration and the rubber-stamp Congress. You dethrone 224 years of history, of borrowing from foreign nations. We borrow a record number and

these are the nations: Japan, China, the U.K., the Caribbean, Taiwan, OPEC nations. Who are the OPEC nations? Let's just go down the list because there are so many but they own $67.8 billion of our debt: Iran, Iraq, Libya, Saudi Arabia, Venezuela, Nigeria, Kuwait, Qatar, the UAE. I can go on. Ecuador. I can go on and on and on. Meanwhile, folks come to the floor and get all swollen and saying, we need to watch these foreigners and what they're doing and how they're doing it.

The bottom line is the foreigners have bought our debt, thanks to you. It is upsetting. It is upsetting to the point that we have veterans that are out there allowing us to salute one flag, laid their life down, watched their friends die, and we are sitting here giving tax cuts to billionaires and misappropriating dollars and not providing the oversight. So how in the world a Member of Congress can sit up here, especially on the majority side and talk about reining someone in because they have misappropriated dollars and they don't know where they are. This rubber-stamp Republican majority has given the White House everything they want. And what do we have to show for it?

Let's look at the Middle East. Let's look at something as far as the eye can see that folks start talking about an exit strategy. How in the world can you even come up with a strategy when you have done it alone and have given the White House everything they wanted? The Congress, well-documented, misled. You got the White House saying, well, you know, we were misled, too. The President has said, well, as it relates to trying to take the training wheels off the Iraqi government, saying that they have to provide their own security, that's for a future President to deal with. He has already punted and said, That's for a future President to deal with.

Congress, of course, rubber-stamp Republican Congress, yes, sir, Benny Hill salute, yes, sir. Whatever you want. So shall it be written, so shall it be done, Mr. President.

That is not the case in a democracy. Bill Clinton did not celebrate that relationship. Even Bush I did not celebrate that relationship. It goes to show you when democracy breaks down and governance breaks down and you have this rubber-stamp, rally-rally-rally Congress, that we're going to support you no matter how bad your policies are, we're going to rubber-stamp everything that you do, how in the world can they rein someone in and have oversight and say, oh, so you don't know where $24 million that we've given you of the taxpayers' dollars are and how they were spent? Or wasted? You can't answer that? You're fired.

The bottom line is we are going to subpoena you and the rest of the folks that work in that agency until we find out where the $24 million has gone. The real issue is this. The American people, Democrat, Republican, Independent, someone that is not voting now and is now taking interest in what is happening up here in Washington, D.C. has to have a problem of what's going on.

I am just going to say that the facts are what they are. Some nights I come to the floor, I say, it's not even fair. It's just too much stuff. It's too much to talk about. It's too much to even shed light on. We come to the floor and we share the same information many times because it is so historical. It is historical in a way to where that never, never before in the history of this country has it ever been this way.

I know it took me 10 minutes to answer your question that you put out there, but I had to put it out there.

Mr. RYAN of Ohio. I appreciate you cutting your answer short.

I agree with you wholeheartedly. If we don't recognize and understand from A to Z what needs to be done in reforming the Government to make sure that we can respond to the needs of our constituents, we are in the service industry down here. We administer programs and we regulate commerce and we take care of foreign policy and we build a military, raise a military, raise an army. We have that obligation. I commend you for your passion and your support and your ideas which do not go unnoticed. But it is so important for us to recognize when we get down here, the few decisions that we will make immediately will have an immediate impact on the lives of every American. By auditing the Government and by going back to make sure that we can figure out how Government needs to look and run and be administered and executed in the 21st century based on an economy that is based on knowledge and information and science, not necessarily industry and huge steel companies and huge auto companies and big bureaucracies were needed to combat and administer and lift people up. I think to a certain extent we need to maintain those principles, but at the same time Government needs to change.

There are so many programs that have really been frustrating, Mr. Speaker, that we have seen funding reined in on, the programs that will ultimately lead to economic development: the manufacturing extension program, the Small Business Administration 7(a) loan program. These are the kind of things that local economic development folks can use. We need to focus on how we export goods out of this country. We have been playing a lot of defense and I think the resentment that you feel in places like Ohio and Indiana and Pennsylvania and the old industrial Midwest is not that there is change, but the country has the wherewithal to pass free trade agreements and begin to compete in a global economy; but at the same time, we haven't done anything at home to make sure that we have adequate skilled workers that will be able to be employed or create wealth in this new society and which we can export and create wealth with business incubators, with job retraining.

Why is it so difficult for us to get some of these workers from the auto industry or the steel industry or wherever it may be into the health care industry? We have a nursing shortage on one hand. We have job reductions in many other industries. What is the problem? We need 3 million health care workers in the next decade or so. We need a million new nurses in the next decade or so. Government needs to be nimble enough and flexible enough where we could make sure that we address these issues. Not because we want to do it for the sake of the Government but because we want to do it because it is going to be good for the overall economy. It is going to be good. The more nurses, the more doctors, the healthier we are going to be. The more general sense we have about wellness and community health clinics and putting clinics in our schools and wellness programs and intramural programs and after-school programs, these ultimately lead to healthier, more educated, more productive citizens which means increased value, more wealth creation and ultimately a strong America so that we can deal with all of these complex problems in the world, not from a position of weakness.

I think what you showed with your map, with all the different countries and the debt that is owed and the net interest that we are paying on the debt, we are now in a position of weakness. We need help with North Korea and we go to our bank, China, and ask them for help. You can't negotiate from a position of weakness. That is what we are doing right now. So we don't get any help with North Korea. We need help with Iran and some of these other countries. Everyone who is loaning us money says, go take a hike. And we hear the utter disrespect that Vladimir Putin showed, not our President but our country, because our President is representing all of us, all 300 million, when he goes to the G–8 summit. And to have Vladimir Putin basically say, no thanks, we don't want the kind of democracy that you're trying to push in Iraq, that is disrespecting the United States of America. When you look at how people are viewing us around the world, it becomes very, very difficult to try to promote the kind of values that we all believe in and try to maintain our strength here at home.

Mr. MEEK of Florida. In closing, we really have to look at what is happening right now. I know we are doing all that we can do. We have filed legislation. We were able to stop the privatization of Social Security by having

over 500 town hall meetings throughout the country. The President burned all kinds of Federal jet fuel flying around the country trying to convince people that they need to privatize their Social Security. That was very, very unfortunate. Taxpayers' money was spent. Still the plan was abandoned.

We also pushed very hard to make sure that we pay as we go here on the floor. We are still fighting on that as it relates to our Federal spending. You talk about the tax and spend and whatever the case may be. I can tell you that Republicans can't look in the mirror here in the House, the majority can't look in the mirror and say that they are the example of fiscal responsibility because I think the history of this country will show and this 109th Congress, and even the Congress before that, that there has been more spending now than any other time in the history of this country, especially when you look at what happened during the Lyndon Johnson years versus the Bush years. Because right now you are seeing with the rubber-stamp Congress and President Bush that the Lyndon Johnson administration and the Congress at that time has been dethroned as it relates to spending.

□ 1900

So I think it is very important that we look at that. I think it is also important to look at our plan, America going in a new direction, going into a new direction, making sure that they have representation here in this House. And this is for every American, not just Democrats, not just Republicans, not just Independent, not just individuals that have decided to participate in the political process, making sure that we help working families every day and the individuals that are retired and our veterans and all of the folks that we should be fighting for in a very fierce way.

I think it is important that if you folks really want to look at making sure these oil companies no longer price gouge Americans, making sure that we have affordable health care and prescription drug care, making sure that working families are able to make a livable wage, that is something that we are working very hard on.

We are going to start with the minimum wage, moving that to $7.25 from $5.15, making sure that the Congress doesn't give themselves another raise. And the Democratic leader and the Democratic whip and myself and a number of members of our caucus have said, no increase for Members of Congress until the American people get an increase.

And also, what Mr. RYAN talked about a little earlier, Mr. Speaker, cutting the student loan interest rate in half so that it can be affordable for folks to go to college to be able to make a stronger workforce for us. Also, as it relates to tax breaks for those that are paying for college.

I already hit the issue on preventing the administration and those here in Congress from privatizing Social Security. And I think it is also important for us to note that all of this is on our Web site with our energy plan, our real security plan as it relates to protecting America, and our plan on investing in the Midwest versus in the Middle East, of E85 and other alternative fuels.

Mr. RYAN of Ohio. I will give the Web site. In closing, I would just like to say that when you look at the history of the country, being an American really is an adventure. We have seen, from the inception of this country, that there have been tremendous challenges. But tremendous leaders and heroes abound in the country, all over, in the public sector, in the private sector, in education, in science, in medicine. We have seen and produced some of the greatest individuals in the history of the world, and being an American is an adventure.

The most frustrating part, I believe, in the last several years, and we have said this before on this floor, is that after 9/11, with all of the political capital that the President had, with the whole country watching him, the best, greatest most demanding challenge he could come up with was for the American people to go out and go shopping. You know, that, I think, illustrates the kind of leadership we do not need in all of these changing times.

And so our leadership that we provide from Article I, section 1 of the United States Constitution, which creates this House of Representatives, I am excited about the possibilities, come January, that we will have, when we are running this government, at least from the House side and hopefully from the Senate side too.

But like you said, we want to use all of the talents, all the creativity, all of the ability and intellect that this country can muster to make sure we are pushing it forward. As you said, with alternative energies and investments in education and getting creative with how we are going to create wealth in the 21st century, through business incubators and some of these small business programs that we have that can go and help and retool small businesses that don't have the wherewithal to pay $1 million for consultants to come in.

We have a public program that allows businesses to retool themselves for 80 or $90,000. And I have had people in my office who have experienced this program. It led to tremendous job growth here in the United States.

So there are things that we can do. And I think it is an exciting time for all of us. And I very much look forward to us doing this in January. www.housedemocrats.gov/30something.

Mr. MEEK of Florida. Mr. RYAN, it was a pleasure being on the floor with you this evening. As you know, we want to thank the Democratic leader for allowing us to have this time.

We also would say that it was a pleasure addressing the House

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL MIDNIGHT, JULY 21, 2006, TO FILE REPORT ON H.R. 2965, FEDERAL PRISON INDUSTRIES COMPETITION IN CONTRACTING ACT OF 2005

Mr. KING of Iowa (during Special Order of Mr. MEEK of Florida). Mr. Speaker, I ask unanimous consent that the Judiciary Committee be permitted to file a committee report to accompany the bill, H.R. 2965, no later than midnight on July 21, 2006.

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

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2864. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute Special Order for the gentleman from Minnesota (Mr. GUTKNECHT) is vacated.

There was no objection.

HONORING OUR TROOPS IN IRAQ

The SPEAKER pro tempore (Mr. MCHENRY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 60 minutes.

Mr. GUTKNECHT. Mr. Speaker, it is my pleasure to be here on the House floor tonight to report to my colleagues and those who may be watching what I learned over the last long weekend. I was privileged to go with Chairman PETE HOEKSTRA of the House Intelligence Committee to Iraq. It was my first trip to Iraq. It was a very eye-opening experience, Mr. Speaker and Members, one that I won't soon forget.

Before I get started talking about that trip and some of the lessons that I learned while we were there, I would like to start with a quote. And I will come back to this later. The quote is: ''Do not try to do too much with your

own hands. It is their war, and you are here to help them win it, not win it for them.'' I am going to come back to that quote later, Mr. Speaker, because I think it says so much about some of the things that we learned while we were in Iraq. Most importantly, I will come back and tell you who it was that originally said that.

The first thing I want to say tonight, though, is an enormous thank you and congratulations to the brave Americans who serve the United States in uniform.

When you get off the plane in Baghdad, you realize what they have to put up with, particularly during the summer. When the door opens on that plane, it is like opening the door of an oven. And there to greet you are bright young Americans, and they are in full uniform, helmets, heavy flak jackets. And I don't know what the temperature was, but it was the hottest I have ever experienced in my life. And those are the conditions under which our brave Americans do their business every day. And it is not just that they do it for 8 hours a day with long lunches and coffee breaks. The folks over there are working 12 hours a day and, in many cases, 7 days a week. And I don't think there is anything that we could say here in this Congress which would ever adequately express the thanks that we have for the sacrifices that they make for serving this country.

I should also say a very special thank you to their families. The ones that I met and the ones that I was able to talk to probably had more to say about their families and wanted to make sure that they knew that they were okay and that they were doing their jobs and that they missed home. But more importantly, many of them said that they really felt that they were doing something that was important there.

So I want to, first of all, just recognize the professionalism that we saw every step of the way. When we left Kuwait, we were flying on a C–130, and I was lucky enough to get the long straw, so I got to sit up in the cockpit. And the young people who were flying that plane, and I almost called them kids, because I don't think even the pilot was 30 years old, but they were among the most professional pilots and crew that I have ever had the privilege to fly with.

As we got closer to Baghdad, all of a sudden this young pilot and all the crew became very animated and they were paying a lot of attention to what was happening on the ground. And I quickly figured out what they were doing. They were looking for any puffs of smoke or anything that might be fired at the C–130 we were flying in.

Finally, as we got closer to Baghdad, the pilot literally turned that big, fat C–130 into a dive bomber. And they make a special approach when they landed at the Baghdad airport. And in spite of that almost dive-bomb approach, he made an incredibly smooth and soft landing. And I want to thank him for that.

But as I say, we had an opportunity to meet with a number of the folks who were serving over there. I am going to talk just a little bit tonight about one of those units, a National Guard unit from the State of North Dakota.

What they do every day, Mr. Speaker, Members, is they go out on the roads, mostly at night, and they look for these IEDs, these improvised explosive devices. And they told us that since they have been there, and they have been there 10 months, they have found 562 of those devices that they were ultimately able to have disposed of so that they caused no damage to people or to property along the roads of Iraq.

Forty-two of those explosives devices, however, went off while they were trying to work with them. Forty-two. In fact, I talked to one young man, I believe his name was Lynch, from North Dakota, and he had been involved in four incidents where the IED went off. And I really can't say enough about the people who do that kind of thing every day.

As I say, there is no way that we in Congress, there are no words that we could offer here in Congress which could repay the debt of gratitude that I think we and the people of Iraq have to the brave Americans like that unit from North Dakota.

We also had a chance to visit a field hospital there, and it was kind of ironic because one of the people that we met there was someone that I already knew. He was one of the top surgeons at the Mayo Clinic, and I am privileged to represent Rochester, Minnesota and the Mayo Clinic. Dr. Mike Yaszemski. And Dr. Yaszemski was there and had been in Iraq since about the Fourth of July, and he and some of the other surgeons told me that they had been up since 2:00 that morning, performing surgery on five folks who were involved with an IED that night.

And later we got to go in and visit in the hospital there with some of the soldiers who had been treated. And one of them was more than happy to tell his entire story. And while they were pinning the Purple Heart on the sheet on his bed, he told his entire story and what it was like to go through one of these IED explosions. Perhaps the most moving moment, though, was, as he was telling his story, how the Humvee that he had been in had essentially been blown about 150 feet off the ground, and I can't remember whether it was he came down upside down or the Humvee came down on its side, but the vehicle was on fire, and one of his buddies, a private, said get out. You have got to get out. You have got to get out. And he said, well, I am paralyzed from the waist down. And he couldn't get out of the Humvee himself.

Now, this was a fairly large guy. I would guess he probably weighed 230 pounds. And he said that the private was a pretty small little guy. And here this private, when he realized that his buddy was caught in the Humvee and it was on fire and he hollered out that he was paralyzed from the waist down, he couldn't get out, this young private got in there and got him out. I don't know exactly how he pulled him out, but it was an amazing story. And this young individual wanted to make sure that before they loaded him on to one of the big transport planes, the C–17 to fly him to the hospital in Germany at Landstuhl, he wanted to make sure that he got a chance to say thank you to that private, because he said he saved his life.

And as he told his story, we were standing around, and I know what I was thinking. I was thinking, gee, is he going to be paralyzed for the rest of his life?

Well, thanks to the good work of surgeons like Dr. Mike Yaszemski, I am happy to report that that soldier is going to be able, as he laid there, he smiled and he says, ''I can wiggle my toes.'' And what a happy story it was for all of us in that room.

And we owe such a debt of gratitude to the staff, including people like Dr. Michael Yaszemski from Mayo Clinic for the magic that they do and the hard work that they do and the dedication that they have every single day.

You know, the U.S. military, I think, is unmatched in the world and perhaps in the history of the world in terms of the execution of conventional war. There is little doubt that we have no adversaries in the rest of the world who can match the firepower, the training, the technology and, most importantly, the professionalism of the Americans who serve us in uniform. No one can really challenge the United States in a conventional war.

□ 1915

But as we toured around Iraq and went to several of the bases and, more importantly, as we spent time in Baghdad, it became obvious to me that the security situation was not what I had expected. As a matter of fact, we had to fly in helicopters, Black Hawk helicopters, to fly from the airport into the Green Zone. And it had been my understanding that one time people who were coming to visit, like myself and the rest of our delegation, could actually drive into the Green Zone. But somebody told us that it is now the most dangerous highway in the world. And somehow after 3 years and over $332 billion, I guess I was somewhat surprised that the security situation in Baghdad was as bad as it is. And, again, I kept coming back to this notion that,

indeed, our military is unmatched and unchallenged, I think, in the world in terms of conventional warfare. But I think we have to be honest with ourselves that our military is not well suited to be an occupation force, and probably even less suited to be involved in the nation-building business. And I think that is something that I felt and I believe other members of our delegation felt, that we are really asking our military to do some things which they are not particularly well suited to do.

And I just wanted to offer some of those observations because as we were returning from Iraq, and it is a long flight, one of my colleagues who was on the trip with us had a copy of an article, and I am going to submit it for the RECORD if it is possible, Mr. Speaker, but I would like to talk a little bit about the article, and I will enter this into the CONGRESSIONAL RECORD at the end of my remarks.

What it is is a column that was written by former Secretary of Defense Melvin Laird, who served as Secretary of Defense from 1969 to 1973. He was also a counselor to the President for domestic affairs in the Nixon White House. And the article that I am talking about appeared in Foreign Affairs back in the November/December of 2005 edition. The title of the article is ''Iraq: The Learning Lessons of Vietnam.''

And in many respects, Melvin Laird is in a very unique position to talk about both the history of that but, more importantly, what we should learn from those years and how we could apply them to the situation the the United States finds itself in today.

Mr. Speaker, I would like to read from the article because I think it says a lot in a few sentences right here that really illustrate what I think is a conclusion and the takeaway that I had from this particular visit to Iraq.

He says: Another great tragedy of Vietnam was the Americanization of the war. This threatens to be the tragedy of Iraq also. The war needed to be turned back to the people who cared about it, the Vietnamese. They needed U.S. money and training but not more American blood. I called our program Vietnamization, and in spite of the naysayers, I have not ceased to believe that it worked.''

And he goes on to say in another paragraph: ''We need to put our resources and unwavering public support behind a program of Iraqization so that we can get out of Iraq and leave the Iraqis in a position to protect themselves. The Iraq War should have been focused on Iraqization even before the first shot was fired.''

Mr. Speaker, I read this column on the way home, and I want to tell about where we went after we left that hospital, because we flew up and we were only the second congressional delegation since 1991 to actually go up and visit Kurdistan. And we landed there at their airport, and I was surprised. I was shocked because I, frankly, expected to be greeted by bearded warriors with AK–47s over their shoulders, and what we were greeted by were businessmen wearing business suits who were very friendly, very hospitable, and the first thing you see when you get off the plane are new buildings going up, high-rise buildings around the airport there.

And as we drove into town, and I want to emphasize as we drove into town with minimum security, I asked about those buildings. They said, These are new condominiums going up. They are luxury condominiums. They will sell for anywhere from $250,000 to $400,000. This is in Irbil, Iraq. This is in the Kurdish zone.

And we went into town, and we got to meet with some of the political leaders including their Parliament. It was interesting to learn that the Parliament that they have there in the Kurdish area is very representative. Over 16 percent of the members of the Kurdish Parliament are women. We even met a Christian who is a member of the Kurdish Parliament. It is very open and very pragmatic. And we met with the Prime Minister. And he is coming to Washington here in the next month or so. I hope all Members will get a chance to meet him. In fact, I think he is coming in September. He is one of the most charismatic, articulate leaders that I ever met. He was very candid with us.

First of all, he thanked us. He thanked us for all that America has done for the Kurdish people. Now, admittedly, the Kurds from a cultural standpoint are different than many of the other Iraqis, but they are Muslim. And he told us that they faced all the same problems in 1991 that the southern part of Iraq is facing today. They had factionalization. They had terrorists. But they adopted what I would describe as a zero-tolerance policy. In fact, they described one particular incident where someone had committed an act of terrorism and then fled to Baghdad. They went after them, and they brought them to justice.

You see, they have the advantage that they speak the language, they understand the culture, but, most importantly, they know who the bad guys are. And as I sort of distilled this story, and I was surprised by the wealth of the Kurdish region, one of our colleagues said, Well, but you have oil.

And the Prime Minister smiled, and he said, The whole country has oil. He said, The difference is we have decided to work together to develop our resources so that we can have an economic future of prosperity for all of our people, whether they happen to be Christians or whether they happen to be Shiia or whether they happen to be Sunnis, whatever. And the only thing they have said is that they will not tolerate terrorism in their territories.

And there are two things that they demand from the national government: One is they will not tolerate a religious state. Even though they are Muslims, they tolerate other religions, and it makes an enormous difference in the way people are living and working together in the northern portion of Iraq.

The second thing that they said they demanded is an equitable distribution of oil royalties. And when you see what they have accomplished up there, you can understand why now that they have done all the work, they do not want to share all of their revenues with the people of the rest of Iraq.

But, most importantly, we asked him, Don't the Kurds really want to be independent?

And again he smiled and he said, Well, if you polled my constituents, I suspect that almost universally they would be in favor of independence. But, he said, that is not practical. In fact, he said, we Kurds have decided that we have our best opportunity to work with the rest of the people of Iraq and be part of a strong and united and economically prosperous Iraq.

We all sat there and listened to this, and we met with the members of the Parliament. They threw an enormous feast for us of some of the finest food I have ever had in my life. And as we sat and listened and visited and learned from them, I said to myself, and it is one of my favorite expressions, I said, Success leaves clues, and if you really want to know what Iraq can look like, you would have to visit the Kurds.

And it is unfortunate that too many of our colleagues have not had the chance or taken the chance when they visited Iraq to go up and visit the Kurds. But it is an enormous success story, and I think it is the model that if we can somehow imprint on the rest of the country and if the new Prime Minister, Mr. Maliki, will take that as the model, adopt it for the rest of Iraq, then I think that Iraq can have a very bright future.

Well, Mr. Speaker, I mentioned earlier that the leader of our delegation, PETE HOEKSTRA, the chairman of the House Intelligence Committee, was good enough to invite me along and, more importantly, get me into some of the most interesting meetings I have ever been at. So I would like to yield to the leader of our congressional delegation, the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. I thank my colleague for yielding. And maybe we can have a little bit of a dialogue about the trip that we had.

It is kind of interesting. It was your first opportunity to be in country. It was my eighth trip into the theater, and I probably spent close to 20 days on the ground now in Iraq. And you are flying in from Kuwait, and I think you

and I both had an opportunity to be up in the cockpit with the pilots. And I think the pilot, he had been on assignment a number of times, and I believe this might have been his eighth tour. It was something like that. So he spent a good part of the last 3 years flying C–130s back and forth between Kuwait, Baghdad, around the theater inside Baghdad to Jordan, probably to UAE and various places.

But what really struck me was the first two soldiers that I met, the conviction and the enthusiasm that they still felt for the mission. I mean, each time I go, the litmus test to me is kind of what are our soldiers saying? This C–130 pilot, he is flying our troops back and forth, and he says, We are here. I keep wanting to come back. We need to win this mission. We need to stay until it is done, and we are doing the right thing and we are making progress.

And I think for a couple of reasons, these folks interact with the pilot maybe not as much, but they hear the stories of our troops on the ground as to the interaction that they are having with the Iraqi people and the appreciation from the Iraqi people. And I hope this is one of the things that Prime Minister Maliki talks about next week, about the genuine appreciation of the Iraqi people for the progress and the support that they have received. They see that appreciation.

The other thing that I think they see is they see the horror of the other side. These are terrorists who attack civilians. Our troops understand their viciousness, and they understand the nature of these people, that they are not just attacking in Iraq, but I mean there is all this talk now about what is going on in Lebanon. 1983 is when our barracks were blown up, 23 years ago, Hezbollah. Even before that, terrorist groups have been attacking U.S. interests, Western interests around the globe. And I think our troops see the need to confront this and to defeat it and that they genuinely believe that if we step away and do not confront it, it will move back to the homeland.

We go on the ground to Baghdad, get met at the airport by someone who interned in my office about a couple of years ago, interned in my office, went to Hope College in my district, got to be a good friend with a number of the people in the church that we go to, so he went to our church. He is now embedded not in the international zone where you and I were, he is embedded with Iraqi troops that have been trained. So there are like eight to ten U.S. troops with a large group of Iraqi troops, and he says, Man, am I glad I am here. He hadn't been there long, but he said, You know, this is where I wanted to be. This is where I want to be right now. I am working with Iraqi troops. I have been to their homes. I have been to their families. We need to do this, and we need to see the mission through.

And like I said, he had just been there a couple of months. And like I said, this is a kid that I know. If he did not feel that way, he would have told me. But he had just gotten there, and they also see the sacrifices that the Iraqi people are making.

□ 1930

There have been a lot more Iraqi troops, police and citizens that have been killed over the last number of months than U.S. troops. They are willing to go to the front lines. They are willing to pay the price and make the difference.

You and I both saw, there is lots of work to be done. It is not a pretty picture on certain occasions. The day we were there, the folks went in and got the chairman of the National Olympic Committee.

Maybe you have talked a little bit about some of the other things we observed. We can talk about the training of the troops, the need to secure Baghdad. I heard you talk about Kurdistan. But there is lots of work to do. It is two steps forward, one step back. But it is clearly a war against radical Islam that is moving forward, that needs to be completed.

Mr. GUTKNECHT. I was talking about the Kurds, and I think every part of the trip, in my opinion, was a highlight. I hate to say one was more important than the other.

But what I had said before you came in, Congressman HOEKSTRA, was that I was so impressed with the Kurds and what they have done in taking responsibility for their own area, of having essentially a zero tolerance policy. I said that I think that may be the example that Maliki can use for the rest of the country. You mentioned, and this is what I think is the good story.

The bad story, from my view, is that Baghdad is far less secure than I thought it was. Maybe that is my fault. Maybe I had a different impression. Maybe I had been led to believe. I am not sure, and I am not really in the blame game.

But clearly Baghdad is still a very dangerous place. In fact, I think the phrase that some of them used is the road from the airport to the international zone is the most dangerous highway in the world. Maybe that is an exaggeration. But those are Americans who are serving there that used that term.

My takeaway is probably somewhat different than yours, but my conclusion and my takeaway is we need to press and continue to press for the Iraqis and exactly what you are talking about, where we have some of our Special Forces embedded and working with and training Iraqis. We trained, I think the number is 262,000 Iraqis so far. We need to really push them to step up, as they have in the northern parts of the country, to take responsibility for policing their own streets.

Mr. HOEKSTRA. If the gentleman will yield, that is a conclusion that we probably reached on a bipartisan basis, that it is absolutely essential to as rapidly as possible train up the Iraqis and transfer sections of the country to Iraqi troops with U.S. advisers. They know the neighborhood, they know the culture, and I think they have the desire and conviction to win. We need to provide them with the training and the resources, but then get them at the front lines so that the Iraqi people in the communities see them. This is their opportunity to get the country back.

I think the other thing you said, it was my first time to Kurdistan. There was never a need to go there before. Now you can see what happens in a period of 14 years. Remember, what was the number, 182,000 Kurds had been killed by Saddam. Iran was active in creating mischief. There was an ethnic cleansing going on in the southern part of Kurdistan.

But over a period of 14 years, they have got political stability. The two major parties have come together to form a unity government, the economy is doing well and the security situation is good.

So if the rest of the country can see Kurdistan as a model and embrace the kinds of reforms, I think that is the other thing that happened in Kurdistan. They are doing the things that are attracting foreign investment and foreign confidence in what they are doing. Because you cannot rebuild Iraq with just U.S. money. You need to get the private sector coming in, and Kurdistan is doing that in the laws they are shaping to encourage and welcome foreign investment into their area. You do it in the south and the rest of the country, you have got oil, you have got agriculture, you have some manufacturing, but you have got to put in place the right legal framework.

Mr. GUTKNECHT. I think you said it exactly right. When I left, there was progress. I was looking for progress. I think it is a three-legged stool. I think you have to have military or security progress.

Mr. HOEKSTRA. That is all about securing Baghdad right now.

Mr. GUTKNECHT. Exactly. That is where I really was disappointed. I thought Baghdad would be much more secure than what we saw or learned about it. But you have to have military security progress, and you have to have economic progress, and you have to have political progress.

Mr. HOEKSTRA. The political meetings we had, it was very interesting meeting with the Minister of Defense and the Minister of Interior. The difference this time is you are meeting with people who know they are going to be in the job for 4 years. Every time I have gone before, you have always

been kind of meeting with an appointed or an interim minister. Now you are meeting with somebody that has been selected, and they know they are going to be a part of this new government, which gives you a little bit more stability. The parliamentarians, obviously, representative government is a new phenomena for them and they have a little bit of work to understand exactly how that works.

Mr. GUTKNECHT. Let me say, and I talked to the speaker today and I know you are working on this as well, one of the things we would like to do is invite at least a dozen of them to the United States. We may smile about our meetings with the parliamentarians, and they all had own political points of view and so forth, but, first and foremost, every Member of Congress, and I think Americans need to understand, if you are a member of the Iraq parliament, you are a hero. You are someone who has enormous courage.

Mr. HOEKSTRA. A couple of things. You are a hero, and you are a target.

Mr. GUTKNECHT. Exactly. And not only are you a potential target, your family is a potential target. Most of us at one time in our political lives have had some goofball who has issued some kind of a death threat against us. Usually we don't even take it all that seriously. Fortunately, the FBI takes it very seriously, and I appreciate what they do for us every day. But in Iraq, it is a different ball game.

Mr. HOEKSTRA. I would just like to reinforce the point that you made about the stories that we heard, where the people that are involved in the government, the strategy now for the terrorist groups, the insurgents, the militias, is to go after their family. You are now talking about their parents, their wife, their kids.

So it is no longer someone saying, you know, I am going to participate in this government because I think that it is the right thing to do and I know it is a risk to me. They are taking a much bigger risk. These folks have to have this dialogue with their family, saying if I participate in this, we are all at risk.

So, these are folks that are committed. The parliamentarians, when we met with them, they leave in the middle of the afternoon, because they don't live in the International Zone. They go back into the rest of the country. You can protect them, you can protect their immediate family, but when you go out and get their brothers and sisters and parents and all that, these are people who are committed to success and there is no other way to look at it. There is no personal enrichment here.

Mr. GUTKNECHT. No. I was very impressed with the character of the parliamentarians. Hopefully, with the help of our Speaker, we can get some of them over here so that more Members of Congress can actually get a chance to visit with them, to learn from them, to talk to them and perhaps to ask them some questions.

What I was talking about earlier as well is from an article that I think we both read on the plane on the way home that was written by Melvin Laird. If anyone would like a copy, they can just send me an e-mail at Gil@mail.house.gov. We will send you a copy of this article.

I think from my perspective it actually put into perspective a lot of the things we saw on our visit and why it is so important as soon as we can and as much as we can, we need to turn more of the authority, the responsibility for managing the affairs of the Iraqi people, back to the Iraqis themselves.

Mr. HOEKSTRA. It is much like what we talk about for some of our domestic policies. The longer we are there propping them up, the more we have the potential of creating a situation of dependency, where they are looking to the U.S. Government to fix their political problems, to fix their security problems and to fix their economic problems.

I think we were very clear when we met with their parliamentarians and saying we are committed to stay with you and to provide you with the opportunity to fix your political problems, to fix your economic problems and your security issues. We cannot do that, because this is your country.

Mr. GUTKNECHT. That is exactly what Melvin Laird said about Vietnam. That is why it was important to turn Vietnam, as soon as possible, back to the Vietnamese people. He said the greatest mistake was the Americanization of the Vietnam War.

I think that is something we have to be very aware of when we look at where we are today.

What I said also, Congressman HOEKSTRA, is because the Maliki government is now in place and they have a Minister of Defense, they have a Minister of the Interior, which are the two key ministries I think in terms of domestic security, now that they have those people in place, and my impression of them was they are very strong people, my impression was they understood the risks, they understood what needed to be done, and I think the next two months are going to be critical.

They have to demonstrate, in my opinion, that they really are serious, that they will deal with these militias that are out of control, they will deal with the radicals and the others who have come in from out of country.

I think it is important that our perception, and we had very good briefings, I know that sometimes it is a little like the blind men describing the elephant, but all the terrorists are not the same. Some of them are religious fanatics. Some of them are just thugs that Saddam released from prison, and they are thugs trying to create a territory and using terror and using violence, much as Al Capone in the St. Valentine's Day Massacre did, used violence in a certain way to gain a certain amount of power in a neighborhood. So it is not as simple as sometimes we would like to pigeonhole what the violence is all about. It is about a lot of things.

But, most importantly, I think the Iraqi government now has to demonstrate, as the Kurds did, that they have a zero tolerance policy. They will hunt people down and bring them to justice.

You said something else earlier about the advantage that the Iraqis have when they are doing the heavy lifting. You said they understand the culture. One thing you didn't mention, I want to add, they understand the language. That is incredibly important. That puts our forces sometimes at a huge disadvantage, because they really don't understand.

You can't really understand a culture if you weren't raised in it. So in many cases we were asking our soldiers sometimes to do some things that are very difficult. Not that they aren't very professional and they do it very well, but there is no question that Iraqis out there policing the streets can do a much better job than Americans.

Mr. HOEKSTRA. Talking about soldiers that do things well, I mean, we went to Arbil, and there were two groups of people that were absolutely outstanding. The troops from North Dakota, our colleague from North Dakota, Representative POMEROY, was with us.

These guys have the responsibility of every day being on the road 18 to 20 hours and making sure that 50 miles of highway is free from IEDs. Man, these guys are good, and they have done a phenomenal job. They had a casualty a couple of weeks ago. Our sympathy goes to that unit, obviously the soldier's family in North Dakota and the whole community.

But they are well-trained, and it was inspiring to listen to their story about we came here with a job to do and here is what we have learned and here is how we are doing it. They have experienced 42 explosions, I think about 42 explosions. The vehicles they are in are designed that the compartment where the soldiers are in survives. The wheels may fall off and the engine may go away and the transmission may be gone, but the soldiers are protected.

They have experienced 42 explosions, but they have stopped, what was it, 562 they have stopped. We saw some of the devices that they have. If you wonder how good our guys are. It means as they are going down the road, they are looking ahead and they see, I wish I had taken a piece of that copper wire, just a thin little piece of copper wire,

which signals to them there is a problem here, or they see a small pile of stones that wasn't there the day before. It is not that they know exactly the stones weren't there, but it is kind of like, this is strange.

□ 1945

Then they go in with their equipment, they find it, and they disarm it, 562. Then the hospital. Wow, I mean what is it? The one soldier that came in, they gave him how many units of blood? It was something like 200.

The professionalism of the docs there, you had one there from Mayo who had just come in. The professionalism of the folks there. The thing that I was really impressed with, I think one was a doc or headed up the trauma unit, was it in Cincinnati, said, ''We do things here I could not do in Cincinnati.''

He said, you know, there will be books and articles written about what we are doing here that is going to be brought back to trauma centers around America, maybe around the world, because of what we are learning and how effective we are here.

We give our troops better treatment here coming in off the battlefield than what I can give them in any major metropolitan center. I mean, my hats go off to these folks.

Mr. GUTKNECHT. They have been up performing surgery since 2 o'clock in the morning. I mentioned that Dr. Mike Yaszmenski from Mayo Clinic, he did not take the credit for it, but the story that we were all standing there when they pinned the Purple Heart on that young man. He had had several broken vertebrae, which is the reason he could not get out of his HUMVEE, and could not walk.

At the end of his little presentation, he told the whole story, he sort of smiled. He said, I can wiggle my toes. Now, Dr. Yaszmenski did not take credit for this. I am piecing this together. Because he is a spinal surgeon my sense is that he had something to do with it.

Mr. HOEKSTRA. The other thing, the solder saying, before I leave, they were on space-available because he was not as seriously injured as some other soldiers, he was going on to Germany. I think he was going to leave in the next 24 hours. But said, you know, before I leave I need to make sure that I call back to my unit.

Mr. GUTKNECHT. He wanted to see that private that pulled him out.

Mr. HOEKSTRA. You know, it is inspiring to see those folks and also knowing that, you know, whether it is an American or an Iraqi injured on the battlefield, that is the quality of care that they are going to get.

I think we also heard the number that, you know, the vast majority of injuries today are coming from the IEDs. These things are becoming more and more sophisticated. But, you know, it shows that the enemy is not engaging us, they are moving to what we would call asymmetrical tactics. They are not engaging us or the Iraqis directly. They are using these improvised explosive devices or they are attacking civilian targets, where fitting to their name they can create terror.

But they are also using that tactic to try to divide the country between Sunnis and Shiia. And this is why the government has to, the Iraqi Government has to step up and provide the security envelope so that the militias can be disbanded, the militias that are forming in the Shiia areas and the Sunni areas. Because our understanding, when I talked to David Pate from my district, he said, you know, when you talk to the Iraqi soldiers, they do not say, if you ask them, are you a Shiia or a Sunni, the Army is moving to the level of professionalism where they say, you know, they do not say I am a Shiia or a Sunni, what they say is I am an Iraqi.

So they are focusing on the country. That is not everybody. You know, sectarian violence is something that we are very, very concerned about. It is evident. I do not think neither you or I are saying, man, it is done. There is a lot of work to do over there.

But there continue to be signs of real progress.

Mr. GUTKNECHT. I think the real progress that we are all looking for is for the Iraqis. Now that Prime Minister Maliki has got a government, and I think he needs to know that America is going to be there to support him.

You know, I was misquoted that I was in favor of immediate withdrawal. That is simply not true. What I have said consistently is America needs to be there for quite some time to come. We still have troops in Germany. We still have troops in Japan. We still have troops in South Korea. But our real role has to begin to change, so that we provide the umbrella of security.

If, for example, some militia being to mass and begin to directly confront the government or other forces, then I think from a conventional standpoint, we are in a strong position to make sure that that gets dealt with quickly and effectively. And nobody can do it better than our military.

But in terms of some of the sectarian things and the thugs who are at large in some of the neighborhoods, since we cannot speak the language and we do not understand the culture, it is just much more difficult for us to get to the bottom of that. That is where the Iraqis need to step up. That is the progress we are looking for.

When that happens, when people start to feel as secure in Baghdad as they do in Erbil, then you will see the economy begin to improve. Because, it is obvious to me that the overwhelming majority of Iraqis want what most Americans want. They want to live in peace. They want to be able to raise their families in a secure neighborhood. They want to look forward to an economic future that is worth living.

They can do that. And that is why, again, I hate to refer too much to what we saw up in northern Iraq. But it was like night and day. It was like going to a different universe.

Mr. HOEKSTRA. I think I misspoke earlier. I said the troops were in Erbil. They were in Balat. The troops were in Balat.

Mr. GUTKNECHT. We will always remember the North Dakota boys. Especially one young man, I think his name was Lynch. He had been involved in four of these explosions. And, yes, it is true the equipment they have is specially designed to sort of take the explosion and the concussion in a ''V'' section so that the folks inside are protected.

Mr. HOEKSTRA. It is still a real experience.

Mr. GUTKNECHT. The concussion of it and what it did to those heavy vehicles, it is amazing that they have only had one KIA. Again, let me join you in sharing our sympathies to that family and that unit, because they were obviously a very close knit unit from North Dakota.

They went to war together. They do their jobs together. They live together. They pray together. And it was inspiring to meet those young men.

Mr. HOEKSTRA. I think you have also got to give a real set of kudos to the folks in the background. You know, we talk about the troops that are going out and they are finding the IEDs. We are talking to the C–130 pilots who are flying in. You and I were there. It is a harsh environment. You got the dust, you got the sand, you got more sand, and then you throw a little bit of heat on it.

When we were coming off the one plane in Erbil where we walked through the backwash of the props, it must have been 130, 140 degrees right there. Of course we were doing it for a short period of time. But you are wearing the body armor, you are wearing the helmet, our troops are doing that all day long.

The other folks, there is lot of folks over there that deserve kudos, but it is the maintenance people. These guys would say, hey, we go out, we are near an explosion, an IED, our equipment is damaged. We bring it back, our mechanics know that they need to get this fixed, because we are going out again on patrol.

They may have not a spare, but they have got another truck or another vehicle that they can take out. But, they have got to get this one working again. And the mechanics, they work 24 hours straight to get this stuff up and running.

Same thing with the C–130s. We are putting lots of hours on some of these machines. I think the first plane that we flew in on from Kuwait to Baghdad was a 1961 C–130, from Selfridge Air Base in Michigan. And, you know, there are maintenance people back there who in this environment, that plane goes on, I think it was doing two trips that day back and forth to Baghdad.

You know, when that plane goes back to Kuwait that night, there is going to be some maintenance people all over that thing, you know, getting it back and making sure that the next morning it is going to be able to fly again.

Mr. GUTKNECHT. I mentioned earlier, we also need to say thank you and kudos to the families. You cannot help but think about what the families in North Dakota must feel every day. I am sure they do not know all that that group does in terms of going out and looking for these IEDs.

But not only do the folks in uniform, they pay quite a price for us, but their families, just worrying about what is going to happen today, what is going to happen tomorrow. You just really have to admire the families. And we need to say a special thank you to them. Because, you know, the guys that are over there, they are working hard all of the time. In fact, one of the things they said was we do not mind working long days and long hours because it helps the time go faster.

Mr. HOEKSTRA. There is not much else to do. But absolutely, you know, the families pay a tremendous price with the amount of time that their husbands or wives or sons or daughters are spending in Iraq, knowing that the conditions are tough, the environment continues to be dangerous. And so there are sacrifices that continue to be made by all of these families, by the whole military family.

You know, we were talking a little bit about comparing some of the stuff that we do in the United States. One of the things that is different about the United States and sometimes moves us a little bit away from the military, but when you go on one of these trips, what really does connect you back to the military is being there with the troops.

But, you know, the military folks are so few in number to who we are as a Nation. In Israel, since there is compulsory service, and I am not promoting compulsory service, but in Israel where everyone is required to serve in the military, everyone knows and understands the risks that the soldiers, military people have to take.

That is why I think it is good for, you know, that you have reminded us of, you know, that sacrifice, because too often we are too far away and removed. And it is ''somebody over there''. We have got to remember, it is not somebody over there. It is a neighbor, it is somebody from our community. They love this country.

They have got a family. They go to church. They share the values that we have. And they have just chosen a different career. You know, we have got folks who have chosen business, finance, banking, marketing, whatever. These guys have chosen a career in the military.

It is a unique career. It is a special service that they provide to this country.

□ 2000

Mr. GUTKNECHT. I am going to close up here. If you have any closing thoughts, Chairman HOEKSTRA, go ahead. Then I am going to close up and yield it back here in just a few minutes.

Mr. HOEKSTRA. No, I appreciate you doing the Special Order. I appreciate you yielding me the time and the opportunity. The one thing we did not talk about was Serbia, that on the way back we stopped in Serbia, so that we had an opportunity to see a part of Iraq that had been divided, that was coming out of a very tough time and after 14 years was prospering.

We then stopped overnight in Serbia, met with the three Presidents in Serbia at Sarajevo; and, again, there is an evolving success story that, 10 years ago, the brutal and the bitter conflict, we still have some troops there. There are a lot of Europeans, more European troops over there, but, again, they have made significant progress.

It takes a while to move from the ethnic religious strife to the steps forward. What is happening in Kosovo, or Serbia, and the region, is that the European Union finally embraced them, they have moved forward, Serbia is moving forward, Kurdistan is moving forward.

What we now also have to have is the modern Islamic or moderate states in the Middle East. They need to embrace Iraq. They need to invest. They need to have their people there, their businesses there, to show that they stand with this new democratically elected government and that they are invested in the success of a new Iraq, in what the people of Iraq are.

It is possible. It is not easy, but there are two examples of how this can work. It was very painful, but by sticking to it and moving through it, you can get to where you want to be.

Mr. GUTKNECHT. Thank you, Mr. Chairman. I just want to mention, and I am glad you did bring up the fact that we stopped in Bosnia Herzegovina.

Mr. HOEKSTRA. I forget where I go sometimes.

Mr. GUTKNECHT. Sarajevo. I was in Sarajevo 10 years ago, and at that time the city was essentially in, the center city, essentially rubble. Many buildings had large pockmarks. Some of them are still there. Many, though, have been fixed; and it now is a vibrant city.

If I had predicted 10 years ago that we would see the life in the city that we saw, a lot of people said it cannot happen.

Mr. HOEKSTRA. But you can walk down, what is it called, Sniper Alley?

Mr. GUTKNECHT. Yes, Sniper Alley.

Mr. HOEKSTRA. That we could walk down Sniper Alley Sunday night, and that we could walk through the streets of Sarajevo in Bosnia, and that we could walk through the streets of Bosnia on Monday morning, and, you know, that it was a vibrant city, people sitting at the cafes, drinking coffee and getting their country moving forward. Again, problems, high unemployment rate, slow economic development, but secure.

Mr. GUTKNECHT. I think we should share the story that the general told us about the man who worked at the military facility there. Every day, when he would come to work, he would stop, and this is a Bosnian individual, he would stop and salute the American flag.

Then he would say a prayer. When he would leave work that night, he would again salute the American flag. They had a special ceremony that finally, the general said, we need to do something for that guy. So they presented him with a U.S. flag, one of these little wood cases that we have around here.

When they presented it, he literally, with tears running down his cheeks, he said, I thank God every day for America and what America did to bring peace to this city, because it was America that saved us from that war.

Mr. HOEKSTRA. It is why they are nervous about us pulling our final troops out, because we are the ones that have earned their trust, and they still look to you, and I both hope and pray for the day where the same type of result, as we see in Kosovo, as we see in Bosnia, that we can see that same kind of result in the rest of Iraq.

Mr. GUTKNECHT. Thank you, Mr. Chairman. I think there are reasons to be optimistic. But I want to close with this quote. I started with this quote tonight:

''Do not try to do too much with your own hands . . . It is their war, and you are to help them, not win it for them.'' That quote is from T.E. Lawrence, better known as Lawrence of Arabia.

In some respects, I think it is prophetic. We can only do so much in Iraq. We are doing our share. Our military is doing a marvelous job. The next step, Mr. Chairman, is up to the Iraqis.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MCKINNEY (at the request of Ms. PELOSI) for today.

Mrs. JO ANN DAVIS of Virginia (at the request of Mr. BOEHNER) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. MORAN of Virginia, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today and July 27.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, today.

ADJOURNMENT

Mr. GUTKNECHT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until Monday, July 24, 2006, at 12:30 p.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8703. A letter from the Assistant Secretary of the Navy for Installations and Environment, Department of Defense, transmitting Notice of the decision to conduct a standard competition of the support services function performed by civilian personnel in the Department of the Navy for possible performance by private contractors, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

8704. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting an annual report entitled, ''Defense Acquisition Challenge Program: Fiscal Year 2005,'' pursuant to 10 U.S.C. 2359b(i); to the Committee on Armed Services.

8705. A letter from the Under Secretary for Domestic Finance, Department of the Treasury, transmitting the annual report on the Resolution Funding Corporation for calendar year 2005, pursuant to Public Law 101-73, section 501(a) (103 Stat. 387); to the Committee on Financial Services.

8706. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Thailand pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8707. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's report on progress made in licensing and constructing the Alaska Natural Gas Pipeline, pursuant to Section 1810 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

8708. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-439, ''Closing of Public Alleys in Square 749, S.O. 00-83, Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8709. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-441, ''Washington Stage Guild Tax Exemption Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8710. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-442, ''Solid Waste Disposal Fee Temporary Amendment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8711. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-444, ''Fringe Lot Real Property Exclusive Rights Agreement Extension Temporary Amendment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8712. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-435, ''Drug Offense Driving Privileges Revocation and Disqualification Amendment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8713. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-437, ''People First Respectful Language Conforming Amendment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8714. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-438, ''People First Respectful Language Modernization Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8715. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-436, ''Closing of a Public Alley in Square 2910, S.O. 05-0587, Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8716. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-440, ''Official Fruit of the District of Columbia Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8717. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-433, ''Pedestrian Protection Bus Safety Amendment Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8718. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-434, ''Closing of Public Streets and Alleys in Squares 5318, 5319, and 5320 S.O. 04-14199, Act of 2006,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

8719. A letter from the Executive Director, National Council on Disability, transmitting the Council's Annual Performance Report to the President and Congress Fiscal Year 2005, as required by the Government Performance and Results Act, pursuant to 31 U.S.C. 1116; to the Committee on Government Reform.

8720. A letter from the Secretary, Department of the Interior, transmitting the annual report entitled, ''Outer Continental Shelf Lease Sales: Evaluation of Bidding Results'' for Fiscal Year 2005, pursuant to 43 U.S.C. 1337(a)(9); to the Committee on Resources.

8721. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Parts and Accessories Necessary for Safe Operation: Protection Against Shifting and Failing Cargo [Docket No. FMCSA-2006-21259] (RIN: 2126-AA88) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8722. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30498; Amdt. No. 3170] received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8723. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30499; Amdt. No. 3171] received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8724. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Scott City, KS [Docket No. FAA-2006-23896; Airspace Docket No. 06-ACE-2] received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8725. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100B, 747-200B, 747-200F, 747-300, 747-400, 747-400F, and 747SP Series Airplanes [Docket No. FAA-2006-24950; Directorate Identifier 2006-NM-036-AD; Amendment 39-14627; AD 2006-12-03] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8726. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A321-100 Series Airplanes [Docket No. FAA-2006-24953; Directorate Identifier 2006-NM-084-AD; Amendment 39-14628; AD 2006-04-11 R1] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8727. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2003-NM-223-AD; Amendment 39-14585; AD 2006-10-01] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8728. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Viking Air Limited

Model DHC-7 Airplanes [Docket No. FAA-2006-24966; Directorate Identifier 2006-NM-049-AD; Amendment 39-14629; AD 2006-12-04] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8729. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170-100 LR, -100 STD, -100 SE, and -100 SU Airplanes; and Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 190-100 LR, -100STD, and -100 IGW Airplanes [Docket No. FAA-2006-24897; Directorate Identifier 2006-NM-111-AD; Amendment 39-14619; AD 2006-11-15] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8730. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes [Docket No. FAA-2006-24815; Directorate Identifier 2006-NM-101-AD; Amendment 39-14608; AD 2006-11-04] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8731. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hamilton Sundstrand Model 14RF-9 Propellers [Docket No. FAA-2006-24517; Directorate Identifier 2006-NE-18-AD; Amendment 39-14591; AD 2006-10-07] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8732. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120, -120ER, -120FC, -120QC, and -120RT Airplanes [Docket No. FAA-2006-24072; Directorate Identifier 2006-NM-016-AD; Amendment 39-14614; AD 2006-11-10] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8733. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757 Airplanes [Docket No. FAA-2005-23213; Directorate Identifier 2005-NM-192-AD; Amendment 39-14615; AD 2006-11-11] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8734. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2006-23841; Directorate Identifier 2005-NM-214-AD; Amendment 39-14613; AD 2006-11-09] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8735. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Airplanes [Docket No. FAA-2006-23818; Directorate Identifier 2005-NM-228-AD; Amendment 39-14616; AD 2006-11-12] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8736. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200 and -300 Series Airplanes [Docket No. FAA-2005-20732; Directorate Identifier 2004-NM-278-AD; Amendment 39-14617; AD 2006-11-13] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8737. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200 and -300 Series Airplanes [Docket No. FAA-2005-22321; Directorate Identifier 2005-NM-123-AD; Amendment 39-14610; AD 2006-11-06] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8738. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Model GV and GV-SP Series Airplanes [Docket No. FAA-2005-22034; Directorate Identifier 2004-NM-182-AD; Amendment 39-14607; AD 2006-11-03] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8739. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 amd Avro 146-RJ Airplanes [Docket No. FAA-2006-24204; Directorate Identifier 2005-NM-178-AD; Amendment 39-14612; AD 2006-11-08] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8740. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model Hawker 800XP Airplanes [Docket No. FAA-2006-24084; Directorate Identifier 2006-NM-017-AD; Amendment 39-14611; AD 2006-11-07] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8741. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Series Turbofan Engines [Docket No. 2003-NE-12-AD; Amendment 39-14609; AD 2006-11-05] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8742. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Viking Air Limited Model DHC-7 Airplanes [Docket No. FAA-2005-22146; Directorate Identifier 2002-NM-184-AD; Amendment 39-14606; AD 2006-11-02] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8743. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600R and A300 F4-600R Series Airplanes [Docket No. FAA-2006-23760; Directorate Identifier 2005-NM-211-AD; Amendment 39-14605; AD 2006-11-01] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8744. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. FAA-2005-21028; Directorate Identifier 2004-NM-238-AD; Amendment 39-14601; AD 2006-10-17] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8745. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Engine Components Incorporated (ECi) Reciprocating Engine Connecting Rods [Docket No. FAA-2005-21331; Directorate Identifier 2005-NE-07-AD; Amendment 39-14605; AD 2006-10-21] (RIN: 2120-AA64) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8746. A letter from the Chief Financial Officer, Library of Congress, transmitting activities of the United States Capitol Preservation Commission Fund for the six-month period which ended on March 31, 2006, pursuant to 40 U.S.C. 188a-3; jointly to the Committees on House Administration and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 4165. A bill to clarify the boundaries of Coastal Barrier Resources System Clam Pass Unit FL–64P (Rept. 109–581). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 5057. A bill to authorize the Marion Park Project and Committee of the Palmetto Conservation Foundation to establish a commemorative work on Federal land in the District of Columbia, and its environs to honor Brigadier General Francis Marion; with amendments (Rept. 109–582). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3817. A bill to withdraw the Valle Vidal Unit of the Carson National Forest in New Mexico from location, entry, and patent under the mining laws, and for other purposes (Rept. 109–583). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 2134. A bill to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, DC, and for other purposes (Rept. 109–584 Pt. 1). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3049. A bill to amend section 42 of title 18, United States Code, popularly known as the Lacey Act, to add certain species of carp to the list of injurious species that are prohibited from being imported or shipped (Rept. 109–585). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 5411. A bill to direct the Secretary of the Interior to establish a demonstration program to facilitate landscape restoration programs within certain units of the National Park System established by law to

preserve and interpret resources associated with American history, and for other purposes (Rept. 109–586). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4947. A bill to expand the boundaries of the Cahaba River National Wildlife Refuge, and for other purposes; with an amendment (Rept. 109–587). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4301. A bill to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes (Rept. 109–588). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 5121. A bill to modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers, and for other purposes; with an amendment (Rept. 109–589). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2134. Referral to the Committee on House Administration extended for a period ending not later than September 29, 2006.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HYDE (for himself and Mr. LANTOS):

H.R. 5847. A bill to amend the Arms Export Control Act to strengthen the requirements for congressional review of arms sales and exports under such Act, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REYNOLDS:

H.R. 5848. A bill to increase the number of types of documents able to satisfy the requirements of the Western Hemisphere Travel Initiative, and to ensure such documents are widely available and affordable; to the Committee on Homeland Security, 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. HAYES:

H.R. 5849. A bill to increase the fine and prison term for textile transshipment, and for other purposes; to the Committee on the Judiciary.

By Ms. WASSERMAN SCHULTZ (for herself, Mr. WOLF, Mr. MOORE of Kansas, Mr. WEXLER, Mrs. MCCARTHY, Mr. ENGEL, Mr. OWENS, Mr. HASTINGS of Florida, Mr. KING of New York, Mr. ALEXANDER, Mr. OLVER, and Mr. KLINE):

H.R. 5850. A bill to increase the safety of swimming pools and spas by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws, to educate the public about pool and spa safety, and for other purposes; to the Committee on Energy and Commerce.

By Mr. NEY (for himself and Mr. ABERCROMBIE):

H.R. 5851. A bill to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians; to the Committee on Financial Services.

By Mr. REICHERT (for himself, Mr. PASCRELL, Mr. KING of New York, Mr. THOMPSON of Mississippi, Mr. MCCAUL of Texas, Mrs. LOWEY, Mr. WELDON of Pennsylvania, Mr. ETHERIDGE, Mr. SIMMONS, Mrs. CHRISTENSEN, and Mr. DEFAZIO):

H.R. 5852. A bill to amend the Homeland Security Act of 2002 to enhance emergency communications at the Department of Homeland Security, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS (for himself and Mr. GRAVES):

H.R. 5853. A bill to amend the Commodity Exchange Act to add a provision relating to reporting and recordkeeping for positions involving energy commodities; to the Committee on Agriculture.

By Mr. BEAUPREZ:

H.R. 5854. A bill to establish a pilot program under which the Secretary of Education allows selected States to combine certain funds under the Elementary and Secondary Education Act of 1965 to improve the academic achievement of its students; to the Committee on Education and the Workforce.

By Mr. CARDIN (for himself, Mr. ENGLISH of Pennsylvania, Mr. WYNN, Mr. HOYER, Mr. RANGEL, Mr. RUPPERSBERGER, Mr. STARK, Mr. OWENS, Mr. HINOJOSA, Mr. BISHOP of Georgia, Ms. JACKSON-LEE of Texas, Mr. BUTTERFIELD, Mr. GERLACH, Mr. DAVIS of Illinois, and Ms. MCKINNEY):

H.R. 5855. A bill to amend the Internal Revenue Code of 1986 to provide for the exclusion from gross income of certain wages of a certified master teacher, and for other purposes; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Mr. BOSWELL, Ms. KAPTUR, Mr. SKELTON, Mr. BROWN of Ohio, Mr. GRIJALVA, and Ms. MCCOLLUM of Minnesota):

H.R. 5856. A bill to amend the Internal Revenue Code of 1986 to allow the allocation of the alternative fuel vehicle refueling property credit to patrons of agricultural cooperatives; to the Committee on Ways and Means.

By Mr. GRIJALVA (for himself, Mr. SHADEGG, Mr. RENZI, Mr. FRANKS of Arizona, Mr. KOLBE, Mr. HAYWORTH, Mr. PASTOR, and Mr. FLAKE):

H.R. 5857. A bill to designate the facility of the United States Postal Service located at 1501 South Cherrybell Avenue in Tucson, Arizona, as the ''Morris K. 'Mo' Udall Post Office Building''; to the Committee on Government Reform.

By Mrs. LOWEY (for herself, Ms. ROS-LEHTINEN, Mr. LANTOS, Mr. HONDA, Mr. MCGOVERN, Mr. BLUMENAUER, Mr. FATTAH, Mr. GEORGE MILLER of California, and Mr. SCHIFF):

H.R. 5858. A bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries; to the Committee on International Relations.

By Mr. MCHENRY:

H.R. 5859. A bill to establish a commission to develop legislation designed to reform entitlement benefit programs and ensure a sound fiscal future for the United States, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 5860. A bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for State and local, and foreign, real property taxes; to the Committee on Ways and Means.

By Mr. PEARCE:

H.R. 5861. A bill to amend the National Historic Preservation Act, and for other purposes; to the Committee on Resources.

By Mr. OWENS:

H.J. Res. 92. A joint resolution proposing an amendment to the Constitution of the United States to ensure a free and adequate education for every child who is a citizen; to the Committee on the Judiciary.

By Mr. ACKERMAN:

H.J. Res. 93. A joint resolution disapproving the issuance of letters of offer with respect to certain proposed sales of defense articles and defense services to Pakistan; to the Committee on International Relations.

By Ms. WATERS:

H. Con. Res. 452. Concurrent resolution expressing the sense of Congress that the Department of Defense should provide full disclosure regarding the details of the deaths of members of the Armed Forces to their families at the earliest possible date; to the Committee on Armed Services.

By Mr. THOMPSON of Mississippi:

H. Res. 930. A resolution recognizing and honoring York for his role in the Lewis and Clark Expedition; to the Committee on Government Reform.

By Mr. THOMPSON of Mississippi:

H. Res. 931. A resolution expressing the sense of the House of Representatives that on August 27, 2006, people of goodwill throughout the United States should remember the victims of Hurricane Katrina, both living and dead, and pledge to work toward the repair, rebuilding, and resettlement of the Gulf Coast of the United States; to the Committee on Government Reform.

By Mr. BERRY:

H. Res. 932. A resolution expressing the sense of the House of Representatives that the Congress should make additional emergency supplemental appropriations for necessary expenses for enforcement of laws relating to border security, immigration, and customs; to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself, Mr. BERMAN, and Mr. NADLER):

H. Res. 933. A resolution commending agents, attorneys, and employees of the Office of the Inspector General of the Department of Justice; to the Committee on the Judiciary.

By Mr. GINGREY:

H. Res. 934. A resolution supporting the goals and ideals of Plan Ahead with an Advance Directive Week; to the Committee on Energy and Commerce.

By Mr. JEFFERSON (for himself, Mr. BOUSTANY, Mr. ROSS, Mr. SCOTT of Virginia, Ms. KILPATRICK of Michigan, Ms. LEE, Mr. MELANCON, Mr. BRADY of Pennsylvania, Mr. ALEXANDER, Mr. TOWNS, Mr. CLEAVER, Mr. BAKER, Mr. MCCRERY, and Mr. THOMPSON of Mississippi):

H. Res. 935. A resolution acknowledging the progress yet to be made in the rebuilding after Hurricanes Katrina and Rita; to the Committee on Transportation and Infrastructure.

By Mr. LEWIS of Kentucky:

H. Res. 936. A resolution expressing the sense of the House of Representatives that the City of Bowling Green, Kentucky, located in Warren County, can be proud of being a part of the history of the production of an American Icon, the Corvette, for 25 years; to the Committee on Government Reform.

By Mrs. MUSGRAVE:

H. Res. 937. A resolution to congratulate Fort Collins, Colorado, on being named the best place to live in the United States for 2006; to the Committee on Government Reform.

By Mr. STUPAK (for himself, Mr. BRADY of Texas, and Mr. GERLACH):

H. Res. 938. A resolution requesting that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in ''National Night Out'', which occurs the first Tuesday of August each year, including by supporting local efforts and community watch groups and by supporting local officials, to promote community safety and help provide homeland security; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

406. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to House Joint Resolution No. 1500 memorializing the Secretary of the Navy to Honor the gift of 1,000 achres known as Brunswick Commons bestowed in 1719 by the Pejepscot Proprietors to the Town of Brunswick forever and return it to the town at no cost; to the Committee on Armed Services.

407. Also, a memorial of the House of Representatives of the State of Florida, relative to House Memorial No. 541 urging the Congress of the United States to support a National Catastrophe Insurance Program; to the Committee on Financial Services.

408. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 247 memorializing the Congress of the United States to enact the Nursing Home Fire Safety Act; to the Committee on Energy and Commerce.

409. Also, a memorial of the Senate of the Commonwealth of Massachusetts, relative to a Resolution memorializing the Congress of the United States to pass Senate Joint Resolution No. 15 apologizing to all Native American Peoples on behalf of the United States; to the Committee on Resources.

410. Also, a memorial of the General Assembly of the State of Tennessee, relative to Senate Joint Resolution No. 911 urging the reauthorization of the special provisions of the Voting Rights Act of 1965; to the Committee on the Judiciary.

411. Also, a memorial of the Senate of the State of Tennessee, relative to Senate Resolution No. 158 memorializing the Congress of the United States to enact the ''Constitution Restoration Act of 2005''; to the Committee on the Judiciary.

412. Also, a memorial of the General Assembly of the State of Tennessee, relative to Senate Joint Resolution No. 574 urging the Congress of the United States to propose, adopt, and submit to the states for ratification a balanced budget amendment to the United States Constitution; to the Committee on the Judiciary.

413. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 269 memorializing the President of the United States and the Congress of the United States to make the Republic of Poland eligible for the United States Department of State Visa Waiver Program; to the Committee on the Judiciary.

414. Also, a memorial of the Legislature of the State of Maine, relative to House Joint Resolution No. 1508 memorializing the President of the United States, the Congress of the United States and the United States Department of Justice to establish satellite voting for displaced victims of Hurricane Katrina; to the Committee on the Judiciary.

415. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 29 requesting that Rutgers University assist the ''Flood Mitigation Task Force'' to determine causes and solutions to flooding in New Jersey; to the Committee on Transportation and Infrastructure.

416. Also, a memorial of the Senate of the State of Texas, relative to Senate Resolution No. 9 memorializing the Congress of the United States to address problems in the Department of Veterans Affairs related to the provisions of health care and benefits, the adjudication of claims, accountability, and outreach and to enact legislation that creates an appropriation formula that ensures predictable and adequate funding for the health care problems of the Veterans Health Administration; to the Committee on Veterans' Affairs.

417. Also, a memorial of the Senate of the Commonwealth of Massachusetts, relative to a Resolution memorializing the Congress of the United States to provide relief from growing energy costs; to the Committee on Ways and Means.

418. Also, a memorial of the Senate of the State of Texas, relative to Senate Resolution No. 720 encouraging the President of the United States to extend the benefits of free trade by enacting a free trade agreement between the United States and Taiwan; to the Committee on Ways and Means.

419. Also, a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 630 urging the Congress of the United States to enact a prescription drug benefit for senior citizens that is run by the Medicare program itself; jointly to the Committees on Ways and Means and Energy and Commerce.

420. Also, a memorial of the Senate of the Commonwealth of Massachusetts, relative to a Resolution affirming the civil rights and liberties of the people of Massachusetts; jointly to the Committees on the Judiciary, Intelligence (Permanent Select), and Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. SPRATT.
H.R. 450: Ms. BORDALLO.
H.R. 503: Mr. CRAMER.
H.R. 550: Mrs. KELLY and Mr. CRAMER.
H.R. 552: Mr. KENNEDY of Minnesota.
H.R. 614: Mr. CRAMER.
H.R. 759: Mr. WYNN.
H.R. 817: Mr. WELLER, Mr. NUSSLE, Mr. CAMP of Michigan, Mr. HERGER, Mr. LINDER, Mr. GILLMOR, and Mr. MANZULLO.
H.R. 864: Mr. BROWN of Ohio, Mr. BRADY of Pennsylvania, Mr. POE, Mr. JEFFERSON, and Mr. MCNULTY.
H.R. 898: Mr. CRAMER.
H.R. 934: Mr. RAMSTAD, Mr. MCGOVERN, and Mr. STRICKLAND.
H.R. 947: Mr. ISTOOK.
H.R. 964: Mr. PAYNE and Mr. RAMSTAD.
H.R. 1020: Mr. CRAMER.
H.R. 1108: Mr. SCOTT of Georgia.
H.R. 1131: Ms. HARMAN.
H.R. 1227: Mr. BILIRAKIS.
H.R. 1329: Mrs. BONO and Mr. KIRK.
H.R. 1358: Mr. BOREN.
H.R. 1471: Mrs. TAUSCHER and Mr. MATHESON.
H.R. 1554: Mr. JINDAL.
H.R. 1578: Miss MCMORRIS and Mr. MCGOVERN.
H.R. 2088: Mr. NUSSLE, Mr. LATHAM, Mr. NEUGEBAUER, Mr. CULBERSON, Mr. BROWN of South Carolina, Ms. HARRIS, and Mr. RENZI.
H.R. 2090: Mr. MCGOVERN and Mr. JACKSON of Illinois.
H.R. 2421: Mr. SCOTT of Georgia and Mr. PICKERING.
H.R. 2458: Mr. CONAWAY.
H.R. 2488: Mr. CLYBURN.
H.R. 2568: Mr. HINCHEY.
H.R. 2671: Mr. MELANCON.
H.R. 2828: Mr. CARNAHAN.
H.R. 2840: Mr. PAUL.
H.R. 2965: Mr. SMITH of New Jersey, Mr. MARCHANT, and Ms. WATERS.
H.R. 3186: Mr. MORAN of Virginia.
H.R. 3195: Mr. FORTUÑO and Mr. MARKEY.
H.R. 3196: Mr. SERRANO.
H.R. 3248: Mrs. JO ANN DAVIS of Virginia and Mr. GOODE.
H.R. 3282: Mr. DENT.
H.R. 3436: Mr. MCCOTTER and Mr. PAUL.
H.R. 3547: Mr. BISHOP of Georgia and Mr. GENE GREEN of Texas.
H.R. 3559: Mr. GRAVES.
H.R. 3603: Mrs. BONO.
H.R. 3762: Mr. FORD.
H.R. 3795: Mr. HOEKSTRA and Mr. KIRK.
H.R. 3874: Mr. HINOJOSA.
H.R. 3936: Mr. SCOTT of Georgia.
H.R. 3949: Mr. MILLER of North Carolina.
H.R. 4047: Mr. STEARNS.
H.R. 4188: Mr. HIGGINS and Ms. KAPTUR.
H.R. 4212: Mr. OBERSTAR.
H.R. 4236: Mr. REHBERG.
H.R. 4239: Ms. SCHWARTZ of Pennsylvania.
H.R. 4264: Mr. MARSHALL and Mr. BRADY of Pennsylvania.
H.R. 4291: Mr. DAVIS of Illinois, Mrs. NAPOLITANO, Mr. GRIJALVA, and Mr. COOPER.
H.R. 4366: Ms. BEAN.
H.R. 4403: Mr. OTTER, Mr. SIMPSON, and Mr. JEFFERSON.
H.R. 4517: Mr. DOYLE.

H.R. 4547: Mr. RENZI.
H.R. 4560: Mr. MURPHY.
H.R. 4562: Mr. BONILLA, Mr. MCKEON, Mr. MICA, Ms. KAPTUR, Mr. FARR, and Mr. FERGUSON.
H.R. 4747: Mr. MELANCON and Mr. CRAMER.
H.R. 4751: Ms. SCHWARTZ of Pennsylvania and Mr. FORD.
H.R. 4800: Mr. BISHOP of New York.
H.R. 5013: Mr. GARY G. MILLER of California.
H.R. 5022: Mr. SCOTT of Georgia and Ms. BALDWIN.
H.R. 5052: Ms. MOORE of Wisconsin.
H.R. 5092: Mr. ROGERS of Michigan, Mr. NEUGEBAUER, Mr. POMBO, Mr. CULBERSON, Mr. BROWN of South Carolina, Mr. LEWIS of Kentucky, Mr. RENZI, and Mr. MACK.
H.R. 5120: Mr. PAYNE.
H.R. 5121: Mrs. NAPOLITANO.
H.R. 5139: Mr. SCHWARZ of Michigan and Mr. STARK.
H.R. 5166: Ms. HERSETH.
H.R. 5171: Ms. KAPTUR.
H.R. 5185: Ms. MCCOLLUM of Minnesota and Mrs. TAUSCHER.
H.R. 5212: Ms. SCHWARTZ of Pennsylvania.
H.R. 5236: Mr. MOORE of Kansas and Mr. AL GREEN of Texas.
H.R. 5247: Ms. HARMAN.
H.R. 5248: Mr. JACKSON of Illinois, Mrs. DAVIS of California, and Ms. BALDWIN.
H.R. 5316: Mr. OLVER and Mr. ROSS.
H.R. 5319: Mrs. KELLY.
H.R. 5344: Mr. HONDA.
H.R. 5351: Mr. RANGEL.
H.R. 5371: Mr. TIERNEY.
H.R. 5372: Ms. BALDWIN, Mr. LEVIN, and Mr. SNYDER.
H.R. 5396: Mr. WEXLER, Mr. BISHOP of Georgia, and Mr. ETHERIDGE.
H.R. 5397: Mr. GORDON and Mrs. CAPITO.
H.R. 5472: Mr. COSTA, Mr. DOGGETT, Mr. BUYER, Mr. MORAN of Virginia, Mr. ALLEN, Mr. SANDERS, Mr. HASTINGS of Florida, Mr. CLEAVER, Ms. HOOLEY, Mr. HONDA, Ms. MCCOLLUM of Minnesota, Mr. BERMAN, Ms. SCHAKOWSKY, Mr. HINOJOSA, Mr. NADLER, Mr. CARDIN, Mr. RANGEL, Mr. WALSH, Ms. SCHWARTZ of Pennsylvania, Mr. SCOTT of Georgia, Mr. KING of New York, Mr. KIRK, Mr. GONZALEZ, and Mr. EMANUEL.
H.R. 5500: Mrs. NORTHUP and Mr. LEWIS of Kentucky.
H.R. 5513: Mrs. CAPITO, Mr. MILLER of North Carolina, and Mr. SWEENEY.
H.R. 5536: Mr. ABERCROMBIE.
H.R. 5555: Mr. FERGUSON.
H.R. 5598: Ms. BERKLEY.
H.R. 5613: Mr. PITTS and Mr. WILSON of South Carolina.
H.R. 5624: Mr. HASTINGS of Florida.
H.R. 5642: Ms. SCHWARTZ of Pennsylvania, Mr. FRANK of Massachusetts, Mr. WEXLER, Mr. MCGOVERN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ZOE LOFGREN of California, Mr. MEEHAN, and Mrs. MALONEY.
H.R. 5674: Mr. MILLER of North Carolina and Ms. BERKLEY.
H.R. 5682: Mr. LEWIS of Kentucky and Mr. MILLER of Florida.
H.R. 5700: Mr. BACHUS.
H.R. 5704: Mrs. DRAKE and Mr. WELDON of Florida.
H.R. 5755: Mr. OTTER, Mr. CRAMER, Mr. LUCAS, Mr. LIPINSKI, and Mr. FOLEY.
H.R. 5758: Mr. ROSS.
H.R. 5766: Mr. GREEN of Wisconsin, Mrs. BLACKBURN, Mr. KENNEDY of Minnesota, Mr. PEARCE, and Mr. ROYCE.
H.R. 5770: Mr. HASTINGS of Florida.
H.R. 5771: Mr. MILLER of North Carolina, Ms. SCHWARTZ of Pennsylvania, Mr. MEEHAN, Mr. TIERNEY, Mr. KUCINICH, Ms. WASSERMAN SCHULTZ, and Mr. ROTHMAN.
H.R. 5772: Mr. BROWN of South Carolina and Mr. MCCRERY.
H.R. 5805: Mr. CARNAHAN, Mr. MARKEY, and Mr. SESSIONS.
H.R. 5806: Ms. MOORE of Wisconsin, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATERS, Mr. MCNULTY, and Mrs. MCCARTHY.
H.R. 5818: Mr. FEENEY, Mr. HENSARLING, and Mr. WICKER.
H.R. 5825: Mr. RAMSTAD.
H.R. 5830: Mr. POE and Mr. CULBERSON.
H.R. 5834: Ms. ESHOO, Mr. BROWN of Ohio, and Mr. KUCINICH.
H.R. 5835: Mr. MORAN of Kansas and Mr. BOSWELL.
H.R. 5837: Mr. GEORGE MILLER of California, Mr. KILDEE, and Mr. CLAY.
H. Con. Res. 174: Ms. BORDALLO, Mr. WEXLER, Ms. MATSUI, and Mr. SHAYS.
H. Con. Res. 197: Mr. MOORE of Kansas.
H. Con. Res. 222: Mr. MCKEON.
H. Con. Res. 411: Mr. MANZULLO, Mr. BARRETT of South Carolina, Mr. AKIN, and Mr. WHITFIELD.
H. Con. Res. 415: Mr. ROHRABACHER, Mr. CROWLEY, and Ms. MCCOLLUM of Minnesota.
H. Con. Res. 416: Mr. YOUNG of Florida and Mr. CALVERT.
H. Con. Res. 424: Mr. KLINE, Mr. KUHL of New York, Mr. BOOZMAN, Mr. JOHNSON of Illinois, Mr. EMANUEL, Mr. WELLER, Ms. CORRINE BROWN of Florida, Mr. SIMPSON, Mr. OTTER, and Mr. BEAUPREZ.
H. Con. Res. 425: Mr. ISRAEL.
H. Res. 295: Mr. MCHUGH and Mr. REYNOLDS.
H. Res. 490: Ms. BORDALLO and Mr. HASTINGS of Florida.
H. Res. 707: Mr. ANDREWS and Mrs. KELLY.
H. Res. 838: Mr. SMITH of New Jersey, Mr. BROWN of South Carolina, Mr. SNYDER, and Ms. SCHWARTZ of Pennsylvania.
H. Res. 848: Mr. CHABOT.
H. Res. 874: Mr. JACKSON of Illinois, Mr. OWENS, Mr. DAVIS of Illinois, Mr. GRIJALVA, Mr. SCOTT of Virginia, Mr. PAYNE, and Ms. ROYBAL-ALLARD.
H. Res. 880: Miss MCMORRIS.
H. Res. 888: Mr. HASTINGS of Florida.
H. Res. 912: Mr. HOLDEN, Mr. ALLEN, and Mr. SOUDER.
H. Res. 926: Mr. RAHALL, Mr. LAHOOD, Mr. BOUSTANY, and Mr. PEARCE.
H. Res. 928: Mr. CONYERS, Mr. SCOTT of Virginia, Mr. CARDIN, Mrs. TAUSCHER, Mr. LEWIS of Georgia, Mr. JEFFERSON, Mr. OWENS, and Mr. PAYNE.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 11 by Mr. BARROW on House Resolution 614: Mr. LEACH.

SENATE—*Thursday, July 20, 2006*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The PRESIDENT pro tempore. Today's prayer will be offered by the Reverend Ed Sears, Grace Baptist Temple, Winston-Salem, NC.

The guest Chaplain offered the following prayer:

Let us pray together.

Our Father and our God, as we assemble today in the Senate Chamber, we do so with a keen sense of awareness of our special need of You. Our Nation has a rich history of Your many blessings, and we ask for those blessings to continue upon us. May Your presence be felt, and may Your hand of divine provision be realized.

In this awesome assembly today, give to each person wisdom and understanding for the times that are at hand. With the rich bounty of our history and the awesome opportunities of this present hour, may we move into this day with a special sense of Your call.

With our confidence in You and our responsibility to each other, we invite Your guidance and direction in the affairs of state this day. In times of debate and difference, may we remember that at the end of the day we are, indeed, ''one nation under God.''

Protect those who serve the cause of freedom around our world, especially those serving in our Armed Forces.

May the love of God the Father, the grace and mercy of the Lord Jesus, and the communion of Thy spirit rest upon the Members of this Senate as they gather to conduct our Nation's business. In Jesus's 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.

The PRESIDENT pro tempore. The Senator from North Carolina.

REVEREND ED SEARS

Mr. BURR. Mr. President, it is my honor and pleasure to welcome our guest Chaplain this morning, the Reverend Ed Sears of Winston-Salem, NC. Reverend Sears is from my hometown, and it is an honor to have him in Washington today blessing the Senate.

Reverend Sears is the senior pastor at Grace Baptist Temple in Winston-Salem. He has faithfully served Grace Baptist's congregation of over 1,000 members for the past 25 years. Reverend Sears first heard his call to serve in 1971 and has since used his faith to minister and lead. In addition to his service to his church and his community, Reverend Sears holds the distinction of blessing both the House of Representatives and the Senate. In 2003, Reverend Sears was the guest Chaplain in the House and now honors us this morning in the Senate. Grace Baptist Temple, the city of Winston-Salem, and I appreciate his faith and fellowship.

Reverend Sears has been happily married for 39 years. His wife's name is Linda, and they have three daughters, Kelly, Millicent, and Heather. I would also like to congratulate Reverend Sears on the newest addition to his family, his youngest granddaughter, Anna Claire Walker.

Mr. President, it is our privilege to have Reverend Ed Sears lead the Senate in its opening prayer.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FANNIE LOU HAMER, ROSA PARKS, AND CORETTA SCOTT KING VOTING RIGHTS ACT REAUTHORIZATION AND AMENDMENTS ACT OF 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 9, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 9) to amend the Voting Rights Act of 1965.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we are proceeding directly to H.R. 9, the voting rights reauthorization bill. We have a unanimous consent order that provides for up to 8 hours of debate today, although I do not expect all that time will be necessary. We will proceed to a vote on passage of H.R. 9 whenever that time is used or yielded back, and therefore that vote will occur sometime this afternoon, and I expect passage of that voting rights reauthorization bill.

There are several circuit and district court judges that will require some debate and votes today. We will have a unanimous consent agreement on those debate times shortly, and we will likely consider those judicial nominations following the passage of the Voting Rights Act.

We have been working on an agreement on the child predator legislation for a short debate and vote, which will occur today, and we hope to have that agreement as well.

Finally, we have an order to proceed to the child custody protection bill today, and we have Senators who would like to speak on this issue later today as well.

Having said that, the schedule will require votes over the course of the day—possibly into the evening—in order to finish. Although there is a lot to do and people have requested time to be set aside, I think a lot of that time can be yielded back over the course of the day and we will be able to complete the schedule as I have laid out.

In a few moments, after the chairman makes his opening statements on the Voting Rights Act reauthorization, I will return with an opening statement as well. It has been a process we have expedited in many ways because the importance and significance of this legislation is very clear. So I am delighted that we are moving to it this morning and that we will be passing it later this afternoon.

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Are we prepared to proceed at this time with the consideration of the Voting Rights Act?

The PRESIDENT pro tempore. That is correct.

Mr. SPECTER. Mr. President, this is a historic day for the Senate and really a historic day for America as we move forward with Senate action to reauthorize the Voting Rights Act. This action, coming from the Judiciary Committee in our executive session yesterday afternoon, passed unanimously—18 to 0—moves the Senate toward completion of this reauthorization today and for submission to the President and for the formal signing next week.

In an era where many have challenged the ability of the Congress to function in the public interests and in an era where there is so much partisan disagreement, it is good to see the two parties in the House and the Senate coming together to reauthorize this very important legislation.

I thank and congratulate the members of the Senate Judiciary Committee for pulling together and moving ahead at this time, with a prodigious

amount of work, to bring this important matter to the floor. The committee has proceeded with 9 hearings. We have had 46 witnesses. We have had 11 leading academics come to testify from such distinguished institutions as the Yale Law School, Stanford University, the University of Pennsylvania Law School, New York University Law School, and others.

The House of Representatives held 12 hearings to gather evidence on voting discrimination, featuring testimony from some 46 witnesses.

We have had some of the leading luminaries in the Nation testify, such as Professor Chandler Davidson, coauthor of the landmark book on the Voting Rights Act ''Quiet Revolution in the South;'' Theodore Shaw, Director-Counsel and President of the NAACP Legal Defense and Education Fund; Fred Gray, veteran civil rights attorney who began his career in the midst of the civil rights movement in the 1950s and has represented such civil rights leaders as Dr. Martin Luther King, Jr., and Mrs. Rosa Parks.

We have been mindful in presenting these witnesses and compiling this record that the Supreme Court has required very extensive records. The Supreme Court struck down parts of the landmark legislation protecting women against violence because the Court disagreed with the congressional ''method of reasoning.'' It is a little hard to understand that conclusion, but they have the final word. They have a test on the adequacy of the record; that it be congruent and proportional. It is sometimes hard to understand exactly what that test is, but we are on guard to compile a very extensive record in order to avoid having the act declared unconstitutional.

The bill which we will vote on today accomplishes many important items. First, it strengthens voting rights protections nationwide by allowing voters who successfully challenge illegal voting practices to recover reasonable expenses of litigation. Second, it extends the protections for voters with limited English skills for 25 years. Those voters will continue to enjoy the protection of bilingual ballots and assistance at the polls. It also extends for 25 years the requirements that the Department of Justice preclear any voting change in certain covered jurisdictions where there has been a history of discrimination. The bill clarifies how the preclearance protections should work, guaranteeing that voting laws enacted with a discriminatory purpose never get enacted into law. So, it moves America in the right direction.

The benefits and effects of the Voting Rights Act of 1965 have been profound, to put it mildly. It is the political power of the minorities for whom the Voting Rights Act was designed who pushed the Congress forward a year in advance of the expiration of the Voting Rights Act, to move ahead and get this important job done early.

If you contrast 1964, before the Voting Rights Act was passed, with what is happening in America today, it is a different America. It is a different political reality. In 1964, there were only approximately 300 African Americans in public office, including just 3 in the Congress. Few, if any, Black elected officials came from the South. Today, there are more than 9,000 Black elected officials, including 43 Members of Congress. This is the largest number ever. Quite a record. The Voting Rights Act has opened the political process for many of the approximately 6,000 Latino public officials who have been elected, including 263 at the State or Federal level, 27 of whom serve in Congress.

This progress is especially striking in covered jurisdictions where hundreds of minorities hold office. In Georgia, for example, minorities are elected at rates proportionate to or higher than their numbers. In Georgia, the voting-age population is 27 percent African American. Almost 31 percent of its delegations to the House of Representatives are African American, and 26.5 percent of officials elected statewide are African American. Black candidates in Mississippi have achieved similar success. The State's voting age population is 34 percent African American. Almost 30 percent of its representatives in the State House and 25 percent of its delegations in the U.S. House of Representatives are African American.

The Congress of 1965 relied on evidence that Black registration was so dramatically lower than White registration that the differences could only be explained by purposeful efforts to disenfranchise Black citizens. Indeed, in some cases, the gap was 50 percentage points. In Alabama, Black registration was just at 18 percent, and in Mississippi, a little over 6 percent. Today, in Alabama and Louisiana, Blacks are registered at approximately the same rate as White voters, and in Georgia, Mississippi, North Carolina, and Texas, Black registration and turnout in the 2004 election was higher than that of the Whites.

The Congress of 1965 relied on findings of Federal courts and the Justice Department that the covered States were engaged in the practice of deliberate unconstitutional behavior. For example, the 1965 Senate report noted that Alabama, Louisiana, and Mississippi had lost every voting discrimination suit brought against them, and in the previous 8 years, each State had eight or nine courts find them guilty of violating the Constitution.

Today, the statistics paint a starkly different picture. Since 1982, only six cases have ended in court ruling or a consent decree finding that one of the 880 covered jurisdictions had committed unconstitutional discrimination against minority voters. During that time, six cases have found that a noncovered jurisdiction committed unconstitutional discrimination against minority voters. If the data is focused on the last 11 years, the results are even more dramatic. Since 1995, only two cases ended in a finding that a covered jurisdiction unconstitutionally discriminated against minority voters.

Looking at voting rights cases paints a similar picture. In 1982, 39 court cases ended with a finding that one of the 880 covered jurisdictions had violated Section 2 of the Voting Rights Act. That is the provision that prohibits discrimination nationwide. During the same period of time, 40 court cases have ended with a finding that one of the noncovered jurisdictions have violated Section 2. Not a perfect record, but it shows that discrimination has become more incidental and less systematic.

There is no doubt this improved record is a direct result of the Voting Rights Act. When we take a look at civil rights legislation generally, the Voting Rights Act is the most important part of our effort to give minorities—give all Americans—their full range of constitutional civil rights.

When we take a look at the activities of the three distinguished women for whom the Voting Rights Act has been named—Coretta Scott King, Rosa Parks, Fannie Lou Hamer—we see the enormous contribution which they have made. Mrs. King, the widow of pioneering civil rights leader Martin Luther King, Jr., devoted a lifetime to opposing racism, whether the 1960s segregation Alabama or the 1980s apartheid in South Africa. Fortunately, she lived to see so much of the progress America has made. Sadly, her husband, Dr. King, did not see that.

I recall, not too long ago, when Mrs. King came to the Senate, in the adjoining room to the Senate Chambers, and spoke out forcefully on the issues of civil rights. She was a real heroin in America, to pursue the work of Dr. King.

Every American schoolchild knows the story of Miss Rosa Parks who, on December 1, 1955, refused to give up her seat to a white passenger. She explained her motivation simply:

> People always say that I didn't give up my seat because I was tired, but that isn't true. I was not tired physically. . . . I was not old, . . . I was forty-two. No, the only tired I was, was tired of giving in.

Fannie Lou Hamer first learned that African Americans had a constitutional right to vote in 1962, when she was 44 years old. Ms. Hammer later explained that, despite death threats and violence, she was determined to exercise her constitutional rights and said:

> The only thing that they could do to me was to kill me, and it seemed like they had been trying to do that a little bit at a time ever since I could remember.

So we come to this day in the Senate where we are on the verge of passing

the Voting Rights Act, reauthorizing it as the House has done. The President will be speaking within the hour to the NAACP convention and doubtless will refer proudly to the acts of the Congress in presenting him with this bill.

I want to pay tribute to the Judiciary Committee. All the members worked very hard to get these nine hearings and to examine the witnesses and to create a record. Senator KENNEDY, who is on the floor, has been a stalwart leader in this field for a very long time. He was here when the Voting Rights Act of 1965 was passed. Not too many current Members of the Senate were present. Senator BYRD, Senator INOUYE—this is not in my prepared text. I may be omitting someone. Senator STEVENS came shortly thereafter—1968.

Senator KENNEDY doesn't need a microphone when he speaks about civil rights in this Chamber. He can be heard on the House floor—quite a distance away, past the Rotunda. He has not only been a spokesman for this act, he has been a persistent advocate. Not that it needed a whole lot of advocacy to persuade the latest chairman or my distinguished ranking member, Senator LEAHY, to move ahead. This has been our priority item. We got the Judiciary Committee together on a Wednesday afternoon. It is pretty hard to get the Judiciary Committee together any time and to get a quorum, but we were present, 16 of the 18 members. One member was on the floor managing a bill and the other couldn't be there. So there was that kind of enthusiasm.

Now I want to yield to Senator LEAHY, the distinguished ranking member. The committee has quite a record for 18 months. We moved promptly on January 4 to confirm the President's designee for Attorney General. We moved ahead to pass reform legislation on class actions and bankruptcy. We moved ahead, with Senator LEAHY's leadership and the leadership of Judge Becker, to move asbestos out of committee—yet to be acted on, on the floor. We have confirmed two Supreme Court Justices and have moved the immigration bill out of committee. But none of our activities has been as important as the one we presented to the floor of the Senate yesterday when we voted out the Voting Rights Act.

Mr. President, I ask unanimous consent that additional materials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Below is a summary of all the cases that staff for the Chairman of the Senate Judiciary Committee has located in which a court or a settlement found a constitutional violation of voting rights.

Only six cases resulted in a finding that a covered jurisdiction committed unconstitutional discrimination against minority voters. Six cases ended in a finding that found that a covered jurisdiction had committed unconstitutional discrimination against white voters. Six cases in non-covered jurisdictions found unconstitutional voting practices against minority voters, and two against white or majority voters.

An additional 22 cases found a constitutional violation, but these did not involve racial discrimination or any conduct addressed by the Voting Rights Act. Accordingly, these cases are not relevant evidence for reauthorization.

Staff reviewed the ACLU's 867-page Voting Rights Report, which discusses 293 cases brought since June 1982. Staff also reviewed the database for the University of Michigan Law School Voting Rights Report. The database was constructed by searching the ''federal court'' databases of Westlaw or Lexis for any case that was decided since June 29, 1982 and mentions section 2, 42 U.S.C. §1973. Of all the identified section 2 lawsuits, 209 produced at least one published liability decision under section 2. Staff reviewed the ''state reports'' introduced into the record and available at RenewTheVRA.org. Finally, staff reviewed the consent decrees introduced into the November 8, 2005 House Judiciary Committee hearing on the minority language provisions of the Voting Rights Act.

I. COVERED JURISDICTIONS DISCRIMINATING AGAINST VOTERS

ALABAMA

(1) *Hunter* v. *Underwood*, 730 F.2d 614 (11th Cir. 1984), affirmed 471 U.S. 222 (1985) (ACLU Rep., p. 51).

The ACLU represented two voters who were disenfranchised under a nearly 80 year-old law that prohibited those who had committed a ''crime of moral turpitude'' from voting. Id. at p. 52. The court struck down the law because there was evidence that when it was adopted in the early 1900s, the legislators intended to disenfranchise black voters. The Supreme Court unanimously affirmed that, in view of the proof of racial motivation and continuing racially discriminatory effect, the state law violated the Fourteenth Amendment.

(2) *Dillard* v. *City of Foley*, 926 F. Supp. 1053 (M.D. Ala. 1995) (ACLU Rep., p. 57).

African American plaintiffs in the City of Foley, Alabama, filed a motion to require the City to adopt and implement a non-discriminatory annexation policy and to annex Mills Quarters and Beulah Heights. Plaintiffs also claimed that the City had violated section 5 and section 2. As a result of negotiations, the parties entered into a consent decree. The decree found plaintiffs had established ''a prima facie violation of section 2 of the Voting Rights Act and the United States Constitution.'' Id. at p. 59.

(3) *Brown* v. *Board of School Comm'rs.*, 706 F. 2d 1103 (11th Cir. 1983) (U Mich. L.Rep., http://www.votingreport.org.).

A class of African American voters challenged Mobile County's at-large system for electing School Board members. In 1852, Mobile County created at-large school board elections of 12 commissioners. In 1870, the election procedures changed; instead of selecting all 12 commissioners, voters would select 9 of the 12 and the other 3 would be appointed. This system had the effect of ensuring minority representation on the school board. In 1876, the Alabama state legislature eliminated the Mobile County school board system and returned the County to the 1852 at-large election scheme which remained in effect until this suit was brought.

The district court found that by reinstating the at-large election system, the Alabama state legislature intended to discriminate against African Americans in Mobile County in violation of the Fourteenth and Fifteenth Amendment. The Eleventh Circuit affirmed.

GEORGIA

(4) *Miller* v. *Johnson:* 515 U.S. 900 (1995) (ACLU Rep., 126–27).

In August 1991, the Georgia legislature adopted a congressional redistricting plan based on the new census containing two majority minority districts—the Fifth and the Eleventh. A third district, the Second, had a 35.4% black voting age population. The state submitted the plan for preclearance, but the Attorney General objected to it. Following another objection to a second plan, the state adopted a third plan which contained three majority black districts, the Fifth, the Eleventh, and the Second. The plan was precleared on April 2, 1992. Following the decision in Shaw v. Reno, a lawsuit was filed by white plaintiffs claiming that the Eleventh Congressional District was unconstitutional. One of the plaintiffs was George DeLoach, a white man who had been defeated by McKinney in the 1992 Democratic primary. Although the Eleventh District was not as irregular in shape as the district in Shaw v. Reno, the district court found it to be unconstitutional, holding that the ''contours of the Eleventh District . . . are so dramatically irregular as to permit no other conclusion than that they were manipulated along racial lines.'' The Supreme Court affirmed. It did not find the Eleventh District was bizarrely shaped, but it held the state had ''subordinated'' its traditional redistricting principles to race without having a compelling reason for doing so. The court criticized the plan for splitting counties and municipalities and joining black neighborhoods by the use of narrow, sparsely populated ''land bridges.'' On remand the district court allowed the plaintiffs to amend their complaint to challenge the majority black Second District, which the court then held was unconstitutional for the same reasons it had found the Eleventh District to be unconstitutional, [and] the legislature adjourned without adopting a congressional plan.

(5) *Common Cause* v. *Billups:* 4:05–CV–201 HLM (N.D. Ga.) (ACLU Rep., 185–91).

The Department of Justice precleared the photo ID bill on August 26, 2005. The ACLU filed suit in federal district court, charging the law violated the state and federal constitutions, the 1965 Voting Rights Act, and the 1964 Civil Rights Act. The district court issued a preliminary injunction holding plaintiffs had a substantial likelihood of succeeding on several grounds, including claims that the photo ID law was a poll tax and violated the equal protection clause of the Constitution. The state appealed to the Eleventh Circuit, which refused to stay the injunction. In an attempt to address the poll tax burden cited by the district court in its injunction, the Georgia legislature passed a new photo ID bill providing for free photo identification cards.

(6) *Clark* v. *Putnam County:* 168 F.3d 458 (11th Cir. 1999) (ACLU Report at 384–89).

In 1997, four white plaintiffs filed a lawsuit challenging the constitutionality of the majority black county commission districts as racial gerrymanders in violation of the Shaw/Miller line of cases. In January 2001, the district court dismissed the complaint. The Eleventh Circuit reversed, holding that the district court erred in failing to find unconstitutional intentional discrimination.

LOUISIANA

(7) *Hays* v. *Louisiana*, 515 U.S. 737 (1995) (ACLU Rep., p. 481).

White plaintiffs successfully challenged Louisiana's Fourth Congressional District as unconstitutional ''race-conscious'' redistricting. Id. at p. 481. The Supreme Court granted cert., but then dismissed the case for lack of standing.

NORTH CAROLINA

(8) *Shaw* v. *Hunt*, 517 U.S. 899 (1996) (ACLU Rep., p. 513).

The 12th District of North Carolina was 57% black and was persistently challenged by white voters and its boundaries were considered by the Supreme Court four separate times. The ACLU participated as an amicus in defending the constitutionality of the 12th District. In 1996, the Supreme Court struck down the plan for the 12th District on the grounds that race was the ''predominant'' factor in drawing the plan and the State had subordinated its traditional redistricting principles to race. Id.

SOUTH CAROLINA

(9) *Smith* v. *Beasley*, 946 F. Supp. 1174 (D.S.C. 1996) (ACLU Rep., p. 572).

White voters filed suit in 1995 challenging three state senate districts. A year later, another group of white voters filed suit challenging nine house districts. In both cases, the plaintiffs claimed that the districts were drawn with race as the predominant factor in violation of the Shaw/Miller line of decisions. The cases were consolidated for trial, and black voters, represented by the ACLU, intervened to defend the constitutionality of the challenged districts. Following a trial, a court issued an order in September 1996, finding three of the challenged senate districts and nine of the house districts unconstitutional because they ''were drawn with race as the predominant factor.'' Id.

TEXAS

(10) *League of United Latin American Citizens* v. *Midland Indep. Sch. Dist.*, 648 F. Supp. 596 (W.D. Tex. 1986) (U Mich. L.Rep., *http://www.votingreport.org)*.

Latino plaintiffs argued that the at-large election system diluted their votes. The parties agreed to a court order that eliminated the election scheme and defendants submitted a proposal in which four trustees would be elected from single-member districts and three would be elected at large. Plaintiffs objected and filed a plan in which all seven trustees would be elected from single-member districts. The court, applying Gingles and the totality-of-circumstances tests, held that defendants' plans violated section 2 and the Fourteenth and Fifteenth Amendment. The court ordered that a seven-member district plan for electing trustees be immediately implemented according to district boundaries drawn by the court.

VIRGINIA

(11) *Moon* v. *Meadows*, 952 F. Supp. 1141 (E.D. Va. 1997) (ACLU Rep., p. 691).

In 1995, several white voters challenged the Third Congressional District in federal court as an unconstitutional racial gerrymander. In 1997, the district court invalidated the Third Congressional District, finding that race had predominated in drawing the district and that the defendants could not adequately justify their use of race as a districting factor.

(12) *Pegram* v. *City of Newport News*, 4:94cv79 (E.D.Va. 1994) (ACLU Rep., p. 714).

In July 1994, the ACLU filed suit on behalf of African American voters challenging the at-large method of city elections in the City of Newport News. On October 26, 1994, a consent decree was entered in which the City admitted that its at-large system violated section 2 as well as the Fourteenth and Fifteenth Amendments. The consent decree required the City to implement a racially fair election plan.

II. NON-COVERED JURISDICTIONS DISCRIMINATING AGAINST VOTERS

CALIFORNIA

(1) *Garza* v. *County of Los Angeles*, 918 F.2d 763 (9th Cir. 1990) (U Mich. Law School's Report. *http://www.votingreport.org*).

Latino voters alleged that district lines for the Los Angeles County Board of Supervisors were gerrymandered to dilute their voting strength. Plaintiffs requested creation of a district with a Latino majority for the 1990 Board of Supervisors election. The Ninth Circuit affirmed that the County had adopted and applied a redistricting plan that resulted in dilution of Latino voting power in violation of section 2, and by establishing and maintaining the plan, the County had intentionally discriminated against Latinos in violation of the Fourteenth Amendment's Equal Protection Clause.

FLORIDA

(2) *McMillan* v. *Escambia County*, 748 F.2d 1037 (11th Cir. 1984) (U Mich. L.Rep., *http://www.votingreport.org*).

Black plaintiffs claimed that the at-large election of county commissioners in Escambia County diluted their voting power in violation of section 2 and the Fourteenth and Fifteenth Amendments. The district court found that the State had not implemented the plan with a racially discriminatory purpose, but it had maintained it with such a purpose.

HAWAII

(3) *Arakaki* v. *Hawaii*, 314 F.3d 1091 (9th Cir. 2002) (U Mich. L.Rep., *http://www.votingreport.org*).

A group of Hawaiian citizens of various ethnic backgrounds sued the State of Hawaii alleging that the requirement that those appointed to the Office of Hawaiian Affairs must be of Native Hawaiian ancestry violated the Fourteenth Amendment, the Fifteenth Amendment, and section 2 of the Voting Rights Act. The Eleventh Circuit found that the restriction on candidates running for Office of Hawaiian Affairs on the basis of race violated the Fifteenth Amendment as well section 2 of the Voting Rights Act. The Ninth Circuit vacated the district court's judgment that the Fourteenth Amendment had also been violated because plaintiffs did not have standing to challenge the appointment procedures.

NEW MEXICO

(4) *United States* v. *Socorro County*, Civ. Action No. 93–1244–JP (November 8, 2005 House Judiciary Committee Hearing Record)

The United States sued pursuant to sections 2, 12(d), and 203 of the VRA, alleging violations of the VRA and the 14th and 15th Amendments arising from Socorro County's election practices and procedures as they affected Native American citizens of the county, including those Native American citizens who rely on whole or in part on the Navajo language. In its 1993 consent agreement, the defendants did ''not contest that in past elections [the county] failed to make the election process in Socorro County equally available to Native American and non-Native American citizens as required by Section 2 [of the VRA] and the Fourteenth and Fifteenth Amendments, nor [did] defendants contest that in past elections the county has failed to comply fully with the minority language requirements of Section 203 [of the VRA].''

(5) *United States* v. *Bernalillo County*, Civ. Action No. 98–156 BB/LCS (November 8, 2005 House Judiciary Committee Hearing Record)

The United States sued pursuant to sections 2, 12(d), and 203 of the VRA, alleging violations of the VRA and the 14th and 15th Amendments arising from Bernalillo County's election practices and procedures as they affected Native American citizens of the county, including those Native American citizens who rely on whole or in part on the Navajo language. In its 1998 consent decree, the defendants did ''not contest that in past elections the county has failed in particular areas to make the election process as accessible to Native American citizens as it was to non-Native American citizens as is required by Section 203, Section 2, and the Fourteenth and Fifteenth Amendments.''

NEW YORK

(6) *Goosby* v. *Town Bd. of Town of Hempstead*, 180 F. 3d 476 (2d Cir. 1999) (U Mich. L.Rep., *http://www.votingreport.org*).

Representatives of the Town Board of Hempstead were chosen through at-large elections. African American voters alleged that they were unable to elect their preferred candidates. The district court held that the at-large elections violated section 2 and ordered the Town to submit a six single-member district remedial plan. The Board submitted two plans. The one the Board preferred was a two-district system, consisting of one single-member district and one multi-member district. The other plan consisted of six single-member districts. The district court held that the two-district plan violated the Fourteenth Amendment, but the six-district plan did not. The Board appealed. The Second Circuit affirmed the district court's holding that the Board's proposed two-district plan violated section 2 and the Fourteenth Amendment because blacks had no access to the Republican Party candidate slating process.

PENNSYLVANIA

(7) *Marks* v. *Stinson*, 1994 WL 146113 (E.D. Pa. Apr. 26, 1994) (U Mich. L.Rep., *http://www.votingreport.org)*.

Republican candidate for State Senate, Bruce Marks, the Republican State Committee and other plaintiffs challenged the election of Democrat William Stinson for the Second Senatorial District. Although Marks received approximately 500 more votes from the Election Day voting machines than Stinson, Stinson received 1000 more votes than Marks in absentee voting. Marks and the other plaintiffs contended that Stinson and his campaign workers encouraged voters to undermine proper absentee voting procedures and requirements, such as falsely claiming that they would be out of the county or would be physically unable to go to the polls on Election Day. Plaintiffs also contended that Stinson and the other Defendants had focused their efforts to encourage illegal absentee voting on minorities.

The court held: (1) defendants violated plaintiffs' First Amendment rights of association because plaintiffs were denied the freedom to form groups for the advancement of political ideas and to campaign and vote for their chosen candidates; (2) defendants' actions denied plaintiffs' right to Equal Protection by discriminating against the Republican candidate and by treating persons differently because of their race; (3) defendants violated plaintiffs' Substantive Due Process right to vote in state elections by abusing the democratic process; and (4) defendants improperly applied a ''standard, practice, or procedure'' in a discriminatory fashion in

violation of the VRA, targeting voters based on race and denying minority voters the right to vote freely without illegal interference. Finally, the court ordered the certification of Bruce Marks as the winner of the Second Senatorial District seat for the 1993 Special Election because Marks would have won the election but for the illegal actions of the defendants.

TENNESSEE

(8) *Brown* v. *Chattanooga board of Comm'rs*, 722 F. Supp. 380 (E.D. Tenn. 1989) (U Mich. L.Rep., http://www.votingreport.org).

Black citizens of Chattanooga sued the Board of Commissioners for its use of at-large elections. The court held: (1) applying the Gingles test, the method of electing Board of Commissioners violated section 2 because the electoral practice resulted in an abridgment of black voter's rights; and (2) the Property Qualified Voting provision of the Chattanooga charter violated the Fourteenth Amendment under rational basis review because permitting a nonresident who owns a trivial amount of property to vote in municipal elections does not further any rational governmental interest.

III. CONSTITUTIONAL VIOLATIONS NOT INVOLVING RACE

(1) *Vander Linden* v. *Hodges*, 193 F.3d 268 (4th Cir. 1999) (ACLU Rep., p. 562).

Residents of Dorchester, Berkeley, and Charleston Counties, in South Carolina, filed suit in 1991 alleging that the counties' legislative delegation structure violated the Fourteenth Amendment's one-person, one-vote requirement and was adopted with an unconstitutional purpose to discriminate against African American voters. The district court rejected both claims. The Fourth Circuit held that the structure violated the one-person, one-vote rule (making no findings of discriminatory intent) and did not address the second claim.

(2) *NAACP* v. *Board of Trustees of Abbeville County School District No. 60*, Civ. No. 8–93–1047–03 (D.S.C. 1993) (ACLU Rep., p. 583).

The Board of Trustees of Abbeville County School District 60 traditionally consisted of nine members, five of whom were elected from single member districts and two each from two multi-member districts. African Americans were 32% of the population of the school district, but all the districts were majority white and only one member of the board was African American. In 1993, black residents of the school district and the local NAACP chapter filed suit challenging the method of electing the board of trustees as violating the Constitution's one person, one vote requirement and violating section 2 by diluting minority voting strength. The court decided that the existing plan for the board ''is an unconstitutionally malapportioned plan, and is in violation of sections 2 and 5 of the Voting Rights Act.'' *Id*. at 584.

(3) *Duffey* v. *Butts County Board of Commissioners:* Civ. No. 92–233–3–MAC (M.D. Ga.) (ACLU Report at 237–38).

Suit challenging districting plans for Board of Education and Board of Commissioners that were determined to be malapportioned after the 1990 census. Plaintiffs sought, and obtained, a preliminary injunction finding that the election districts were ''constitutionally malapportioned.'' Parties entered consent decree that retained five single member districts for both boards and established two majority black districts. Plan was precleared by DOJ.

(4) *Calhoun County Branch of the NAACP* v. *Calhoun County:* Civ. No. 92–96–ALB/AMER(DF) (M.D. Ga.) (ACLU Report at 238–40).

1979 suit to enjoin the use of at-large elections for failure to comply with Section 5. The county had changed to at-large voting in 1967 following increased black registration. A three-judge panel enjoined the at-large scheme, finding it had never been submitted for preclearance. A consent order then created five single-member districts, two of which were majority black, and two at-large seats. After the 1990 census, black voters again sued, alleging the districts were malapportioned. According to the ACLU report, ''the district court entered an order enjoining the upcoming primary election for the board of education under the malapportioned plan. The parties then agreed upon a new plan that complied with the equal population standard and maintained two of the districts as majority black.''

(5) *Frank Davenport* v. *Clay County Board of Commissioners, NO. 92–98–COL (JRE) (M.D. Ga.):* Civ. No. 92–98–COL (JRE) (M.D. Ga.) (ACLU Report at 256–59).

The county had failed to preclear its change to an at-large system of voting for county commissioners in 1967. In 1980, members of the local NAACP challenged the at-large system and the failure to comply with Section 5. The court found a section 5 violation, which resulted in a return to single-member districts. After the 1990 census showed the commission districts to be malapportioned (and following an attempt to create equal districts which was not precleared before a 1992 legislative poison pill provision rendered it void), the ACLU sued seeking a remedial plan for the upcoming elections. The parties entered a consent decree in which the county admitted the districts were malapportioned in violation of the Fourteenth Amendment's one person one vote requirement and agreed to the redistricting plan which had been created before the 1992 poison pill invalidated it. The plan was precleared by DOJ.

(6) *Jones* v. *Cook County:* Civ. No. 7:94–cv–73 (WLS) (ACLU Report at 271–72).

The ACLU filed suit on behalf of black voters in 1994, alleging that the county board of commissioners and board of education districts were constitutionally malapportioned after the 1990 census. According to the ACLU's report, ''In a hearing on December 19, 1995, county officials agreed that 'the relevant voting districts in Cook County are malapportioned in violation of the equal protection clause of the fourteenth amendment to the United States Constitution.' A consent decree allowed sitting commission members to retain their seats but implemented a new plan, correcting the malapportionment for the 1996 elections.''

(7) *Thomas* v. *Crawford County:* 5:02 CV 222 (M.D. Ga.) (ACLU Report at 272–74).

2002 suit alleged single-member districts were malapportioned in violation of the constitution's one-person-one-vote principle. The plaintiffs won summary judgment and a preliminary injunction to prevent elections from taking place under the plan. The court adopted a plan that maintained two majority-black districts.

(8) *Wright* v. *City of Albany:* 306 F. Supp. 2d 1228 (M.D. Ga. 2003) (ACLU Rep. 289–93).

Black residents of the city, represented by the ACLU, sued in 2003 to enjoin use of an allegedly constitutionally malapportioned districting plan and requested that the court supervise the development and implementation of a remedial plan that complied with the principle of one person, one vote, and the VRA. According to the ACLU report, ''In a series of subsequent orders, the court granted the plaintiffs' motion for summary judgment, enjoined the pending elections, adopted a remedial plan prepared by the state reapportionment office, and directed that a special election for the mayor and city commission [be] held in February 2004.''

(9) *Woody* v. *Evans County Board of Commissioners:* Civ. No. 692–073 (S.D. Ga. 1992) (ACLU Report at 297–300).

In 1992, the ACLU filed suit on behalf of black voters challenging an allegedly malapportioned districting plan for the county commission and board of education under the Constitution and Section 2 of the VRA. According to the ACLU report, ''on June 29 the district court enjoined 'holding further elections under the existing malapportioned plan for both bodies.' ''

(10) *Bryant* v. *Liberty County Board of Education:* Civ. No. 492–145 (S.D. Ga.) (ACLU Report at 340–42).

''Because Liberty County was left with a malapportioned districting plan based on the 1980 census, the ACLU filed suit in 1992, on behalf of black voters seeking constitutionally apportioned election districts for the county. The court granted plaintiffs' motion for preliminary injunctive relief on July 7, 1992, and the following year the parties agreed to a redistricting plan in which two of the six single member districts contained majority black voting age populations. The plan was precleared by the Justice Department on April 27, 1993.''

(11) *Hall* v. *Macon County:* Civ. No. 94–185 (M.D. Ga.) (ACLU Report at 348–49).

According to the ACLU Report, ''The [Georgia] general assembly failed to redistrict the two boards during its 1992, 1993, and 1994 sessions, and in 1994, the ACLU filed suit on behalf of Macon County residents against county officials seeking a constitutional plan for the 1994 elections. On July 12, 1994, the court enjoined the upcoming election and ordered the parties to present remedial plans by July 15, 1994. In March 1995, the court ordered a five district plan that remedied the one person, one vote violations and ordered special elections be held.''

(12) *Morman* v. *City of Baconton:* Civ. No. 1:03–CV–161–4 (WLS) (M.D. Ga.) (ACLU Report at 364–65).

Suit to block the use of a constitutionally malapportioned districting plan following the 2000 census. According to the ACLU Report, ''Black residents of Baconton, with the assistance of the ACLU, then filed suit in federal court to enjoin use of the 1993 plan on the grounds that it would violate Section 5 and the Fourteenth Amendment. The day before the election the court held a hearing, and, hours before the polls opened, granted an injunction prohibiting the city from implementing the unprecleared and unconstitutional plan.''

(13) *Ellis-Cooksey* v. *Newton County Board of Commissioners:* Civ. No. 1:92–CV–1283–MHS (N.D. Ga.) (ACLU Report at 370–73).

According to the ACLU report, the 1990 census showed that the five single member districts for the county board of commissioners and board of education were constitutionally malapportioned. ''After the legislature failed to enact a remedial plan, the ACLU filed suit on behalf of black voters in Newton County in June 1992, seeking constitutionally apportioned districts for the commission and school board. The suit also sought to enjoin upcoming primary elections, scheduled for July 21, 1992, as well as the November 3 general election. The parties settled the case the following month and the court issued an order that '[t]he 1984 district plan does not constitutionally reflect the current population.' ''

(14) *Lucas* v. *Pulaski County Board of Education:* Civ. No. 92–364–3 (MAC) (M.D. Ga.) (ACLU Report at 380–84).

Black residents of the county, represented by the ACLU, filed suit in 1992 to enjoin upcoming elections under an allegedly constitutionally malapportioned plan. According to the ACLU report, ''On October 14, 1992, the district court entered a consent order involving the board of Education, affirming that 'Defendants do not contest plaintiffs' allegations that the districts as presently constituted are malapportioned and in violation of the Fourteenth Amendment of the Constitution.' ''

(15) *Cook* v. *Randolph County:* Civ. No. 93–113–COL (M.D. Ga.) (ACLU Report at 389–93).

According to the ACLU Report, ''On October 5, 1993, black voters, represented by the ACLU, filed suit. They asked the court to enjoin elections for the school board and board of commissioners on the grounds that the districting plan for both bodies was either malapportioned in violation of the Constitution and Section 2, or had not been precleared pursuant to Section 5. Later that month, on October 29, the parties signed a consent order stipulating that the existing county districts were malapportioned, and agreeing on a redistricting plan containing five single member districts with a total deviation of 9.35%. Three of the five districts were majority black.''

(16) *Houston* v. *Board of Commissioners of Sumter County:* Civ. No. 94–77–AMER (M.D. Ga.) (ACLU Report at 420–22).

The ACLU brought suit in 1984 on behalf of black county residents charging that the five member board of county commissioners was malapportioned in violation of the Constitution and Section 2 of the VRA. The suit also charged defendants with failing to secure preclearance of a valid reapportionment plan under Section 5. According to the ACLU Report, ''After plaintiffs moved for a preliminary injunction to block the 1984 board of commissioners election, a consent order was issued acknowledging that the districts were malapportioned, and instructing both parties to submit reapportionment plans to the court. . . . On February 27, 1985, after trial on the merits, the court ruled the challenged plan unconstitutional and directed the defendants to adopt a new plan and seek preclearance under Section 5 within 30 days.''

(17) *Cooper* v. *Sumter County Board of Commissioners:* Civ. No. 1:92–cv–00105–DF (M.D. Ga.) (ACLU Report at 422–23).

After the release of the 1990 census, the ACLU brought suit on behalf of black plaintiffs, alleging that the county's commission districts were malapportioned in violation of the constitutional principle of one person, one vote. On July 27, 1992, the district court entered a consent order finding ''malapportionment in excess of the legally acceptable standard.''

(18) *Williams* v. *Tattnal County Board of Commissioners:* Civ. No. CV692–084 (S.D. Ga.) (ACLU Report at 426–27).

After the 1990 census, the ACLU, on behalf of black residents, sued to enjoin further use of an allegedly constitutionally malapportioned districting plan. According to the ACLU Report, ''On July 7, 1992, the district court, finding that the existing plan was malapportioned, enjoined the July 1992, primary elections for the board of commissioners and board of education until such time as an election could be held under a court ordered or a precleared plan.''

(19) *Spaulding* v. *Telfair County:* Civ. No. 386–061 (M.D. Ga.) (ACLU Report at 431–33).

In September 1986, the ACLU filed suit on behalf of five black voters alleging that the county board of education was malapportioned. According to the ACLU Report, ''On October 31, 1986, less than a week before the November general election, the court entered a consent order staying the elections, ordering a new apportionment plan, and providing for a special election. The court found that 'Plaintiffs have established a prima facie case that the current apportionment of the Board of Education is in violation of the Fourteenth Amendment,' and required the defendants to develop and implement a new apportionment for the school board within 60 days.''

(20) *Crisp* v. *Telfair County:* CV 302–040 (S.D. Ga.) (ACLU Report at 439–41).

The ACLU sued in August 2002, alleging that the county commission lines were malapportioned in violation of the Constitution and Section 2 of the VRA. According to the ACLU Report, ''After plaintiffs filed suit, the county stipulated that its commission districts were malapportioned, and that 'It is possible . . . to draw a five single member district plan with at least one majority black district in Telfair County.' The plaintiffs then filed for summary judgment and asked the court to hold the existing plan unconstitutional and order a new plan into effect. . . . Ruling that the existing plan was malapportioned and 'violates the one person, one vote standard of the equal protection clause of the Fourteenth Amendment,' the court noted that the plan had been submitted for Section 5 preclearance and ruled the motion for summary judgment was 'largely moot.' ''

(21) *Holloway* v. *Terrell County Board of Commissioners:* CA–92–89–ALB/AMER(DF) (M.D. Ga.) (ACLU Report at 441–44).

In June 1992, the ACLU filed suit on behalf of black voters challenging the malapportionment of the county board of commissioners under the Constitution and Section 2 of the VRA. According to the ACLU Report, ''After the reapportionment suit was brought in 1992, defendants admitted the plan was malapportioned. . . . The parties negotiated a new redistricting plan, corrected the malapportionment, and created two effective majority black districts. Despite this agreement, the county proposed, and had the 1993 Georgia General Assembly adopt, a redistricting plan which plaintiffs did not support. . . . In February 1994, the Department of Justice precleared the county's redistricting plan over the objections of the black community. . . .''

(22) *Flanders* v. *City of Soperton:* Civ. No. 394–067 (S.D. Ga.) (ACLU Report at 447–49).

According to the ACLU Report, ''in November 1994, the ACLU again brought suit on behalf of black voters in Soperton, challenging the five member city council as malapportioned in violation of one person, one vote. . . . A consent order was filed August 7, 1995, in which both parties agreed the city election districts were malapportioned, and adopted a districting plan with a total deviation of 6.8% that contained two majority black districts of 75.34% and 72.92% black voting age population, respectively.''

CASES FINDING SECTION 2 LIABILITY
Section 2 Cases From 1982 to the Present Published By Westlaw or Lexis or Included in House or Senate Record

Geography	Total Suits (% of total nationwide suits)	Courts Reached Merits on Section 2 or Parties Settled (% of total nationwide suits)	Court Held State Violated Section 2 or Settlement Recognized Section 2 Violation (% of cases that reached merits that held against state)	Cases
Nationwide	330	235	79 out of 235 (33.6%)	See State-by-State Analysis
Jurisdictions Covered by § 5	159 (48.2%)	106 (45.1%)	39 out of 106 (37.7%)	See State-by-State Analysis
Non-Covered Jurisdictions	171 (51.5%)	129 (54.5%)	40 out of 129 (31.0%)	See State-by-State Analysis

SECTION 2 COURT VERDICTS
Section 2 Cases From 1982 to the Present Published By Westlaw or Lexis or Included in House or Senate Record

Geography	Total Suits (% of total nationwide suits)	Courts Reached Merits on Section 2 (% of total nationwide suits)	Holding State Violated Section 2 (% of cases that reached merits that held against state)	Cases
Nationwide	330	210	72 out of 210 (34.3%)	See State-by-State Analysis
Jurisdictions Covered by § 5	159	97	36 out of 97 (37.1%)	See State-by-State Analysis
Non-Covered Jurisdictions	171	113	36 out of 113 (31.9%)	See State-by-State Analysis
Jurisdictions Covered by § 5				
Alabama	25	16	7 (43.8%)	1) Buskey v. Oliver, 565 F. Supp. 1473 (M.D. Ala. 1983) 2) Brown v. Board of School Comm'rs., 706 F.2d 1103 (11th Cir. 1983) 3) Clark v. Marengo County, 623 F. Supp. 33 (S.D. Ala. 1985) 4) U.S. v. Dallas County Com'n, 636 F.Supp. 704 (S.D. Ala. 1986) 5) Dillard v. Baldwin County Bd. of Education, 686 F. Supp. 1459 (M.D. Ala. 1988) 6) Harris v. Siegelman, 695 F. Supp. 517 (M.D. Ala. 1988) 7) Dillard v. Town of North Johns, 717 F. Supp. 1471 (M.D. Ala. 1989)
Alaska	0	0	0 (0%)	n/a
Arizona	3	1	0 (0%)	n/a
Georgia	13	9	1 (11.1%)	1) Cofield v. City of LaGrange, 969 F. Supp. 749 (N.D. Ga. 1997)
Louisiana	17	9	5 (55.6%)	1) Major v. Treen, 574 F. Supp. 325 (E.D. La. 1983) 2) Citizens for a Better Gretna v. Gretna, 834 F.2d 496 (5th Cir. 1987) 3) Clark v. Roemer, 777 F.Supp. 445 (E.D. La. 1990) 4) East Jefferson Coalition For Leadership & Dev. v. Parish of Jefferson,

Geography	Total Suits (% of total nationwide suits)	Courts Reached Merits on Section 2 (% of total nationwide suits)	Holding State Violated Section 2 (% of cases that reached merits that held against state)	Cases
				926 F.2d 487 (5th Cir. 1991) 5) Westwego Citizens for Better Government v. Westwego, 946 F.2d 1109 (5th Cir. 1991)
Mississippi	29	20	12 (60.0%)	1) Jordan v. City of Greenwood, 599 F.Supp. 397 (N.D. Miss. 1984) 2) Jordan v. Winter, 604 F.Supp. 807 (N.D. Miss. 1984) 3) Goodloe v. Madison County Bd. of Election Com'rs, 610 F.Supp. 240 (S.D. Miss. 1985) 4) Martin v. Allain, 658 F.Supp. 1183 (S.D. Miss. 1987) 5) Gunn v. Chickasaw County, 705 F.Supp. 315 (N.D. Miss. 1989) 6) Ewing v. Monroe County, 740 F.Supp. 417 (N.D. Miss. 1990) 7) Mississippi State Chapter, 932 F.2d 400 (5th Cir. 1991) 8) Bryant v. Lawrence County, 814 F.Supp. 1346 (S.D. Miss. 1993) 9) Teague v. Attala County, 92 F.3d 283 (5th Cir. 1996) 10) Clark v. Calhoun County, 88 F.3d 1393 (5th Cir. 1996) 11) Gunn v. Chickasaw County, 1997 U.S. Dist. LEXIS 22087; 1997 WL 33426761 (N.D. Miss. 1997) 12) Houston v. Lafayette County, 20 F.Supp.2d 996 (N.D. Miss. 1998)
South Carolina	7	4	2 (50.0%)	1) Jackson v. Edgefield County, 650 F. Supp. 1176 (D.S.C. 1986) 2) United States v. Charleston County, 365 F.3d 341 (4th Cir. 2004)
Texas	34	26	6 (23.1%)	1) Sierra v. El Paso Ind. Sch. Dist., 591 F. Supp. 802 (W.D. Tex. 1984) 2) Jones v. Lubbock, 727 F.2d 364 (5th Cir. 1984) 3) League of United Latin American Citizens, 648 F. Supp 596 (W.D. Tex. 1986) 4) Campos v. Baytown, 840 F.2d 1240 (5th Cir. 1988) 5) Williams v. City of Dallas, 734 F. Supp. 1317 (W.D. Tex. 1990) 6) League of United Latin Am. Citizens v. North E. Indep. Sch. Dist., 903 F. Supp. 1071 (W.D. Tex. 1995)
Virginia	11	6	3 (50.0%)	1) McDaniels v. Mehfoud, 702 F. Supp. 588 (E.D. Va. 1988) 2) Neal v. Coleburn, 689 F. Supp. 1426 (E.D. Va. 1988) 3) Collins v. City of Norfolk, 883 F.2d 1232 (4th Cir. 1989)
Non-Covered Jurisdictions				
Arkansas	10	8	4 (50.0%)	1) Smith v. Clinton, 687 F. Supp. 1310 (E.D. Ark. 1988) 2) Jeffers v. Clinton, 730 F. Supp. 196 (E.D. Ark. 1989) 3) Williams v. City of Texarkana, 861 F. Supp. 756 (W.D. Ark. 1992)

Geography	Total Suits (% of total nationwide suits)	Courts Reached Merits on Section 2 (% of total nationwide suits)	Holding State Violated Section 2 (% of cases that reached merits that held against state)	Cases
				4) Harvell v. Blytheville Sch. Dist. #5, 71 F.3d 1382 (8th Cir. 1995)
California	16 (All Non-Covered)	9 (All Non-Covered)	2 (All Non-Covered) (22.2%)	1) Gomez v. Watsonville, 863 F.2d 1407 (9th Cir. 1988) 2) Garza v. County of Los Angeles, 918 F.2d 763 (9th Cir. 1990)
Colorado	5	4	2 (50.0%)	1) Sanchez v. Colorado, 97 F.3d 1303 (10th Cir. 1996) 2) Cuthair v. Montezuma-Cortez, Colo. Sch. Dist. No, RE-1 7 F. Supp. 2d 1152 (D. Colo. 1998)
Connecticut	2	0	0 (0%)	n/a
DC	2	2	0 (0%)	n/a
Delaware	3	1	0 (0%)	n/a
Florida	21 (18 Non-Covered, 3 Covered)	16 (15 Non-Covered, 1 Covered)	3 (All Non-Covered) (18.8%)	1) McMillan v. Escambia County, 748 F.2d 1037 (11th Cir. 1984) 2) Bradford County NAACP v. City of Starke, 712 F. Supp. 1523 (M.D. Fla. 1989) 3) Meek v. Metro. Dade County, 985 F.2d 1471 (11th Cir. 1993)
Hawaii	1	1	1 (100%)	1) Arakaki v. Hawaii, 314 F.3d 1091 (9th Cir. 2002)
Illinois	18	10	5 (50.0%)	1) Rybicki v. State Bd. Of Elections of State of Ill., 574 F.Supp. 1147 (N.D. Ill. 1983) 2) Ketchum v. Byrne, 740 F.2d 1398 (7th Cir. 1984) 3) McNeil v. City of Springfield, 658 F.Supp. 1015 (C.D. Ill. 1987) 4) Harper v. City of Chicago Heights, 1997 WL 102543 (N.D. Ill. 1997) 5) Barnett v. City of Chicago, 17 F.Supp.2d 753 (N.D. Ill. 1998)
Indiana	6	3	0 (0%)	n/a
Kentucky	1	0	0 (0%)	n/a
Massachusetts	4	4	1 (25.0%)	1) Black Political Task Force v. Galvin, 300 F. Supp. 2d 291 (D. Mass. 2004)
Maryland	3	2	2 (66.7%)	1) Marylanders for Fair Representation, Inc. v. Schaefer, 849 F. Supp. 1022 (D. Md. 1994) 2) Cane v. Worcester County, 35 F.3d 921 (4th Cir. 1994)
Michigan	5 (All Non-Covered)	4 (All Non-Covered)	0 (0%)	n/a
Minnesota	2	2	0	n/a

Geography	Total Suits (% of total nationwide suits)	Courts Reached Merits on Section 2 (% of total nationwide suits)	Holding State Violated Section 2 (% of cases that reached merits that held against state)	Cases
			(0%)	
Missouri	9	5	1 (20.0%)	1) Corbett v. Sullivan, 202 F. Supp. 2d 972 (E.D. Mo. 2002)
Montana	3	3	2 (66.7%)	1) Windy Boy v. County of Big Horn, 647 F. Supp. 1002 (D. Mont. 1986) 2) U.S. v. Blaine County, 363 F.3d 897 (9th Cir. 2004)
Nebraska	1	1	1 (100%)	1) Stabler v. County of Thurston, 129 F.3d 1015 (8th Cir. 1997)
New Jersey	3	1	0 (0%)	n/a
New Hampshire	0	0	0 (0%)	n/a
New Mexico	4	0	0 (%)	n/a
New York	26 (18 Non-Covered, 8 Covered)	15 (11 Non-Covered, 4 Covered)	1 (Non-Covered) (6.7%)	1) Goosby v. Town Bd. of Town of Hempstead, 180 F.3d 476 (2d Cir. 1999)
North Carolina	15 (7 Non-Covered, 8 Covered)	5 (All Non-Covered)	2 (All Non-Covered) (40.0%)	1) Thornburg v. Gingles, 478 U.S. 30 (U.S. 1986) 2) Ward v. Columbus County, 782 F.Supp. 1097 (E.D.N.C. 1991)
Ohio	9	6	1 (16.7%)	1) Armour v. Ohio, 775 F.Supp. 1044 (N.D. Ohio 1991) Liability
Pennsylvania	5	4	2 (50.0%)	1) U.S. v. Berks County, 277 F. Supp. 2d 570 (E.D. Pa. 2003) 2) Marks v. Stinson, 1994 WL 146113 (E.D. Pa. Apr. 26, 1994)
Road Island	2	0	0 (0%)	n/a
South Dakota	3 (2 Non-Covered, 1 Covered)	3 (2 Non-Covered, 1 Covered)	2 (Non-Covered) (66.7%)	1) Bone Shirt v. Hazeltine, 336 F.Supp.2d 976 (D.S.D. 2004) 2) Cottier v. City of Martin, 445 F.3d 1113 (8th Cir. 2006)
Tennessee	7	6	3 (50.0%)	1) Buchanan v. City of Jackson, 683 F.Supp. 1515 (W.D. Tenn. 1988) 2) Brown v. Chattanooga Board of Comm'rs, 722 F. Supp. 380 (E.D. Tenn. 1989) 3) Rural W. Tenn. African-American Affairs Council v. Sundquist, 209 F.3d 835 (6th Cir. 2000)
Washington	1	1	0 (0%)	n/a

Geography	Total Suits (% of total nationwide suits)	Courts Reached Merits on Section 2 (% of total nationwide suits)	Holding State Violated Section 2 (% of cases that reached merits that held against state)	Cases
Wisconsin	4	3	1 (33.3%)	1) Prosser v. Elections Bd , 793 F Supp. 859 (W.D Wis. 1992)

SECTION 2 SETTLEMENT CHART
Section 2 Cases From 1982 to the Present Published By Westlaw or Lexis or Included in House or Senate Record

Geography	Total Suits (% of total nationwide suits)	Parties Settled	Settlement Recognized Section 2 Violation (% of cases that Settled in which a Section 2 violation was recognized)	Cases	Settlement Recognized a Constitutional Violation
Nationwide	330	25	7 out of 25 (28.0%)	See below	See below
Jurisdictions Covered by § 5	159	9	3 out of 9 (33.3%)	**1. Alabama:** Dillard v. Chilton Cty. Comm'n, 868 F.2d 1274 (11th Cir. 1989) **2. Alabama:** White v. Alabama, 74 F.3d 1058 (11th Cir. 1996) **3. North Carolina:** Moore v. Beaufort County, 936 F.2d 159 (4th Cir. 2004) (*Beaufort County – Covered Jurisdiction*)	**1.** No **2.** No **3.** No
Non-Covered Jurisdictions	171	16	4 out of 16 (25.0%)	**1. North Carolina**: N.A.A.C.P. v. City of Statesville, 606 F.Supp. 569 (W.D.N.C. 1985) (*Iredell County – Non-Covered Jurisdiction*) **2. Ohio:** Mallory v. Eyrich, 922 F.2d 1273 (6th Cir. 1991) **3. New Mexico:** U.S. v. Bernalillo County, CV-98-156 BB/LCS (District of N.M. 1998) **4. New Mexico:** U.S. v. Socorro County, (VA No. 93-1244-2P (District of N.M. 2004)	**1.** No **2.** No **3.** Yes **4.** Yes

The information from this chart is derived from 1) the University of Michigan Law School's Report on the Voting Rights Initiative, available at http://www.votingreport.com., 2) the Hearing on "The Voting Rights Act –Section 203 Bilingual Election requirements", and 3) the State Reports prepared by a collection of civil rights groups, available at http://www.renewthevra.org.

1) The University of Michigan Law School's Voting Rights Project reviewed every case on Westlaw or Lexis that addressed a Section 2 Claim since June 29, 1982, when Section 2 of the Voting Rights Act was amended. Researchers then located all related decisions and organized them by lawsuit. Within each lawsuit there were often multiple appeals and remands, and researcher determined which opinion provided the final word in a given series of litigation. Most often, the final word case in each lawsuit is the last case that assessed liability on the merits and determined whether Section 2 was violated.

If there was not a liability decision on Section 2, researchers coded the final word as the last published case in the lawsuit that made a determination for or against the plaintiff, including whether to approve a settlement, order a remedy, issue a preliminary injuction, or grant fees.

Cottier v. City of Martin, 445 F.3d 1113 (8th Cir. 2006), a case decided after the completion of the University of Michigan Law School's Report on the Voting Rights Initiative, was entered into the Senate Judiciary Committee record on May 9, 2006, and is included in this chart.

2) On November 8 2005, the House Judiciary Committee held a hearing on "The Voting Rights Act –Section 203 Bilingual Election requirements." Witness Bradley J. Scholzman attached as an appendix to his testimony copies of complaints, consent decrees and orders in enforcement actions filed by the United States under the language minority provisions of the voting rights act (section 4(e), 4(f)(4) and 203). See appendix at pgs 69-1381.

3) The Civilrights.org Network, a project of the Leadership Conference on Civil Rights and the Leadership Conference on Civil Rights Education Fund, produced a number of State Reports offering evidence in favor of an extension of the Voting Rights Act. The State Reports analyzed for this chart are Alaska, Arizona, California, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, South Dakota, Texas, and Virginia. When these reports listed a successful Section 2 case, that case was compared with the list of cases provided in the University of Michigan Law School's Voting Rights Project.

MINORITY ELECTED OFFICIALS

State	Citizen minority voting age population percentage (2000 Census)	Minority percentage in State Senate (2005)	Minority percentage in State House (2005)	Number minority officials (2001)	Minority percentage in U.S. House delegation
Alabama	Black: 24.5	22.86	25.71	756	n/a
Alaska	Black: 3.0	Black: 5.0	Black: 2.5	n/a	n/a
		Native: 25.0	Native: 20.0		
California	Hispanic of any race: 21.4	22.5	22.5	757 (as of 2000)	n/a
Florida	Black: 13.0	Black: 7.5	Black: 13.3	Black: 243	n/a
	Hispanic of any race: 12.6	Latino: 15.0	Latino: 9.2	Latino: 89	
Georgia	Black: 27.2	19.6	21.7	611	30.7
Louisiana	Black: 30.0	23.1	21.9	705	14.3
Mississippi	Black: 34.1	21.2	29.5	897	25
North Carolina	Black: 20.5	14.0	15.8	491	7.7
South Carolina	Black: 27.8	17.4	20.1	534	16.7
Texas	Black: 11.6	Black: 6.5	Black: 9.3		Black: 9.4
	Hispanic of any race: 26.5	Latino: 19.4	Latino: 18.0	Latino: 2,000 (as of 2003)	Latino: 15.6
Virginia	Black: 18.4	12.5	11.0	246	9.1

ASource for Citizen Minority Voting Age Population: U.S. Census Bureau Report on 2004 Election.
ASource for all other information: The Bullock-Gaddie Voting Rights Studies: An Analysis of Section 5 of the Voting Rights Act.

MINORITY REGISTRATION AND TURNOUT

State	2004 Registration		2004 Turnout	
	Minority percentage	White percentage	Minority percentage	White percentage
Alabama	Black: 72.9	73.8	Black: 63.9	62.2
Alaska	n/a	n/a	Native: 44.8	Non-Native: 68.4
California	Black: 67.9	56.4	Black: 61.3	51.3
	Latino: 30.2		Latino: 25.6	
Florida	Black: 52.6	64.7	Black: 44.5	58.4
	Latino: 38.2		Latino: 34.0	
Georgia	Black: 64.2	63.5	Black: 54.4	53.6
Louisiana	Black: 71.1	75.1	Black: 62.1	64.0
Mississippi	Black: 76.1	72.3	Black: 66.8	58.9
North Carolina	Black: 70.4	69.4	Black: 63.1	58.1
South Carolina	Black: 71.1	74.4	Black: 59.5	63.4
Texas	Black: 68.4	61.5	Black: 55.8	50.6
	Latino: 41.5		Latino: 29.3	
Virginia	Black: 57.4	68.2	Black: 49.6	63.0
Nationwide	Black: 64.3	67.9	Black: 56.1	60.3
	Latino: 34.3		Latino: 28.0	

Source for Citizen Minority Voting Age Population: U.S. Census Bureau Report on 2004 Election.
Source for all other information: The Bullock-Gaddie Voting Rights Studies: An Analysis of Section 5 of the Voting Rights Act.

Mr. SPECTER. Mr. President, it is with special thanks that I acknowledge Senator LEAHY's leadership and cooperation, that I now yield to him.

The PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President pro tempore, my dear friend, the senior Senator from Alaska, I see the majority leader on the floor. Is he seeking recognition?

Mr. FRIST. I will be making some comments, as I mentioned earlier, after the distinguished ranking member.

Mr. LEAHY. Mr. President, before I begin, I assume we will go back and forth, from side to side of the aisle on this. But as Democrats are recognized, I ask it be in this order: Senator KENNEDY for 20 minutes, Senator DURBIN for 15, Senator FEINSTEIN for up to 20 minutes, Senator SALAZAR for up to 15 minutes, as Democrats, are recognized. I ask unanimous consent to that.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I appreciate what the senior Senator from Pennsylvania said. Senator SPECTER and I have been friends for many years. I think we have accomplished a great deal in the Judiciary Committee. I agree with him this is the most important thing we will do. But I might also note, on a personal note about the Senator from Pennsylvania, much of what was accomplished during that time he was fighting a very serious illness. I compliment the Senator from Pennsylvania for his perseverance during that time.

The Voting Rights Act is the cornerstone of our civil rights laws. We honor those who fought through the years for equality by extending the Voting Rights Act to ensure their struggles are not forsaken and not forgotten, and that the progress we have made not be sacrificed. We honor their legacy by reaffirming our commitment to protect the right to vote for all Americans.

The distinguished senior Senator from Massachusetts, who is on the floor, was in the forefront of this battle the first time around. He and his family, his late brothers, the President and brother Senator Robert Kennedy—President Kennedy, Senator Robert Kennedy, and now Senator EDWARD KENNEDY, have been in the forefront of the civil rights battle. This has been a personal thing for them. It has been a commitment that has spoken to the conscience of our Nation, and I applaud my friend from Massachusetts for what he and has family have done.

Reauthorizing and restoring the Voting Rights Act is the right thing to do, not only for those who came before—the brave and visionary people who fought for equality, some at great personal sacrifice, some even giving their lives—but also for those who come after us, our children and our grandchildren. All of our children, all of our grandchildren, should know that their right to vote will not be abridged, suppressed or denied in the United States of America, no matter their color, no matter their race, no matter what part of the country from which they come.

I do thank the chairman for following the suggestion to convene the Judiciary Committee yesterday in special session to consider what really is bipartisan, bicameral legislation to reauthorize the Voting Rights Act. In fact, our Senate bill, S. 2703, is cosponsored by the distinguished Republican leader and the distinguished Democratic leader, by a bipartisan majority of the Judiciary Committee and by a bipartisan majority of the Senate. In fact, at the end of our committee meeting yesterday, we had a rollcall vote. We voted unanimously to report our bill favorably to the Senate.

I mention that because so many of the things that have to go through the Judiciary Committee tend to be of a divisive nature. This was a unanimous vote. I have commended all those in the Judiciary Committee who worked so hard over the last several months to build a fair and extensive record and bring us to this point today. As I said earlier, I commend Senator KENNEDY for his work. I agree with Senator SPECTER, when he gets passionate about a subject he doesn't need a microphone.

I commend those who started with doubts—and there were serious doubts; some regional, some for legal matters. But those who had doubts have now

come around to supporting our bipartisan bill.

Because the bill we take up today and the bill from the committee to report are so similar, I know the Senate debate will be informed by the extensive record we have built before the Judiciary Committee. Over the last 4 months, we held nine hearings on all aspects of this matter and on the overall bill itself. In another indication of bipartisanship, those hearings were chaired by large numbers of members of the committee and chaired by both Republican and Democratic Senators who wanted to send a signal that this is not a partisan matter.

All of those hearings were fairly conducted. Those Senate hearings supplement those held in the House on this matter. Indeed, our first hearing was held for the express purpose of hearing from the lead sponsors from the House and to receive the results of their hearings into our Senate RECORD. In fact, in anticipation of this bill coming to the floor, I have included statements in the RECORD in the course of this week to help make sure we have a complete record before the Senate before we vote. For example, on Tuesday, my statement focused on the continuing need for Section 5. On Wednesday, my statement focused on the continuing need for Section 203. They reflect my views as the lead Democratic Senate sponsor.

We have fewer than two dozen legislative days left in this session of Congress, so I appreciate the willingness of the Republican and Democratic leadership to take up this important measure without delay. I know the House of Representatives had to delay consideration of the Voting Act for a month due to the recalcitrance of some, recalcitrance that was overwhelmed in their vote. Here, I hope we do not suffer the same delay. This is a time for us to debate, consider, and vote on this important legislation. We should pass the bill in the same form as the House so it can be signed into law before the Senate recesses for the remainder of the summer.

There has been speculation about why we are here today. Some tied it to the fact that for the first time in his Presidency, President Bush is going to appear before the National Association for the Advancement of Colored People, the NAACP. I, for one, applaud him for going before the NAACP. All Presidents should, Republican or Democrat. And in fact, if that had anything to do with the success in getting this bill moved expeditiously through the Senate, I have a number of other organizations I hope will invite him to get other legislation moving.

The House-passed bill and the committee-reported bill is very similar. We introduced them in a bipartisan, bicameral, coordinated effort in May. The only change made to the House-passed bill was the inclusion of a governmental study added in the House Judiciary Committee. I urge the Senate to accept that addition.

The only change made during the Senate Judiciary Committee was to add an Hispanic civil rights leader to the roster of the civil rights leaders for whom the bill is named. We did this at the suggestion of Senator SALAZAR. It is a good suggestion. We did this unanimously. I commend the Senator for it. As Senator SALAZAR has reminded us, ''Cesar Chavez is an American hero. He sacrificed his life to empower the most vulnerable in America. He believed strongly in the democracy of America and saw the right to vote as a cornerstone of our freedom.'' I offered the amendment in the Judiciary Committee and it was adopted without dissent.

I told Senator SALAZAR that I recall the dinner with Marcelle and myself, our son Kevin and his wife Carolyn, and our granddaughter Francesca in the small Italian restaurant, Sarduccis, in Montpelier, Vermont. A family next to us came over to introduce themselves. It was Cesar Chavez's son. He apologized for interrupting our dinner. He wanted to say hello. I told him how proud I was to be interrupted and to meet him because his father had been a hero of mine. They were in Vermont because they were going to the Barre Quarry where the memorial to his father was carved.

I have also consulted with Senator SALAZAR. Neither of us wants to complicate final passage of the Voting Rights Act so I urge the Senate to proceed to the House-passed bill and resist amendments so it can be signed into law without having to be reconsidered by the House. With respect to the short title of the bill and the roster of civil rights leaders honored, I have committed to work with Senator SALAZAR to conform the law to include due recognition of the contribution to our civil rights and voting rights by Cesar Chavez in follow up legislation.

The Voting Rights Act reauthorization is named for three very important civil rights leaders, as the Senator from Pennsylvania pointed out.

Fannie Lou Hamer was a courageous advocate for the right to vote. She risked her life to secure the right to vote for all Americans. Coretta Scott King was a tenacious fighter for equality for the civil rights movement in the 1960s, and right up to the time of her passing. Many of us in this Chamber met the late Mrs. King. Everyone in the Senate can remember when less than a year ago the body of Rosa Parks lay in state in the Capitol. She was the first African American woman in our history to be so honored. She was honored because of her dignified refusal to be treated as a second-class citizen sparked the Montgomery bus boycotts that are often cited as the symbolic beginning of the modern civil rights movement.

Everyone in this Chamber would be horrified to think that somebody would be treated differently because of the color of their skin, but in the lifetime of every Senator sitting in this Chamber today, we have seen such discrimination. Let's make sure we take this step. It will not remove all discrimination, by any means, but it is a major step to let everyone in the country know that all of us are equal as Americans with equal rights, despite the color of our skin.

Last week, after months of work, the House of Representatives, led by Congressmen JOHN CONYERS, MEL WATT, JOHN LEWIS, and Chairman SENSENBRENNER, rejected all efforts to reduce the sweep and effect of the Voting Rights Act. Congressman JOHN LEWIS—himself a courageous leader during those transformational struggles only decades ago, a man who was nearly killed trying to retain the rights of African Americans, said during the House debate:

> When historians pick up their pens and write about this period, let it be said that those of us in the Congress in 2006, we did the right thing. And our forefathers and our foremothers would be very proud of us. Let us pass a clean bill without any amendments.

That is my friend JOHN LEWIS from the House of Representatives. I want our foremothers and forefathers to be proud of us, but I want our children and our grandchildren to be proud of us, too.

The bill we are considering in the Senate today passed the other body with 390 votes in favor. In fact, the other body rejected all four amendments offered. They wanted to have a clean bill. They listened to JOHN LEWIS. They listened to the others. I congratulate the House cosponsors, both Republicans and Democrats, for their successful efforts. I hope we can repeat them in the Senate.

On May 2, when our congressional leadership joined together on the steps of the Capitol to announce a bipartisan and bicameral introduction of the Voting Rights Act, it was a historic announcement. I noted in my journal it was one of the proudest moments I had in my years in the Senate, an occasion almost unprecedented during the recent years of partisanship.

Let's not relent in our fight for the fundamental civil rights of all Americans. Working together, we should pass a clean bipartisan voting rights bill. Congress has reauthorized and revitalized the act four times, each time with overwhelming bipartisan support, pursuant to our constitutional powers. This is not a time for backsliding. This is a time to move forward together.

So let us unite to renew this cornerstone, let us rededicate ourselves to its noble purpose, and let us commemorate

the many who suffered and endured to bring our cherished ideals closer to reality for millions of our fellow Americans. Let us guarantee those rights for millions of our fellow Americans to come.

I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Tennessee.

Mr. FRIST. Mr. President, it was about 3 weeks ago that I joined President Bush on a trip to Memphis, TN, where we were joined by a close personal friend of mine, a man who is legendary in Tennessee and, indeed, throughout the country, the Rev. Dr. Ben Hooks.

Dr. Hooks is a widely recognized, widely acknowledged champion of civil rights. He presided with great courage and bold vision over the NAACP for 15 years as its executive director. He is in town this week for the NAACP meeting which is going on as I speak.

He guided President Bush and myself, my wife Karyn, and the First Lady through the remarkable and inspiring National Civil Rights Museum which has been constructed at the Lorraine Motel in Memphis, which was the actual site of Martin Luther King, Jr.'s assassination. It was an inspiring visit, those moments as we walked through the exhibits, room to room, in that wonderful museum.

In many ways, it shook my own conscience. To hear Dr. Hooks speak, to hear him recount the events surrounding that time, was to have history come alive. It was an ugly moment in our collective history, and certainly not America's finest hour.

As we wandered through those rooms, listening to those words of Dr. Hooks, what struck my conscience most was how we as a Nation pushed through that time, how we as a Nation persevered to correct injustice just as we have at other points in American history.

It reminded me of our ability to change, that when our laws become destructive to our unalienable rights—life, liberty, the pursuit of happiness—it is the right of the people to alter or abolish it.

It reminded me of the importance, the absolute necessity, of ensuring the permanence of the changes we make, the permanence of our corrections to injustice.

About 2 years ago, in the spring of 2004, Senator MCCONNELL and I came to the Senate and offered an amendment to extend the expiring provisions of the Voting Rights Act permanently. However, at the insistence of a number of my colleagues we withdrew our amendment, while making clear that we were absolutely committed to renewing this important piece of legislation. Indeed, that day has come.

A few months ago, I stood with Speaker HASTERT, Chairman SPECTER, and Chairman SENSENBRENNER on the steps of the Capitol where we reaffirmed at that time our commitment to reauthorize the Voting Rights Act. Thus, I am pleased this Congress will act to reauthorize the Voting Rights Act and, indeed, today, right now, the United States is doing just that.

We expedited it through committee under the leadership of Chairman SPECTER so we could bring it to the Senate as quickly as possible. We will complete that action in a few hours today.

Today the Senate is standing together to protect the right to vote for all Americans. We stand together, putting aside partisan differences, to ensure discrimination at the voting booth remains a relic of the past. We are working for a day when equality is more than a principle upon which our laws are founded, a day when equality is a reality by which our society is defined. We are working for the day when our equality, our oneness, is reflected not only in our laws but in the hearts and minds of every American.

I hope and pray the day will come when racism and discrimination are only a part of our past and not our present.

The Voting Rights Act of 1965 enshrined fair voting practices for all Americans. The act reaffirmed the 15th amendment to the Constitution, which says that:

> . . . the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

The Voting Rights Act ensured that no American citizen and no election law of any State could deny access to the ballot box because of race, ethnicity, or language minority status. It took much courage and sacrifice to make that original Voting Rights Act into law, the courage and sacrifice of leaders such as Rosa Parks, Martin Luther King, Jr., Congressman JOHN LEWIS, to name a few.

They paved the way to end discrimination and open the voting booths for millions of African Americans and other minorities who were previously denied the right to vote.

In the 41 years—yes, it has been 41 years—since then, we have made tremendous progress. Thousands upon thousands of minorities have registered to vote. Minorities have been elected to hold office at the local level, at the State level, and the Federal level in increasing numbers.

In short, the Voting Rights Act has worked. It has achieved its intended purpose. We need to build upon that progress by extending expiring provisions of the Voting Rights Act today.

We owe it to the memories of those who fought before us, to those people who, right now, are reflected in those words of Dr. Hooks that we heard as we traveled through that Civil Rights Museum, and we owe it to our future—a future where equality is a reality, a reality in our hearts and in our minds, not just the law—to reauthorize the Voting Rights Act.

I hope my colleagues will join me in voting for this critical legislation. I look forward to the President signing it into law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise to speak on the Voting Rights Act, and I thank my colleague from Massachusetts who was here before me for allowing me to now speak briefly on this particular issue.

The right to vote is quite literally the bedrock of the representative democracy we enjoy today. We must enable American citizens to fully participate in the political process if we are to truly be a government of the people, by the people, and for the people. It is central, and it is central that everybody is given that right in equal regard.

The importance of the Voting Rights Act cannot be underestimated. It has transformed the face of our Republic and vindicated the noble values of our Nation. America has come a long way in the last four decades, and it is my hope that the reauthorization of the Voting Rights Act will help us to continue to extend the promise of democratic participation to every American.

I have had the chance, twice now, to do the civil rights pilgrimage that the Faith in Politics group has sponsored to Selma, AL, to Montgomery, to several different places, and to hear from the firsthand experiences of individuals who were involved in the civil rights movement and in the freedom trails of the bus rides and in the protests, about the importance that the VRA was to them, was to getting involved, and is central in getting everybody participating in the democracy and a true opportunity to register to vote and to actually vote. It was and is critical. It is critical that we extend it.

I also want to recognize and thank the Senator from Massachusetts for the central role his family has played in fighting for this particular language, this legislation. And it is important.

Out of a strong desire to achieve this goal of everybody participating equally in this democracy, a bipartisan majority of Congress passed, and President Johnson signed, the Voting Rights Act of 1965. The aim of the act two generations ago was to fulfill the democratic promise of the Civil War amendments to the Constitution—a promise left unmet for a century after that terrible war had ended.

The civil rights landscape has greatly improved in the country since 1965, thanks in great part to the Voting Rights Act. The act has resulted in a tremendous increase in the ability of minority citizens to fully and fairly

participate in our political system, both as voters and as candidates. The number of minority legislators has grown substantially.

I am pleased to be a cosponsor of the pending Voting Rights Act reauthorization bill which the Judiciary Committee reported out unanimously yesterday. This bill recognizes the achievements of many and particularly of three champions of the civil rights era: Fannie Lou Hamer, Rosa Parks, and Coretta Scott King. I believe we have a responsibility to carry on the work of these great Americans by reauthorizing the expiring sections of the Voting Rights Act.

The bill does provide a flat bar to unconstitutional racial discrimination. It speaks clearly, aggressively, eloquently, and importantly on this topic. We cannot have racial discrimination in this country, period. We are extending this act. It is an important act. It is one that has helped make the values of democracy real on a tangible basis to individuals, and it is important that we extend it into the future.

Mr. President, I am delighted to be a cosponsor of this bill. I urge my colleagues to pass it. I believe it will pass overwhelmingly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this is an historic day. In the quietness of the moment, on the floor of the Senate, we are talking about a major piece of legislation that is basic to the fabric of what America is all about. But the quietness does not belie the fact that this is a momentous piece of legislation that marks the continuation of this Nation as a true democracy.

I want, at the outset, to commend my friends and leaders on the Judiciary Committee, Senator SPECTER and Senator LEAHY. I can remember talking with both of them early on about putting this on the Senate agenda, putting it on the Judiciary Committee agenda. There are not two Members of this body who are more committed to this legislation than Chairman SPECTER and Senator LEAHY.

We are here today because of their leadership and their strong commitment to the concept of making sure that America is going to be America by insisting on the extension of this voting rights legislation. They have both been tireless during the course of the series of hearings that we have held. They have been meticulous in terms of determining the witnesses that we would have and in building the legislative record, which is so important and of such great consequence in terms of maintaining the constitutionality of this legislation, which is, of course, so important. So I thank both of them for their leadership and their generous references earlier during their statements.

Mr. President, the Constitution of the United States is an extraordinary document, the greatest charter that has ever been written in terms of preserving the rights and liberties of the people. Still, slavery was enshrined in the Constitution. And this country has had a challenging time freeing itself from the legacy of slavery. We had a difficult time in fighting the great Civil War. And we have had a challenging time freeing ourselves from discrimination—all forms of discrimination—but particularly racial discrimination. And we had a difficult time, particularly in the early 1960s, in passing legislation—legislation which could be enormously valuable in freeing a country from the stains of discrimination. But it takes much more than just legislation to achieve that.

I was fortunate enough to be here at the time we passed the 1964 civil rights bill that dealt with what we call public accommodations. It is difficult to believe that people were denied access to public accommodations—the ability to go to hotels, restaurants, and other places because of the color of their skin—in the United States of America. Mr. President, this legislation was debated for 10 months. Not just 1 day, as we all have today on voting rights, but for 10 months, the Senate was in session as we faced a filibuster on that legislation.

Then, finally, Senator Everett Dirksen responded to the very eloquent pleas of President Johnson at that time and indicated that he was prepared to move the legislation forward and make some adjustments in the legislation. We were able to come to an agreement, and the law went into effect.

In 1965, we had hours and hours and hours and hours during the course of the markup of the Voting Rights Act, and hours and hours and hours on the floor of the Senate to pass that legislation, with amendment after amendment after amendment. We were ultimately successful. And just off the Senate Chamber, in the President's Room—just a few yards from where I am standing today—President Johnson signed that legislation.

Now, we continue the process. It has not always been easy during the continuation and the reauthorization of the Act. Rarely have we been as fortunate as we are today with the time agreement and an understanding that we will consider this and finalize it this evening, in a way that will avoid a contentious conference with the House of Representatives that could have gone on for weeks and even months, as we've seen in the past. This legislation will go to the President's desk, and he will sign it.

There is no subject matter that brings out emotions like the issue of civil rights. That is, perhaps, understandable. But it is still very true. No issue that we debate—health care, education, increasing the minimum wage, age discrimination, environmental questions—whatever those matters are, nothing brings out the emotions like civil rights legislation.

But here we have a very important piece of civil rights legislation that is going to be favorably considered, and I will speak about that in just a few moments. We have to understand, as important as this legislation is, it really is not worth the paper it is printed on unless it is going to be enforced. That is enormously important. As we pass this legislation and we talk about its importance, and the importance of its various provisions, we have to make sure we have an administration and a Justice Department that is going to enforce it. That has not always been the case.

Secondly, it is enormously important that we have judges who interpret the legislation the way we intended for it to be interpreted.

We have, in this situation, a bipartisan interpretation. We have a bicameral interpretation. There should be no reason that any court in this country—particularly a Supreme Court that is looking over its provisions—should not understand very clearly what we intended, the constitutional basis for it. We need judges who are going to interpret this in good faith. That has not always been the case, and I will reference that in terms of my comments.

Then, we have to make sure we have a process and system so that, even if we have the legislation, and even if we have a Justice Department correctly interpret it, and even if we have judges correctly interpret it, we have to make sure there are not going to be other interferences with any individuals' ability to vote. That is another subject for another time, but enormously important.

We need all of those factors, at least, to make sure that this basic and fundamental right, which is so important, and which we are addressing today, is actually going to be achieved and accomplished for our fellow citizens.

Mr. President, we are, as I mentioned, poised to take another historic step in America's journey toward becoming the land of its ideals. As we all know, the battle for racial equality in America is far from over. The landmark civil rights laws that we have passed in the past four decades have provided a legal foundation, but the full promise of these laws has yet to be fulfilled.

Literacy tests may no longer block access to the ballot box, but we cannot ignore the fact that discrimination is sometimes as plain as ever, and that more subtle forms of discrimination are plotted in back rooms, to be imposed by manipulating redistricting boundaries to dilute minority voting

strength, or by systematic strategies on election day to discourage minority voting.

The persistence of overt and more subtle discrimination makes it mandatory that we reauthorize the expiring provisions of the Voting Rights Act. This act is perhaps Congress's greatest contribution to the march toward equality in our society. As Martin Luther King, Jr., said, voting is ''civil right number one.'' It is the right in our democracy that preserves all others. So long as the vote is available and freely exercised by our entire citizenry, this Nation will remain strong and our other rights will be protected.

For nearly a century, the 15th amendment guaranteed that ''the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude,'' but it took the Voting Rights Act of 1965 to breathe life into that basic guarantee. And it took the actions of many brave men and women, such as those who gathered at the Edmund Pettis Bridge and faced the shameful violence of those who would deny them the right to vote, before the Nation finally acted.

I'm honored to have fought in the Senate for the Voting Rights Act each time it was before Congress—from its historic passage in 1965 to the votes to extend the act in 1970, 1975, and 1982 and to strengthen it along the way. I recall watching President Lyndon Baines Johnson sign the 1965 act just off this chamber in the President's Room. We knew that day that we had changed the country forever. And indeed we had. In 1965, there were only three African American and three Latino Members of Congress. Today, there are 41 African-American Members in the House of Representatives, one African-American Senator, 22 Latino House Members, and two Latino Senators. These gains would not have been possible without the Voting Rights Act.

I recall extending the expiring provisions of the act in 1970. I remember extending it again in 1975, and adding protections for citizens who needed language assistance. We recognized that those voters warranted assistance because unequal education resulted in high rates of illiteracy and low rates of voter participation in those populations.

And I recall well extending the act again in 1982. That time, we extended the expiring provisions of the act for 25 years and strengthened it by overturning the Supreme Court's decision in Mobile v. Bolden. That decision weakened the act by imposing an intent standard pursuant to section 2 of the act, but despite the opposition of President Reagan and his Department of Justice, we were able to restore the act's vitality by replacing that standard with a results test that provides greater protection for victims of discriminatory treatment.

Finally, in 1992, we revisited the act to extend and broaden its coverage of individuals whose English language ability is insufficient to allow them to participate fully in our democratic system.

In memory of Fannie Lou Hamer, Rosa Parks, Martin Luther King, Jr. and Coretta Scott King, and Cesar Chavez, I feel privileged to have the opportunity to support extension of the act once again for another 25 years.

Some have questioned whether there is still a need for the act's expiring provisions. They even argue that discrimination in voting is a thing of the past, and that we are relying on decades-old discrimination to stigmatize certain areas of the country today.

I have heard the evidence presented over the past several months of hearings, and I can tell you that they are just plain wrong. Yes, we have made progress that was almost unimaginable in 1965. But the goal of the Voting Rights Act was to have full and equal access for every American regardless of race. We have not achieved that goal.

In considering this bill, the Senate Judiciary Committee has held nine hearings and heard from some 46 witnesses. In addition, we have received numerous written statements and have voluminous reports from a variety of groups that have examined the state of voting rights in our Nation. We have explored every aspect of the expiring provisions of the act, and have all come to one inescapable conclusion: continuing discrimination requires that we pass this bill and reauthorize the Voting Rights Act. The evidence demonstrates that far too many Americans still face barriers because of their race, their ethnic background or their language minority status.

Section 5 is the centerpiece of the expiring provisions of the act. It requires that covered jurisdictions preclear voting changes with the Department of Justice or the District Court in the District of Columbia by proving that the changes do not have a retrogressive purpose or effect. The act would reverse the second Bossier Parish decision and restore the section 5 standard to its original meaning by making it clear that a discriminatory purpose will prevent section 5 preclearance. Even under the weaker standard that has governed since the Bossier decision, the Department of Justice has had to object to egregious discriminatory practices.

The act as reauthorized also overturns the Supreme Court's decision in Georgia v. Ashcroft, restoring section 5's protection of voting districts where minority voters have an ability to elect their preferred candidates. This revision would preclude jurisdictions from replacing districts in which minority voters have the voting power to elect their preferred candidates with districts in which minority voters merely exercise influence.

The number of objections under section 5 has remained large since we last reauthorized the act in 1982. Astonishingly, Professor Anita Earls of the University of North Carolina Law School testified that between 1982 and 2004, the Department of Justice lodged 682 section 5 objections in covered jurisdictions compared with only 481 objections prior to 1982. In Mississippi alone, the Department of Justice objected to 120 voting changes since 1982. This number is roughly double the number of objections made before 1982.

Behind these statistics are stories of the voters who were able to participate in the political process because the Voting Rights Act protects their fundamental right to do so. For example, in 2001, the town of Kilmichael, MS, cancelled its elections just three weeks before election day. The Justice Department objected to the cancellation, finding that the town failed to establish that its actions were not motivated by the discriminatory purpose of preventing African-American voters from electing candidates of their choice. The town had recently become majority African-American and, for the first time in its history, several African-American candidates had a good chance of winning elected office. Section 5 prevented this discriminatory change from being implemented, and as a result, three African-American candidates were elected to the board of aldermen and an African-American was elected mayor for the first time.

Consider the Dinwiddie County Board of Supervisors in Virginia. It moved a polling place from a club with a large African-American membership to a white church on the other side of town, under the pretext that the church was more centrally located. We saw this tactic when we renewed the act in 1970. We didn't expect to see it again in on the eve of the 21st century, but we did.

Some have argued that there has been a drop in the number of objections in recent years. As the record shows, that decline is explained by a number of reasons. First, of course, was the Supreme Court's restrictive interpretation of the purpose standard, which we will correct today. In addition, the numbers do not account for proposed changes that are rejected by the district court or proposed changes that are withdrawn once the Department of Justice asks for more information or litigation begins in the District Court. Equally as important are the discriminatory changes the act has deterred covered jurisdictions from ever enacting, and the dialog the act promotes between local election officials and minority community leaders to ensure consideration of minority communities' concerns in the legislative process.

And, of course, there are matters that merit objection, but have been precleared by the Bush Department of Justice because the Department's political leadership refused to follow the recommendations of career experts.

The Department twice precleared Georgia's effort to impose a photo identification requirement for voting. The first time, the district court threw it out as an unconstitutional poll tax. That's right, a poll tax in 2006. In 1965, we fought the poll tax during the debate of the original Voting Rights Act. After the Supreme Court ultimately held it unconstitutional, we thought this shameful practice had ended. But the court found that the Georgia law was just a 21st century version of this old evil.

Georgia reenacted the law without the poll tax, and the Court still found that it unlawfully disadvantaged poor and minority voters, who are less likely to have the required identification.

Recently, the Supreme Court held that the Texas Legislature had violated the Voting Rights Act by shifting 100,000 Latino voters out of a district just as they were about to defeat an incumbent and finally elect a candidate of their choice. Once again, section 5 would have blocked this practice, but the leadership of the Department of Justice overruled career experts who recommended an objection.

The fact that the number of section 5 objections is a small percentage of the total number of submissions shouldn't be surprising. Jurisdictions take section 5 into consideration when adopting voting changes and many day-to-day changes are noncontroversial. What should surprise and concern us is the fact that there continue to be objections and voting changes like the ones that I have described.

It has also been argued that the section 5 coverage formula is both over and under-inclusive. The act addresses that problem by permitting jurisdictions where Federal oversight is no longer warranted to ''bail out'' from coverage under section 5. We have letters from two of the jurisdictions that have taken advantage of the bailout process explaining that they did not find that process to be onerous. So far, every jurisdiction that has sought a bailout has succeeded. For jurisdictions that should be covered but aren't, the act contains a mechanism by which a court may order a non-covered jurisdiction found to have violated the 14th or 15th amendments to obtain section 5 preclearance for its voting changes. As a result, the act's preclearance requirement applies only to jurisdiction where there is a need for such oversight.

The act will also reauthorize the provisions of the act that mandate the provision of election assistance in minority languages. In the course of our consideration of this bill, we heard substantial evidence demonstrating that these provisions are still necessary. The original rationale for enactment of these provisions was twofold. First, there are many Americans who speak languages other than English, many of whom are United States citizens by birth—including Native Americans, Alaska Natives, and Puerto Ricans. These Americans should not be denied the opportunity to be full participants in our democracy because of the languages they speak. They know they need to learn English to succeed in this country. That's why classes to learn English are oversubscribed all over the country.

Additionally, Congress concluded that many Americans—including Native Americans, Alaska Natives, Asian Americans, and Hispanic Americans—suffer from inadequate educational opportunities that deny them the opportunity to master English at a sufficient level to fully understand electoral issues and cast meaningful ballots. The nationwide statistics illustrate the problem. Only 75 percent of Alaska Natives complete high school, compared to 90 percent of non-Natives, and only 52 percent of all Hispanic Americans have a high school diploma, compared to over 80 percent of all Americans. We heard testimony that while many of these people may speak conversational English, they have been denied the educational instruction—often as a result of intentional discrimination—that would allow them to understand complex electoral issues and technical voting terminology in English alone.

Finally, it is crucial that we extend the guarantees of all of the temporary provisions of the act for 25 years. Twenty-five years is not a long time when compared to the centuries of oppression that the law is intended to overcome. While we have made enormous progress, it takes time to overcome the deep-seated patterns of behavior that have denied minorities full access to the ballot. Indeed, the worst thing we could do would be to allow that progress to slip away because we ended the cure too soon. We know that the act is having an impact. We know that it is deterring discrimination. And we know that despite the act, racial bloc voting and other forms of discrimination continue to tilt the playing field for minority voters and candidates. We need to ensure that jurisdictions know that the act will be in force for a sufficiently long period that they cannot simply wait for its expiration, but must eliminate discrimination root and branch.

The time has come to renew the Voting Rights Act. This historic piece of legislation renews our commitment to the fundamental values of America. It ensures that all of our citizens will have the right to play an effective role in our governance. It continues us down the path toward a democracy free of the blight of discrimination based on race, ethnicity and language. As Dr. Martin Luther King, Jr. said: ''The time is always right to do what is right.'' The right thing to do is to pass this bill and the time to do it is now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I rise as a Senator from Georgia to express my support and join a unanimous Senate in support for extension of the Voting Rights Act. I come to the well to speak from a different perspective than some. I was born in the South in 1944, educated in its public schools in the 1950s and 1960s. I was in the fourth grade when Brown v. Board of Education was the ruling of the Supreme Court. I was in high school when the public schools of Atlanta were integrated. I went to the University of Georgia when the first students integrated that institution. I lived through all the changes that many refer to as history about which they have read.

I lived through it, being there and seeing the heroes and the challenges and the transition through which the South has gone. Still, in speeches today we hear very often about the South in historic times, where wrong practices have been righted, but somehow we don't hear about the heroes who made the Voting Rights Act go from a piece of paper and a law to practical reality in the South.

I am proud of so many citizens in Georgia, Black and White, urban and rural, Republican and Democrat, who over the past 41 years have made not only the letter of that law but the spirit of that law the spirit of our State—not the least of whom is Congressman JOHN LEWIS, a man of unquestioned character and, for anyone who lived during the 1960s and 1950s, unquestioned courage. He and I are of different races and different political persuasions, but he is a man whose courage and conviction I honor and pay tribute to.

Mayor Ivan Allen, Jr., was a White mayor of Atlanta in the 1960s whose actions would see to it that the actions passed in Congress were made a reality smoothly in the city, which gained the reputation of a city too busy to hate. We made a transition in a difficult time. We righted difficult wrongs. We made the letter of the law the spirit of the law.

Andrew Young, the first African-American mayor of Atlanta, in following Sam Massell, who followed Ivan Allen, ensured that those transitions continued in the 1980s, and that voting rights and all rights were the primary responsibility of our government and its leadership.

Carl Sanders, the Governor of Georgia, probably lost his chance at a second term because of his courageous stance on behalf of seeing to it that the South continued to make progress.

Joe Frank Harris, from rural Georgia, who was Governor in the 1980s, continued in tandem with Andrew Young to see to it that our capital city and State remained committed to all of the provisions of equality in our society.

The attorneys general in this issue are so important. Republican Mike Bowers, during many years of service to our State as attorney general, time and again saw to it that what was intended by the Voting Rights Act was the practice in our State.

Our current attorney general today, an African American, Thurbert Baker, is a tribute to the progress our State has made and is an outspoken defender of the Voting Rights Act and our State's intention to ensure that all of Georgia's legal residents, regardless of race or ethnicity, have the right to vote.

A great Senator, Sam Nunn, served in this Senate, whose office I hold now downstairs. Sam Nunn, during the years of the 1970s and 1980s and early 1990s, was a steadfast beacon of support for ensuring that we continued the spirit and the letter of the Voting Rights Act.

The late Senator Paul Coverdell, a Republican from Georgia, in his term in the Georgia legislature in the House and Senate, over 20 years of service, fought tirelessly to ensure that our State delivered on the guarantee of the right to vote for all Georgians.

As we reflect on the true wrongs that existed in the 1950s and 1960s, and where those wrongs may have taken place, we owe it to history and to the credit of these great individuals to pay tribute to those who took the law and made it a reality. I am proud of my State. I am proud of the transition it has made. I pay tribute to its leaders.

My vote today in favor of the extension of the Voting Rights Act is in equal parts a commitment to that end and a tribute to those Georgians who made the Voting Rights Act a reality in my State.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, the right of a citizen to vote is the most basic right in any democracy. At the signing of the Voting Rights Act in 1965 in this very Capitol Rotunda, the President of the United States, Lyndon Johnson, said these words:

> The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.

The Civil Rights Act of 1964 was a critical breakthrough in the struggle for civil rights. However, the Voting Rights Act, which came the next year, 1965, is considered the most important and successful civil rights law of the 20th century, because it finally ensured every voting-age citizen of this Nation a voice in his or her own fate.

The passage of the 14th amendment in 1868 and the passage of the 15th amendment in 1870 both prohibited disenfranchisement on the basis of race. But in the absence of legislative protection for the right to vote, that right was systematically denied to millions of African Americans for nearly a century. Similarly, Mexican Americans, Asian Americans, Native Americans, and Alaskan Natives were excluded from the ballot box through an assortment of voting tests and intimidation.

We are all here today because of the courage and persistence of the civil rights leaders of the last century, who fought so long and hard to attain the franchise the Constitution had already granted them.

Several of these heroes are memorialized in the title of this bill: Fannie Lou Hamer, Rosa Parks, Coretta Scott King, and Cesar Chavez. All of us owe them a debt of gratitude.

On this day, I am also mindful of the contributions Californians have made in the civil rights battles. Let me share one story.

On June 10, 1964, the Civil Rights Act was being filibustered on this very floor. No filibuster of a civil rights bill in the 20th century had ever been broken. Senator Claire Engle of California, who held the seat I now occupy, was suffering at the time from terminal brain cancer. He was wheeled in dramatic fashion into this Chamber. He was too sick to speak, but he indicated his ''aye'' vote for cloture by gesturing toward his eyes. His vote proved to be the decisive 67th vote that overcame the filibuster and ultimately led to passage of the Civil Rights Act of 1964. Senator Engle died later that year. However, the filibuster was no longer an impassable barrier to civil rights legislation, and the Senate passed the Voting Rights Act of 1965 the following year. I thank my predecessor and I pay him tribute.

In the last 50 years, California has often been ahead of the curve in guaranteeing voting rights. In 1961, California prohibited election day challenges based on literacy.

In 1971, California required that a copy of the election ballot in Spanish be posted in each polling place, where the language minority population was greater than 3 percent.

In 1973, California passed a law allowing the use of languages besides English in polling places and required county clerks to recruit bilingual deputy registrars and precinct board members.

In 1975, California allowed voters to register to vote by mail.

In 2001, California passed the California Voting Rights Act—the first State voting rights act in the Nation—to combat racial bloc voting.

Unfortunately, however, the end of the 20th century did not mark the end of efforts to disenfranchise minority voters in my State and the Nation. Nevertheless, several provisions of the Voting Rights Act will expire in August of 2007 if we don't take this action today.

Two of the provisions set to expire are particularly significant. The first is section 5, which requires jurisdictions with a history of discrimination to clear any changes in voting procedures with the Department of Justice before instituting any change.

The second is section 203, which requires language assistance for bilingual voters in jurisdictions with a large number of citizens for whom English is a second language.

The section 5 so-called ''preclearance'' provision is critically important. I guess this is the section that has drawn the most comment on this reauthorization. It is important because it stops attempts to disenfranchise voters before they can start, not after they start.

In the last decade, the Department of Justice has repeatedly struck down proposed changes to voting procedures under section 5 preclearance. This section has prevented the redrawing of municipal boundaries designed specifically to disenfranchise minority voters, blocked attempts to exclude minority candidates from the ballot, denied efforts to change methods of elections intended to dilute minority voting strength, kept polling places from being moved to locations that would have reduced minority voter turnout, and it has thrown out redistricting proposals that would have marginalized minority voters. Clearly, this section has served us well.

In California, the rejection of a discriminatory redistricting plan in Monterey County under section 5 led to the first election of a Latino to the Monterey County Boards of Supervisors in more than 100 years.

The most significant impact of section 5, I believe, is not from its enforcement mechanism but from its deterrent effect. Just as the presence of police deters more crime than is stopped by actual police intervention, it is likely that the threat of Government action prevents far more attempts to disenfranchise voters than the Department of Justice's review actually does.

Let me speak about section 203. Its requirement of language assistance in jurisdictions with a large number of citizens for whom English is a second language has enabled citizens to vote who otherwise, frankly, could not have.

For example, a study found that in the 1990 general election, bilingual assistance was used by 18 percent of

Latino voters in the State of California.

Los Angeles is the largest and most diverse local election jurisdiction in our country. It provides assistance under the Voting Rights Act to voters in six languages other than English.

According to a November 2000 exit survey of language minority voters in Los Angeles and Orange County in California, 54 percent of Asian-American voters and 46 percent of Latino voters reported that language assistance made them more likely to vote. That is actual documentation.

In a hearing before the Judiciary Committee on the impact of section 203, Deborah Wright, acting assistant registrar and county clerk for Los Angeles County, testified that written translations are provided in Los Angeles County because of the complex nature of issues facing the voters in our State. I can tell you that California ballots are among the longest and most complicated in our Nation. She explained to our committee that California often presents voters with numerous, complex ballot initiatives and propositions. Such complicated ballots challenge all voters to be prepared and to have the information they need prior to casting their ballots.

Often, a high level of English proficiency is needed even by native speakers of English to understand these ballot initiatives and to cast an informed ballot. I myself have trouble sometimes understanding the propositions. I believe the California experience is persuasive that appropriate targeted language assistance makes it much more likely that informed voters vote, and that is important.

My mother was an immigrant from Russia. She came here when she was a small child. She had only a primary school education. Her family was very poor. Her parents never spoke English. She studied English and, as an adult, passed the language exam and became a naturalized citizen. Still, when it came time to vote, I helped her with her ballot. We would go over the propositions, I would read them in English, we would discuss them, otherwise she could never fully understand them because they were complicated and filled with legalese.

As I said, California's ballots can be long, and despite ballot simplification, which is now a part of the California ballot, they can still be very confusing. Section 203 enables the full comprehension of a ballot, and I believe that is very important.

We are reauthorizing this bill today. I don't believe we can permit these provisions to expire and leave the next generation of Americans without full protection of their voting rights. That is why I am very proud to be a cosponsor of the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, and Cesar E. Chavez Voting Rights Act Reauthorization and Amendments Act of 2006.

This legislation will reauthorize the expiring provisions of the Voting Rights Act for an additional 25 years so that it can continue to be a kind of deterrent to any chicanery, any manipulation, anyone's ill intent to prevent any group of voters from exercising their right to the franchise under the Constitution of the United States.

Under the guidance of Chairman SPECTER and Ranking Member LEAHY over the last 2 months, our committee, the Judiciary Committee, has held 10 hearings on reauthorizing this act—10 hearings. As a matter of fact, I can't remember any reauthorization in the 14 years I have been on the committee that has had 10 separate hearings. The exhaustive testimony from these hearings has confirmed both that these expiring provisions are still needed and that these provisions are constitutional.

In response to this record, yesterday the Judiciary Committee unanimously voted to reauthorize the Voting Rights Act. I was also pleased to see the House pass the reauthorization last week with broad, bipartisan support. Today, this full Senate now has the opportunity to offer its own resounding endorsement of this very important bill.

Thomas Paine wrote over 200 years ago that:

> The right of voting for representatives is the primary right by which other rights are protected.

I couldn't agree more. Today will be a historic occasion as we reauthorize this important bill for another 25 years. I am very proud to play a small role as a member of the Judiciary Committee in this vote.

I thank the Chair. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Colorado.

Mr. SALAZAR. Mr. President, at the outset of this historic day in the Senate, let me give my accolades to Senator SPECTER and to Senator LEAHY for their leadership in the reauthorization of the Voting Rights Act. This is one of the finest days of the Senate of the 109th Congress because it is a demonstration of Republicans and Democrats coming together to deal with the very important question of our Nation.

I congratulate the Judiciary Committee and all of those who have created a template for how we should do business in the Senate.

I rise today to offer my unequivocal support for the Fannie Lou Hamer, Rosa Parks, Coretta Scott King and Cesar E. Chavez Voting Rights Act Reauthorization and Amendments Act of 2006.

Almost a year ago, I stood on the Senate floor to pay tribute to the Voting Rights Act on the occasion of its 40th anniversary. In my remarks on that day, I urged my colleagues to rise above the partisanship that often plagues this body and to renew the promise of the landmark civil rights legislation by reauthorizing the key provisions that were set to expire in 2007. I am extremely pleased that the Senate today is poised to take action on this important legislation.

Without enforcement and accountability of our Nation's voting laws for all Americans—for all Americans—the words of the Declaration of Independence declaring ''All men are created equal,'' the words written in the Constitution guaranteeing the inalienable right to vote, and the maxim of one person, one vote, those principles enshrined in our elected laws, are little more than empty words. The reauthorization of the Voting Rights Act is fundamental to protect these rights and values and to ensure that they translate into actual practice, actual representation, and an actual electoral voice for every American.

I especially thank Senator LEAHY for offering an amendment on my behalf in the committee that incorporated the name of Cesar E. Chavez, a true American hero, into the title of the Senate's reauthorization bill.

Like the venerable American leaders who are now associated with this effort, Cesar Chavez sacrificed his life to empower the most vulnerable in America. He fought for all Americans to be included in our great democracy. It is only fitting that his name be a part of the reauthorization of the Voting Rights Act.

As we move forward, I believe incorporating the names of these historic American leaders underscores the importance of reflecting on the history of our country and our never-ending—not yet completed—quest to become a more inclusive America.

When one looks back at our history, one learns some very painful lessons from that past. We must keep in mind that we, as a nation, for the first 250 years of our history allowed one group of people to own another group of people under a system of slavery simply based on the color of their skin. It took the bloodiest war of our country's history, even more bloody than World War II—the Civil War, where over half a million people were killed on our soil in America—to bring about an end to the system of slavery and to usher in the 13th and 14th and 15th amendments to our Constitution. In my estimation, these three amendments are the bedrock of the proposition that all constitutional liberties are endowed upon all Americans without exception. But it took many long years for the promise of these amendments to be realized in our own Nation.

Notwithstanding the tremendous loss of blood and life during the Civil War, some years later, in 1896, in Plessy v. Ferguson, our own U.S. Supreme Court sanctioned a system of segregation and the doctrine of ''separate but equal.'' The Court's decision to uphold an 1890

Louisiana statute mandating racially segregated but equal railroad carriages ushered in another dark period in our country's history where Jim Crow was the law of the land throughout the South. Similar laws applied to other groups. Throughout the Southwest, Mexican Americans in many places were systematically denied access to ''White Only'' restrooms and other places of public accommodation. Just as there were signs that said ''No Blacks Allowed'' in the South, there were also signs in many places across our country that read ''No Mexicans Allowed.''

In the now infamous Plessy case, Justice Harlan, writing for the dissent in that case, looking ahead at the century to come, made the following observation:

> The destinies of the races, in this country, are indissolubly linked together and the interests of both require that the common government law shall not permit the seeds of race hate to be planted under the sanction of law.

Justice Harlan's statement was profound in its forecast for America. It is unfortunate that his words of warning were largely ignored for the next half century. It was not until 1920, for example, that our Constitution even guaranteed the right of women to vote, and it was not until 1954 that the U.S. Supreme Court, under the very able leadership of Chief Justice Warren, struck down the ''separate but equal'' doctrine as unconstitutional under the 14th amendment in the Brown v. Board of Education case. That case was argued by Thurgood Marshall, another American hero who gave his life for equal opportunity for all Americans.

More hard-won change followed that 1954 decision of the U.S. Supreme Court.

While the 15th amendment, which was ratified in 1870, guaranteed all citizens the right to vote regardless of race, in 1965—that wasn't that long ago—only a very small percentage of African Americans were registered to vote in States such as Mississippi and Alabama. In Mississippi in that year, only 6.7 percent of African Americans were registered to vote, and in Alabama less than 20 percent were registered to vote.

The various tactics that were used back then to impede and discourage people from registering to vote and casting their right in our democracy on election day ranged from literacy tests, poll taxes, and language barriers, to overt intimidation and harassment. The Voting Rights Act went on to attack those discriminatory practices in people's exercise of their fundamental right to vote.

On August 6, 1965, when President Lyndon Johnson signed the Voting Rights Act, America took a critical step forward in fulfilling our constitutional ideals.

Just a year earlier, President Johnson had signed the Civil Rights Act of 1964 proclaiming that in America, as he said:

> We believe that all men are created equal, yet many are denied equal treatment. We believe that all men have certain unalienable rights, yet many Americans do not enjoy those rights. We believe that all men are entitled to the blessings of liberty, yet millions are being deprived of those blessings, not because of their own failures, but because of the color of the skin.

President Johnson knew then what we still recognize today on this floor of the Senate.

The enactment of both of these critical pieces of legislation in the 1960s was another major step forward in our country's journey to become an inclusive America for all citizens—for all citizens—and enjoy the rights and protections guaranteed by the U.S. Constitution.

When he recalled the day when the Voting Rights Act was signed by President Johnson, Dr. Martin Luther King, Jr., wisely pointed out that:

> The bill that lay on the polished mahogany desk was born in violence in Selma, AL, where a stubborn sheriff had stumbled against the future.

Dr. King was, of course, referring to Bloody Sunday, the Selma incident which took place on March 7, 1965, where more than 500 nonviolent civil rights marchers attempting a 54-mile march to the State capital to call for voting rights were confronted by an aggressive and violent assault by the authorities.

In response to the violence in Selma and the death of Jimmy Lee Jackson, who was shot 3 weeks earlier by a State trooper during a civil rights demonstration, President Johnson addressed Congress and the Nation on March 15, 1965, to press for the passage of the Voting Rights Act. Indeed, President Johnson's speech served as a rallying call to the Nation and to the Congress. In that speech, Lyndon Johnson said to the Nation:

> At times history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord. So it was a century ago at Appomattox. So it was last week in Selma, Alabama.
>
> This time, on this issue, there must be no delay, no hesitation and no compromise with our purpose. We cannot, we must not, refuse to protect the right of every American to vote in every election that he may desire to participate in.

Five months later, on August 7, 1965, President Johnson signed the Voting Rights Act of 1965 into law.

In our country's history in America, we have often stumbled, but great leaders, such as Dr. King and those whose names are associated with this authorization—Rosa Parks, Coretta Scott King, Fannie Lou Hamer, and Cesar Chavez—those are people who gave their lives to make certain that when we stumble, we get up and we continue our path of America forward, we continue an America in progress.

Since the passage of the Voting Rights Act, the doors to opportunity for political participation by previously disenfranchised groups have swung open. Their voices are now heard and counted across America. This progress is evident through the Nation in all levels of government today. The number of Black elected officials nationwide has risen from only 300 in 1964 to more than 9,000 today. In addition, today there are over 5,000 Latinos who now hold public office, and there are still hundreds more Asian Americans and Native Americans serving as elected officials.

It is with this history in mind—and with the increasing diversity of our country—that I look to the future of an inclusive America continuing to fulfill the promises and guarantees to all Americans that our Constitution provides.

Our work is not yet done. Although significant advances to ensure voting rights for all Americans have been made, the testimony presented before the Senate Judiciary Committee points to still an unfortunate truth: that Americans are still too often being kept from the polls.

The greatness of this country depends on our learning and not forgetting the painful lessons of our past, including poll taxes and literacy tests that prevented countless of individuals from exercising their right to vote.

I believe the United States, the Federal Government must remain vigilant in safeguarding all Americans' sacred right to vote. This legislation today is a manifestation of that vigilance of the Congress. It represents the Senate working at its best.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I know the distinguished Senator from Virginia is going to be recognized, but I have a quick housekeeping issue.

The distinguished chairman, the distinguished Senator from Pennsylvania, and I want to make sure we go back and forth, side to side. So following the distinguished Senator from Virginia, we will go to the distinguished Senator from North Dakota. Following the next Republican, I ask unanimous consent that the distinguished Senator from Illinois, Mr. DURBIN, be recognized for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I compliment the distinguished Senator from Colorado for his speech. I mentioned him earlier in my speech on the floor and his tremendous contribution to this bill. We can all agree the time to end discrimination is still here, and we can work to do that.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ALLEN. Mr. President, I rise to commend the Judiciary Committee but most importantly commend to my colleagues on the passage of the Voting Rights Act renewal this afternoon.

I spoke right before Independence Day last month on June 29 on the importance of certain principles as we celebrated the Declaration of Independence. I quoted and I will quote again the importance of this document which is the spirit of America:

> We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed. . . .

So in our representative democracy, in our Republic, voting is how the owners, the people of our country in their counties, cities, and States, express their views for the just powers of our government.

I spoke on how it was important for the Senate to act on this measure as promptly as possible. I commend the chairman of the Judiciary Committee, Senator SPECTER, and the ranking member, Senator LEAHY, for moving yet another important piece of legislation this session. The enactment of the Voting Rights Act was absolutely necessary 41 years ago and was passed during a tumultuous time in our Nation's history. History has proven, though, that this law was just and clearly appropriate to provide equal opportunities and protections to persons with the desire to express themselves and give their consent at the ballot box. We are all better off—we are so much better off—for the choices made during that time because this strengthened the fabric of our country. It has made our country a more perfect union—and as we strive to be a more perfect union, it has made us stronger as we have faced the challenges of recent years, presently, and in the future.

What this legislation does is help ensure the fundamental right of all eligible citizens to vote. It sends a strong message, a renewal, a reconfirmation that no matter one's gender, race, ethnicity or religion, you have an opportunity to vote if you are a law-abiding citizen in this country. It is the core—it is absolutely the core of a representative democracy, that we do have the participation of an informed people. Again, the people are the owners of the Government.

Virginia has come a long way. They have come a long way because the Constitution said: You have the right to vote, but we all know that not everyone did have the right to vote. It took many years before African Americans were allowed to vote, but then there were all sorts of devices that prevented them from voting. It took many years before women were given the right to vote. Virginia has come a long way since the Voting Rights Act was enacted 41 years ago. I think it is important that the Act is reauthorized, not just for Virginia but throughout the United States. It applies everywhere from Florida to Alaska to New York.

Some will argue that counties and cities and States cannot be removed from or ''bail out'' of preclearance if they so desire and have a good record. The facts are that there are 11 counties and cities in Virginia that have been able to ''bail out'' of the Voting Rights Act by proving that ''no racial test or device has been used within such State or political subdivision for the purpose or with the effect of denying or bridging the right to vote on account of race or color.'' The counties in Virginia that have been removed from this preclearance review are Augusta, Frederick, Greene, Pulaski, Roanoke, Rockingham, Shenandoah, and Warren and the cities of Fairfax, Harrisonburg, and Winchester.

The renewal of this act does not mean that the reauthorizing States still engage in voter discrimination on the basis of race. Renewal should instead be viewed as a continued unflagging commitment to ensuring the protection of a law-abiding person's right to vote without subversion or unwarranted interference.

Thanks in part to the Voting Rights Act, Virginia was the first State in our Union to popularly elect the first Governor who is an African American. I hope that after this November's elections, Virginia will not be the only State to have a Governor elected who is an African American. In fact, I would be happy if there were two more Governors elected this year who are African American. The election in Virginia represented an inspirational success for one person, L. Douglas Wilder, who was elected Governor because of his perseverance in winning. But it is also an advancement and a matter of pride, I think, and an achievement of the Commonwealth of Virginia, which only decades earlier had counties that closed their public schools rather than integrate them to comply with the Brown v. Board of Education decision.

Now, we realize we have made progress, but we need to continue to make strides. We need to strive to be a society, as Martin Luther King, Jr., stated, ''Where people are judged by the content of their character rather than by the color of their skin.''

We must join together in our great country, a country that has tremendous promise, to make sure that everybody, no matter their race, or their ethnicity, or their religion, or their gender, has that equal opportunity to lead a fulfilling life, to compete and to succeed in our country.

The reauthorization of the Voting Rights Act is a tool that has, can, and will help achieve this goal of fairness in America. So I urge my colleagues this afternoon to renew and pass this important piece of legislation. We can and have debated the issue, but we also know the results. The results of the Voting Rights Act has made this a more perfect union. Let's keep this country moving forward, making sure this is a land of opportunity for all. I commend this measure to the positive vote of all my colleagues.

Mr. President, I thank my colleagues for their attention, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I just this morning spoke to a couple of hundred young people called Junior Statesmen who are gathered in the Capitol. It is an organization that comes to the Capitol and learns about Government. I talked to them about the Voting Rights Act some, and I talked to them about what we take so much for granted in this country, including the right to vote.

I described what happened, at least as I read the history books, on November 15, 1917, at Occoquan Prison. That is the day on which a good number of women were severely beaten at the Occoquan Prison. Several dozen women were picked up because they demonstrated in front of the White House. They were arrested for demonstrating because they were in the streets demonstrating, insisting that women ought to have the right to vote in this country. Because they demanded the right to vote, demonstrating in the streets of this capital, they were arrested and taken to the Occoquan Prison. Among those women were Lucy Burns and Alice Paul.

The description of what they did to those women includes putting handcuffs on Lucy Burns, tying the handcuffs with a chain, and then putting the chain above a cell door and letting her hang the entire evening, with blood running down her arms. That was the fate of Lucy Burns. Alice Paul had a tube forced down her throat. They tried to force feed Alice Paul, and she nearly drowned. The transgression of these women: They were demanding the right of women to vote.

It is interesting what some people have done to demand the right of citizenship and what others so often and so regularly take for granted.

My colleague was talking, I believe, about the struggle that minorities in this country, including especially African Americans, have made to have the right to vote, and I believe the previous speaker was talking about Selma, AL, on March 7 in 1965, when State troopers brutally beat civil rights workers. The marchers were fighting for their right to vote. On that day, in 1965, that day in March, they were brutally beaten because they insisted on the right to vote, just as Alice Paul and Lucy

Burns had done some 60 years before that.

Lyndon Johnson said this about what is called Bloody Sunday. He said:

> At times, history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord. So it was last week in Selma, Alabama. There, long-suffering men and women peacefully protested the denial of their rights as Americans. Many were brutally assaulted. One good man, a man of God, was killed.

From that, we know that the Voting Rights Act was passed a very short time later.

Days later, in a joint session of Congress, President Johnson outlined the Voting Rights Act, and within months, the Congress had passed it.

Let me talk about another minority in this country, Native Americans, the first Americans, those who were here first—American Indians. Although the Voting Rights Act applies to all Americans and all minorities, let me talk just a little about its impact on Native Americans, American Indians.

They were first given U.S. citizenship rights in 1924. Think of that. Almost a century and a half of this country's experience passed before Indians were recognized. It took from 1924, nearly 40 years later, for all of the States in this Nation to say to American Indians: Yes, you have the right to vote. You have the full rights of American citizenship. The last State to clear the hurdles and the obstacles to voting by American Indians was New Mexico, in 1962, only 3 years before the Voting Rights Act. Think of that. These were the Americans who were here first. They lived here when the rest of us came here—American Indians.

We come today on the issue of extending the Voting Rights Act. I believe it has been almost a quarter of a century since we have done that; 1982 was the last time Congress reauthorized the Voting Rights Act. It has been hailed by many as the single most effective piece of civil rights legislation that has ever been passed.

I was in Philadelphia some weeks ago and went to the Constitution Center. At the Constitution Center they have these statues of the 55 men—yes, only men—who sat in that hot room in the hot summer and wrote the Constitution of the United States. The three words that began that great document were, ''we the people''—not just some of the people, all the people—''we the people.'' And all of the power in this document called the Constitution of the United States is vested in the power of one—one American casting one vote at one time. That is all the power in this Government. That exceeds all the power of all the Presidents, all the power of all the Senators—the power of one person to cast one vote on one day to alter the destiny of this country.

Except we have learned over time that some have been denied that opportunity: African Americans, American Indians, women. It has taken a long time and a bloody struggle, regrettably, to make certain that everyone has the right to exercise the power of one, to become part of ''we the people.''

My guess is that the spirit of Lucy Byrne and Alice Paul exists in this debate about voting rights. The spirit of the civil rights marchers who were beaten brutally—one lost his life on that bloody Sunday—their spirit exists as this Congress turns again to the subject of voting rights and asks the question: Will we do everything possible to ensure that every American is able to exercise the power of one as part of ''we the people'' in this great country? That is why this is such an important piece of legislation. That is why some take it for granted day after day. It is why others have given their lives for it.

Today, when this Congress passes the Voting Rights Act, to extend the Voting Rights Act once again, I think it will have been one of its finest hours.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, if you are a student of history, this is a moment that you should reflect on and savor. Just a short time ago, I came to the floor and sat in the back row and listened as Senator TED KENNEDY of Massachusetts spoke. I wanted to be here to see it because Senator TED KENNEDY was one of the few who was a Member of the Senate when the Voting Rights Act passed in 1965, more than 40 years ago. He recounted the struggle that led to the passage of that legislation—and it was a struggle. He talked about President Lyndon Baines Johnson coming back to Capitol Hill, with which he was so familiar as a Member of the Senate, and just a few feet away from where I am standing, in one of the small rooms known as the President's Room, signing the Voting Rights Act of 1965.

I wanted to come and hear TED KENNEDY tell that story because I do appreciate it—not just as history but because of what that meant to America. Some say it was the most significant civil rights legislation in our history. It is hard to argue that it was not because if Americans don't have the right to vote, they don't have the most basic right that we appreciate and treasure as American citizens.

On the day that President Lyndon Baines Johnson signed the Voting Rights Act of 1965, he said it was one of the most monumental laws in the history of American freedom. And then he said:

> Today is a triumph for freedom as huge as any victory that's ever been won on any battlefield. Today we strike away the last major shackle of fierce and ancient bonds.

Those beautiful words were quoted in the autobiography of Dr. Martin Luther King, Jr. They are a reminder that what we are about today is not just another piece of legislation. It is only 12 or 13 pages long—small by Senate standards—but what it does is make another commitment by our generation to the same basic values and principles that guided this Congress to pass the first Voting Rights Act of 1965.

In August of last year, I was invited to Atlanta, GA, to represent my caucus of the Senate to march with civil rights leaders and ordinary people to celebrate the 40th anniversary of that Voting Rights Act. I was proud to march in the footsteps of civil rights giants, to celebrate a bill that has often been called the most significant civil rights law ever passed by Congress.

It has broad support today. Yesterday, in my Senate Judiciary Committee it passed unanimously, with a bipartisan vote. That is a great tribute to that committee and where America's thinking is today on Capitol Hill. But it was bitterly fought in 1965. People died for that law. Civil rights workers James Cheney, Michael Schwerner, Andrew Goodman, and so many others were murdered simply because they had the courage to step up and say every American has the right to vote.

It has been so long ago, it sounds like ancient history, and you may be puzzled to think: People would give their lives? Ordinary people would die over this, over this battle? The answer is yes. Black, White, and brown Americans came forward and said it was worth dying for because it really was the cornerstone of America's democracy.

Just a few years ago, I made a trip down South, my first step to Selma, AL. When the civil rights march at Selma took place, I was a student here in Washington. I sat around in my apartment with several other students and we talked about getting in a car and driving down to Selma and being part of that march. I remember it like it was yesterday. I couldn't get away from my job, I had other excuses, and I didn't go. I have thought about that so many times, how I wished I had been there at that moment, to have been part of that historic march across the Edmund Pettus Bridge, but I missed it and regretted it ever since.

Three years ago, Congressman JOHN LEWIS, from the State of Georgia, invited me, Senator BROWNBACK of Kansas, and others to join him in a little commemorative pilgrimage to the Edmund Pettus Bridge. Early one Sunday morning we got up and drove over to Selma and JOHN LEWIS and SAM BROWNBACK and I walked across the Edmund Pettus Bridge.

JOHN LEWIS was the perfect person to bring us on that pilgrimage because he had been there on that bloody day when the first march took place. When we went there on that Sunday morning, it was quiet and peaceful. But he

marched us down to the very spot where the Alabama State Troopers turned and started beating him—beating him unconscious. He fell to the ground and nearly died. But he survived and that cause survived and today JOHN LEWIS is a Congressman.

What does that have to do with this debate? Just last week, Congressman JOHN LEWIS spoke in the House about the history of the Voting Rights Act, and here is what he said:

> When we marched from Selma to Montgomery in 1965, it was dangerous. It was a matter of life and death. I was beaten, I had a concussion at the bridge. I almost died. I gave blood, but some of my colleagues gave their very lives.

It is good for us to reflect on that and to value what John Lewis and his courage meant to America and so many others, and why this bill at this moment is important for America. We honor the legacy of civil rights heroes by extending the Voting Rights Act provisions that would expire in just a short time.

The bill itself is named after three extraordinary civil rights heroes: Coretta Scott King, who continued her husband's leadership of America's movement for racial justice and human rights; Rosa Parks, what a brave lady, who ignited the Montgomery Alabama bus boycott; and Fannie Lou Hamer, the sharecropper who became a civil rights champion. She was nearly beaten to death trying to register to vote. And her famous declaration? Fannie Lou Hamer said, ''I am sick and tired of being sick and tired.''

Last week, the House of Representatives passed the Voting Rights Act by a vote of 390 to 33. It was a proud moment for that Chamber. In his autobiography, Dr. Martin Luther King reflects on this Voting Rights Act, and this is what Dr. King wrote:

> When President Johnson declared that Selma, AL, is joined in American history with Lexington, Concord, and Appomattox, he honored not only our embattled Negroes, but the overwhelming majority of the nation, Negro and white. The victory in Selma is now being written in the Congress. Before long, more than a million Negroes will be new voters and psychologically, new people. Selma is a shining moment in the conscience of man. If the worst in American life lurked in the dark streets of Selma, the best of American democratic instincts arose from across the nation to overcome it.

What powerful and hopeful words.

It is wrong for us to equate racism and prejudice with the South in America. Sadly, it has touched every corner of our great Nation. Every one of us in our towns and communities and villages, North and South, East and West, have struggled with some form of racism in the course of our history.

In the 1960s, Illinois fielded its first African-American candidate, a woman named Fannie Jones from East St. Louis, IL, my hometown, who ran for clerk of the Illinois Supreme Court. She lost. It wasn't even close. But she was the first to try to run statewide.

Then fast-forward. By 1978, Illinois elected its first African-American statewide, Roland Burris of Chicago, as State comptroller.

Now bring it to the present day, and I am honored that my State, Illinois, the land of Lincoln, can claim that the two biggest vote getters in its history are African Americans: my close friend, Secretary of State Jesse White, and my colleague, in whom I have such great pride, BARACK OBAMA the two biggest vote getters in the land of Lincoln. It says a lot about how far we have come just in my short political lifetime.

Yesterday, the Senate Judiciary Committee voted to reauthorize this bill. Today, the Members of the Senate have an opportunity to make history by passing this strong, bipartisan extension of the Voting Rights Act. A lot of people argued when this debate began that it was unnecessary. Voting rights? Where is that a problem in America, they said? I wish it were not a problem.

Listen again to what Congressman JOHN LEWIS said last week:

> Yes, we have made some progress. We have come a distance. We are no longer met with bullwhips, fire hoses, and violence when we attempt to register and vote. But the sad fact is, the sad truth is, discrimination still exists, and that is why we still need the Voting Rights Act. . . . We cannot separate the debate today from our history and the past we have traveled.

We had hearings before the Senate and House Judiciary Committees, more hearings than I have ever seen on any single piece of legislation: 21 hearings on the Voting Rights Act over the past 9 months, 12 in the House, 9 in the Senate. Over 100 witnesses appeared or submitted statements for the RECORD, thousands of pages of reports and evidence, so there would be no question about the need for this bill.

I attended and listened to some of these hearings. They were contentious. People were debating whether we needed a Voting Rights Act or whether this was some vestige of America's past which had no relevance today. But the evidence shows that attempts at voter discrimination are not simply a chapter from our history; they continue to threaten us and our democracy today. We have made progress as a nation over the past few decades, but discrimination endures, many times in more subtle forms.

A recent example was in the State of Georgia which passed two different voter ID laws over the past year, over the strong objections of the African Americans who live in that State. They argued that this new Georgia law would diminish the voting rights of the minorities, the poor, the elderly, and those without formal education. Both of Georgia's laws were struck down by Federal courts. The first law was determined to constitute a modern day poll tax, an unconstitutional infringement on the fundamental right to vote. The second law, slightly improved, was struck down last week by a Federal judge who ruled it was discriminatory and unconstitutional.

This is what the New York Times said recently about ''Georgia's new poll tax,'' as they call it:

> In 1966, the Supreme Court held that the poll tax was unconstitutional. Nearly 40 years later, Georgia still is charging people to vote, this time with a new voter ID law that requires many people without driver's licenses—a group that is disproportionately poor, black, and elderly—to pay $20 or more for a state ID card. Georgia went ahead with this even though there is not a single place in the entire city of Atlanta where the cards are sold. The law is a national disgrace.

And a reminder that laws which we now look back on with embarrassment, laws that required African Americans to pay a poll tax before they could vote, laws which had literacy tests and constitutional tests before a person can vote, and say: That is the past; thank goodness it is behind us. This Georgia law which imposed a new requirement for a voter ID, which would have cost many voters $20, was, in the view of the Federal court system, a new poll tax.

Unfortunately, it is part of a pattern. Since 1982, the Federal Justice Department has objected to nearly 100 proposed changes to election procedures in Georgia alone on the grounds that the changes would have a discriminatory impact on minority voters. The Justice Department has sent Federal observers to monitor nearly twice the number of elections in Georgia since 1982 as it did between 1965 and 1982.

Let me add again, though I am giving examples from Georgia, I do not stand here as a northerner by definition and argue we only find discrimination in the South. Discrimination and race has haunted our Nation from coast to coast. It is naive and wrong to believe it is only a southern phenomenon, but the fact is, in this situation, in Georgia, repeatedly minority voters have been challenged and have been denied the right to vote.

Both of the protections, the requirement the Justice Department approve changes to electoral procedures in States with histories of voter discrimination and Federal monitoring of elections in such jurisdictions, are only possible because of the sections of the Voting Rights Act that must be renewed.

Let's take another case that is not in the South. Eighty-three percent of Buffalo County, South Dakota, is Native American, but they were packed into a single State legislative district. Non-Natives, who make up 17 percent of the population of the county, controlled two out of three seats on the county commission. Buffalo County was successfully sued in the year 2003 in South Dakota. The case was settled by a consent decree. In that consent decree,

Buffalo County, South Dakota, admitted that its plan was discriminatory and agreed to submit to Federal supervision of future change.

Once again, it was one of the provisions of the Voting Rights Act which would expire without our action today—section 5—that entitled the U.S. Justice Department to protect the rights of Americans to vote in South Dakota.

In another case in 2004, a Federal judge invalidated South Dakota's redistricting plan. In her opinion, the judge described the State's long history of discrimination against Native Americans, including some very recent examples. The judge quoted a South Dakota State legislator who, in expressing opposition to a bill that would have made it easier for Native Americans to register to vote, said in the year 2002:

> I'm not sure we want that sort of person in the polling place.

The record is thorough and clear. Voter discrimination continues. It remains a threat to American democracy. We need to pass this renewal of the Voting Rights Act. We need to step back as a nation and ask some important questions, not pat ourselves on the back on a bipartisan basis for passing this.

Why is it so many voting machines in cities where the poorest people live don't work? Why is it people are denied their choices on the ballots because they are stuck with voting machinery that is antiquated or just plain dysfunctional? Why is it those who are challenged time and time again turn out to be the poor, the dispossessed? Why is it they have the toughest time when it comes to voting in America, if this is truly going to be a land of equal opportunity?

There were attempts in the House and Senate to weaken this Voting Rights Act and I am glad they did not prevail. I am glad what we have before the Senate today is a strong, clear version of renewing this law. I want it to pass, but I don't want the conversation to end at that point. I hope we will accept the responsibility to challenge any State and to challenge even ourselves if we are creating unnecessary and unfair obstacles to voters who are trying to exercise the most basic right they have as Americans.

Whether you are Republican, Democrat, or Independent, we need to be united in supporting the Voting Rights Act. This law, above all others, should be above politics and partisanship. We need to make sure that today in the Senate, we are all on the right side of history. The Voting Rights Act has served as a beacon of our democracy for over 40 years. It should not be allowed to expire until voting discrimination has expired.

When it passed in 1965, it was because of the moral and physical courage of people such as Congressman JOHN LEWIS of Georgia, Dr. Martin Luther King, Jr., Coretta Scott King, Rosa Parks, Fannie Lou Hamer, and so many others. Passing the Voting Rights Act also required the persistence and courage of Members of Congress.

No one in the Senate pushed longer and harder for voting rights for all Americans than a man named Paul Douglas of Illinois. My connection to the Senate began as a college student in 1966, a year after this law passed. I was an intern in the office of Senator Paul Douglas. I had the privilege to work in his office. I guess I was lucky in that he needed me every day. You cannot say that very often for an intern, but he needed me because Senator Douglas was a veteran of the Marine Corps, fought in World War II, and had lost the use of his left arm in combat. He insisted on signing every letter, so every night they would stack up all the mail that had been typed by all the people in his office, and Senator Douglas would sit at the long table, starting at 5 o'clock, signing the letters, making little notes, making corrections. I got to sit next to him and pull the letters away. I was dazzled. There I was within a foot or two of this great man who had done so much.

He came back after fighting the war to fight for the rights of those who were being discriminated against. He gave a lot of political blood in the Senate fighting for civil rights. If you read the LBJ books, stories of Lyndon Baines Johnson, you know that in the early days, before Lyndon Johnson became the great champion of the civil rights that he was in his late career, he was in pitched battle with the likes of Estes Kefauver, Hubert Humphrey, and Paul Douglas over the issue of civil rights, but the day finally came in 1965 when the Voting Rights Act passed. Senator Paul Douglas said it was his proudest achievement as a Senator.

Today, American troops are risking their lives—and many have given their lives—to secure the right to vote for the people of Iraq and Afghanistan. The absolute least we can do is to have the courage to protect the right to vote for all Americans by giving resounding, bipartisan support to the renewal of the Voting Rights Act.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, the reauthorization of the Voting Rights Act brings back a lot of memories of my early life and childhood. When I was born in the Deep South, in Alabama, segregation, regretfully, was still very much in vogue. I remember all too well segregated restrooms, segregated entrances into movie theaters, and segregated schools which still existed when I started in the first grade in the late 1940s.

I subsequently lived with my parents in Alabama for a few years. Then we moved to Louisville, KY, about the time Kentucky was integrating its schools in response to the 1954 landmark decision Brown v. Board of Education. Integration in public schools in Kentucky was smoothly accomplished, I think a tribute to our State which is somewhat southern and somewhat a border State. Kentucky accommodated itself to a new reality of integrated schools rather easily with the minimum amount of some of the distress that occurred in other parts further South and actually in some northern cities as well.

In the early 1960s, I had an opportunity to be an intern over on the House side in 1963. I was here that summer when the extraordinary march on Washington occurred. I remember standing on the steps of the Capitol, looking down the Mall to the Lincoln Memorial. It was crowded with people from one side to the other all the way down to the Lincoln Memorial which, of course, is where Martin Luther King, Jr. made that extraordinary ''I Have a Dream'' speech. I couldn't hear it because I was at the opposite end of the Mall, but you sensed that you were in the midst of an extraordinary event that was going to change America. That night, I had an opportunity to watch the speech on television. You knew it was one of the most memorable speeches of all time in American history.

The next year, I had a chance to be an intern on the Senate side, in Senator John Sherman Cooper's office. Senator Cooper was probably the only truly successful Kentucky Republican at that point in our history in our State. He was among the members of the Republican Party leading the charge for the public accommodations bill of 1964, that is, the civil rights bill of 1964 which, interestingly enough, on a percentage basis, was supported by more Republicans in the Senate than by Democrats. I think not many Americans know that, but that was, indeed, the case. A higher percentage of Republicans supported the civil rights bill of 1964 than did Democrats.

I had a wonderful summer observing Senator Cooper at work when he was, in effect, leading the charge on the Republican side, along with Everett Dirksen, to stop the longest filibuster in the history of the Senate—and it is still the longest filibuster—that was employed against the civil rights bill of 1964. That filibuster was broken while I was an intern that summer. It was an exciting time. The bill was passed and President Johnson signed it.

The next summer after I finished my first year of law school, I came back to Washington to visit some of the friends I had made in the two previous summers, for a week or so. I happened to be

in Senator Cooper's office on the day President Johnson was to sign the 1965 Voting Rights Act in the Rotunda of the Capitol. Senator Cooper came out, grabbed my arm in the reception room of his office and walked me over to the Rotunda where I got an opportunity to watch President Johnson sign the voting rights bill. The Rotunda was full of people. I was not exactly standing beside President Johnson—I was way off in the distance—but I do recall the presence of President Johnson. He was an enormous man. Not only was he very tall, he had a huge head, huge features, and he sort of stood out above this mass of humanity in the Rotunda of the Capitol. And so it was, indeed, a memorable day. I happen to have been there the day the original voting rights bill was signed.

This is a piece of legislation which, obviously, has worked. African-American voters are participating throughout America, and some statistics indicate in greater percentages, really, in the South than in other parts of the country.

Coming on the heels of the removal of the discrimination in places of public accommodations, this bill, the very next year, eliminated the barriers to voting, so that all Americans could participate in the basic opportunities each of us has to go into an establishment of our choice—that decision having been made in 1964—and then to vote and to have an impact on elections—that decision having been made in 1965.

We have, of course, renewed the Voting Rights Act periodically since that time, overwhelmingly, and on a bipartisan basis, year after year after year because Members of Congress realize this is a piece of legislation which has worked. And one of my favorite sayings that many of us use from time to time is, if it ain't broke, don't fix it. This a good piece of legislation which has served an important purpose over many years.

I had an opportunity, as many of us did, yesterday to meet with members of the NAACP—which happens to be meeting here in Washington, as we speak—from my State in my office. They were excited to be here. There were older people, middle-aged people, and younger people in this group, all of them thrilled to be in Washington and to be in Washington, potentially, at the same time this very important legislation is going to be reauthorized. We know the President will be speaking to the NAACP and will be signing the bill. We will be able to pass it here in the Senate in a few hours. And this landmark piece of legislation will continue to make a difference not only in the South but for all of America and for all of us, whether we are African Americans or not.

Mr. President, obviously, I rise today in support of this bill.

America's history is a story of ever-increasing freedom, hope, and opportunity for all. The Voting Rights Act of 1965 represents one of this country's greatest steps forward in that story.

Our most basic founding ideal is that sovereignty flows up, from the people to their elected leaders. The governors must have the consent of the governed.

In order for that ideal to mean anything, every American must have freedom of political expression—including the free, unfettered right to vote.

But prior to the Voting Rights Act's passage, for far too many African Americans, America did not live up to its promise that ''all men are created equal.'' Many African Americans were denied the right to vote.

Thanks to brave men and women who held sit-ins at lunch counters, rode in Freedom Rides, marched in our Nation's capital, or simply refused to give up a seat on a bus, America was forced to look itself in the mirror, admit its failing, and recommit itself to its founding ideals.

I am especially proud to stand in support of the reauthorization of the Voting Rights Act because, as I said, I was there when President Johnson signed the original Act in 1965.

I was overwhelmed to witness such a moment in history, and moved that my hero, Senator Cooper, at the spur of the moment, had brought me to witness it.

It fills me with personal pride that I can today carry on a small part of Senator Cooper's legacy by voting to reauthorize the bill he worked so hard and so courageously to pass 41 years ago.

The Voting Rights Act has proved to be a success for America. On March 15, 1965, President Johnson spoke before a joint session of Congress and challenged them to pass this historic legislation.

At that time, he said:

> The time of justice has now come, and I tell you that I believe sincerely that no force can hold it back . . . and when it does, I think that day will brighten the lives of every American.

History has proven President Johnson correct. The Voting Rights Act brought about greater justice for all. And while we celebrate that achievement, we must continue to strive for more.

I know my colleagues will join me in recognizing that our country will and must continue its progress toward a society in which every person, of every background, can realize the American Dream. With the passage of this bill, we are reaffirming that Dream.

I believe I am safe in predicting this legislation will be approved overwhelmingly this afternoon, and it is something all Members of the Senate, on both sides of the aisle, can feel deeply proud of having accomplished.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I rise today in support of the Voting Rights Act. I have in my pocket here a small copy of the U.S. Constitution that Senator BYRD gave me a few months ago. It is something I cherish.

In February of 1870, the Constitution was amended with the 15th amendment. It says, in section 1:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2 says:

> The Congress shall have power to enforce this article by appropriate legislation.

That was passed in 1870. Just a few years after the close of the Civil War, the 15th amendment was added to the Constitution. But it took this Congress really 95 years before it acted, in a meaningful way, to implement that second section which allows Congress to implement this law.

I am reminded that in the last 50 years we have made a lot of progress when it comes to race relations in this country. We have opened doors. We have provided opportunities. We have changed things. It has really been a remarkable change for the better. However, I think every Senator would acknowledge today that there are still miles that need to be traveled. I know that when Lyndon Johnson rallied the Nation to press for the passage of the Civil Rights Act back in 1965, he said:

> This time, on this issue, there must be no delay, no hesitation and no compromise with our purpose. We cannot, we must not, refuse to protect the right of every American to vote in every election that he may desire to participate in.

Five months after the march in Selma, AL, President Johnson signed the Voting Rights Act into law. The Voting Rights Act, in that context, in that time, put an end to literacy tests, poll taxes, and other less direct methods to prohibit or discourage people from voting. They were clearly discriminatory tactics used all over this country but in the South particularly.

In the South, after the Voting Rights Act passed in 1965, African-American registration rose to a record 62 percent within just a few years after the passage of the Voting Rights Act.

It has been an amazing success. When it was enacted, there were only 300 African-American public officials in this country—only 300. Today, there are over 9,000. And the number of Latino elected officials is over 6,000.

So there is no doubt the Voting Rights Act is important, that it has been very effective. There is no doubt that it is one of the most important things Congress has done to equalize and give opportunity to all Americans. It is also—there is no question about it—just as important today as it was four decades ago.

I know the NAACP national convention is being held in Washington this week. I know they are very supportive

of this. There are countless civil rights groups and organizations that are supportive of this, and they want to renew, reauthorize, and restore this act. I appreciate that, and I respect that. But also, in a broader context, this vote today allows us to stand not just with the NAACP, not just with civil rights groups but to stand with America.

We have made, as I said, significant strides. We have done some great things, provided a lot of opportunity, opened a lot of doors. And we still have a few miles to go.

One thing I have noticed, as former attorney general of the State of Arkansas, is that over the last few years there has developed a new generation of tactics to prevent people from voting, and some of these are very subtle. Some of these have to do with annexations or even redistricting that could be done for discriminatory purposes or changing the polling place without a lot of notice or making it very difficult for some people to get to. The Voting Rights Act is important today to make sure those practices end as well.

It is hard for some of us to admit today—because we have made so much progress—that we still need this important legislation. I think everybody here wishes we did not. We would love to say we have accomplished the task and that we have equal voting opportunity for every American. We would all love to say that. But in reality, we know we do not, and we know we must continue the struggle.

I am also reminded, in closing, what Woodrow Wilson said about this country. One time he said:

> America is the only idealistic nation in the world.

I think he was right about that. We are an idealistic nation. We always strive for the better. In fact, we strive for perfection. We try to reach the ideal. We do not always get there. Certainly, the treatment of African Americans through the history of this Nation is a clear example of that. We do not always get to the ideal. We do not always get to the goal we set for ourselves. But one thing that makes America different from a lot of countries is that we try. We try. And we go the extra mile to try to make opportunities for people in this country and to try to live up to the ideals of our Founding Fathers and those ideals on which this Nation was founded. The Voting Rights Act is a very important part of that.

I thank my colleagues for listening today, and I thank my colleagues for their votes today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I, too, rise today to speak in support of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. I am pleased to be a cosponsor of and to have participated in the hearings held by the Judiciary Committee on this incredibly significant legislation.

The Voting Rights Act may very well be the most important piece of Federal legislation ever passed, for without a meaningful chance to vote, there can be no equality before the law, no equal access to justice, no equal opportunity in the workplace or to share in the benefits and burdens of citizenship. Brave Americans risked their very lives in marches and demonstrations to pass this historic legislation.

The electoral process in this country has improved significantly as a result of the Voting Rights Act. This success is evident in the increased participation in elections by minority voters and in the enhanced ability of minority voters to elect candidates of their choice. There is no doubt that progress has been made.

But I think that Ted Shaw, the president of the NAACP Legal Defense and Education Fund, put it best when he testified before the Senate Judiciary Committee that:

> The Voting Rights Act was drafted to rid the country of racial discrimination—not simply to reduce racial discrimination in voting to what some view as a tolerable level.

As a member of the Senate Judiciary Committee and as the ranking member of the Subcommittee on the Constitution, you can take it from me that the committee has done due diligence in examining this issue. But you do not have to take it from me, of course. The extensive record the committee has compiled powerfully demonstrates the importance of the reauthorizing legislation before us today.

Even in recent election cycles, Americans continue to be disenfranchised by discriminatory redistricting plans, through the denial of voting materials they are entitled to under the law, and through changes to election procedures that disadvantage minority candidates and voters, among other things.

It is also worth noting that just a few weeks ago, the Supreme Court recognized that discriminatory redistricting plans are not simply a vestige of the past—finding a purposeful effort to dilute the voting power of over 100,000 Latino Americans. It is clear to me that we have come a long way from the bridge in Selma, AL, but we have not come far enough.

Section 5 of the Voting Rights Act has been instrumental in bringing about the dramatic improvements in voting rights and representation for minorities in covered areas. Keeping it in place, with a reasonable bailout provision, is the best way to be sure we do not lose the progress that has taken place.

Let me just say in response to some comments that were made during the Judiciary Committee's hearings that all Members of Congress, regardless of whether they are in a covered or noncovered jurisdiction and regardless of their political affiliation, have an interest in ensuring the continued effectiveness of the Voting Rights Act. As Federal legislators, we have a responsibility to address and eliminate discrimination wherever it is found. The integrity of our elections and of our very democracy depends on it.

Let's not falter now. Let's not stop or turn back the clock but, rather, build on the extraordinary success of this legislation and reaffirm the promise that all citizens, no matter what the color of their skin, can participate fully and equally in the electoral process. We must reauthorize the expiring provisions of the act. We must ensure that section 5 can continue to serve as a powerful deterrent to violations in areas of the country with a history of systemic discrimination at the polls.

We must also reauthorize section 203, which has empowered many voters with limited English proficiency to participate in our democratic process. It is also important that the Senate restore the original understanding of the act with respect to the opportunity-to-elect standard and to election procedures with discriminatory intent.

There is much more work to do in terms of eradicating discrimination from our elections process, and reauthorizing and strengthening the Voting Rights Act is, of course, a step in the right direction. I will vote in favor of H.R. 9, and I urge my colleagues to do the same.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Thank you, Mr. President. Before speaking about this very important piece of legislation we are about to pass, I wish to briefly just indicate a thank you to the State Department.

(The remarks of Ms. STABENOW are printed in today's RECORD under "Morning Business.")

Ms. STABENOW. Mr. President, I rise in support of the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, and Cesar Chavez Voting Rights Reauthorization Act of 2006. We all know that this reauthorizes existing but currently expiring provisions of the Voting Rights Act for 25 more years. I personally believe that when this was instituted in 1965, there should not have been an expiration date and would prefer that in this bill there not be an expiration date. But I am appreciative of the fact that we have bipartisan support to continue this provision, and hopefully at some point we will be able to take off the ending date.

I think about standing in this very important spot in the Senate. Right around the corner from us is a room we call the President's Room that President Lyndon Johnson used in 1965 to

sign the original legislation because of its significance. We all know this is the bedrock of our democracy, the right to vote, the right to vote without harassment, intimidation, with correct information, knowing your vote in fact will be counted.

I am proud of the fact that one of the folks who this bill is named after is Rosa Parks, who is from Detroit. We claim her as our own and are so proud of all she has done, along with the others this bill has been named after. But we are very proud that the mother of the civil rights movement is from our own beloved Detroit.

Before 1965 and the bill's passage, we had communities with explicit poll taxes and literacy tests to prevent people of color from voting. We have in fact made great progress on civil rights since the original law. But as many of my colleagues have said, there is much more to be done. Now, unfortunately, we have more subtle and sometimes not so subtle forms of voter intimidation and suppression. Voters too many times are being told of the wrong polling place or flyers and phone calls tell people that the election was moved. I know in my State we have struggled with misinformation going out around elections. Why is it that it is predominantly in our cities where the lines are the longest, the voting machines are the oldest, and, in fact, there are fewer machines? We need to know we are not done with what this bill represents until those things are fixed, until every voting machine works, until there is enough to make sure everyone can vote, until there is a paper backup so we know the votes are being recorded accurately, and until every person or group that attempts to harass anybody in terms of exercising their American right to vote has been stopped.

These practices are a reminder that our laws are only as good as the people who enforce them. That is the commitment we have behind it, to make sure that the principles and ideals of our democracy and of America are upheld.

Passing this bill is a very important step for us. I am pleased this has been placed on the agenda and that we are going to come together overwhelmingly and pass it today. We need to make sure we are willing to take the next steps. We have election reform legislation introduced in the Senate that needs to be passed. For the life of me, I cannot imagine why when I go to the ATM machine, I can get a piece of paper, a receipt that tells me about my transaction, and yet there is resistance to us having a paper backup so we know that in fact the integrity of our vote and the voting process has been maintained. I hope this will be phase one in a series of things we do to make it clear that everyone in America has the right to vote, that we are stronger because of that. We certainly know we are a better country, a stronger country because of the law that was passed in 1965, the Voting Rights Act, and that we will be stronger because of this legislation's passage and that we, in fact, will be at our strongest and our best when we are fully committed to an accurate, full, and open voting process for every person and every community in America.

I urge adoption of the bill and thank the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I rise to enthusiastically support the reauthorization of the Voting Rights Act. I will speak to that issue, but with the permission of the leadership, following these remarks, I ask unanimous consent that Senator WYDEN and I be given a half an hour to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Mr. President, above the dais, our Nation's motto, e pluribus unum, is chiseled in the marble. That is more than a motto; it is one of America's greatest ideals. But it is an ideal that we are constantly in an effort to realize as fully as is humanly possible. Our Nation has made great progress on becoming one, and becoming one begins at the ballot box. Our Nation began at a time when even the institution of human slavery was tolerated—tragically for nearly 70 years—leading then to a horrendous Civil War that claimed the lives of nearly a million Americans trying to fully realize what that motto means. The institution of slavery was ended—thankfully—too late but ended nevertheless.

In the bitter years that followed, the years of Reconstruction and all the heartache that flowed from the Civil War, there was a period of time in part of our country where African Americans were denied access to the ballot box and were disenfranchised by that. But it isn't just one region of the country where we have to constantly be vigilant about race relations; it is a challenge all over America. The challenge begins in every heart and in every home. It is a fact that the Jim Crow laws were specifically designed to intimidate African Americans from voting. Thankfully, with the passage of the Voting Rights Act in 1965, under the signature of President Lyndon Johnson, the constitutional promise was fully realized, and now we have an opportunity to extend it.

The Voting Rights Act is already a statute, but certain of its provisions will expire if we do not do this. We have the privilege to do so today.

The 15th amendment of the Constitution says: The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. The 19th amendment was adopted later in 1920, which extended that right to women. But as I said, not until the Voting Rights Act were all the subtle and insidious barriers dropped around the country that prevented African Americans from exercising their franchise.

Lyndon Johnson said, when he signed this act, that he did so so the full blessings of American life can be fully realized. For the full blessing of American life begins at the ballot box. Tragically, not all Americans exercise their right to vote, but those who want to should be able to have access, that their vote be cast and counted and that it be done so without intimidation or without fear.

I rise to fully support this. My mother used to always say, treat others as they would want to be treated. That is another way of saying, treat others the way you would want to be treated. I have heard from many of our African-American citizens who have urged my vote for this. I proudly and with pleasure do so today. I suspect we will vote on this later.

I believe the law is a teacher. The Voting Rights Act has taught Americans all over the continent that this is a central right and, therefore, I believe we are doing the right thing in reauthorizing these provisions that otherwise will expire.

(The remarks of Mr. SMITH and Mr. WYDEN pertaining to the introduction of S. 3701 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. WYDEN. Mr. President, I also congratulate our colleagues who have worked tirelessly to ensure the authorization of the exceptionally important Voting Rights ct. This law plays a critical role in ensuring that the right of all Americans to vote is protected. I intend to speak more extensively later on about the Voting Rights Act.

Mr. WYDEN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I rise today with my colleagues Senators CORNYN and HATCH from the Judiciary Committee—Senator HATCH having chaired the committee for several years—and the assistant majority leader of the Senate, Senator MCCONNELL, to speak on the legislation renewing the Voting Rights Act.

Let me begin by saying I support the Voting Rights Act extension. This law was critical to ending over 90 years of voting discrimination against African Americans in the South. Prior to this law, many States enforced discriminatory policies that were designed to and that did prevent African Americans from voting. Since that law was enacted, many of the same States where African Americans first voted in far lower numbers than Whites now have higher percentage of African Americans voting than other races.

The Voting Rights Act is a historic achievement that has corrected one of the glaring injustices of our Nation's past. It has been an important step in our Nation's continuing progress toward our founding ideal that all men are created equal.

Mr. President, I wish to address some questions that have been raised about this reauthorization and ask my colleagues if they concur in my interpretation.

The bill amends section 5 by legislatively abrogating two Supreme Court cases interpreting the act: Reno v. Bossier Parish and Georgia v. Ashcroft. These changes are related to one another. They are designed to operate together to achieve a common objective: the protection of naturally occurring legislative districts with a majority of minority voters.

The two changes to section 5 accomplish this goal by enhancing and refocusing the operation of section 5. These changes simultaneously bar redistricters from denying a large, compact group of minority voters a majority-minority district that it would receive in the absence of discrimination, and also to bar redistricters from breaking up a compact majority-minority district that has been created in the past.

Some have raised the specter that Federal bureaucrats will abuse the authority we are giving them under this provision, that they will characterize all manner of practices as having a ''discriminatory purpose.'' In particular, there has been some suggestion that the new language will be abused by the Justice Department to require creation of the maximum number of Black majority districts possible or the maximum number of so-called coalition or influence districts, in which minority voters are combined with enough White voters of similar partisan leanings to elect a candidate.

I don't think this is what the bill does, or that it can be reasonably read to do this. To say something has a discriminatory purpose is a term of art. It is the language of the jurisprudence of the 14th amendment, of cases such as Washington v. Davis, which define when particular action constitutes racial discrimination and violates the Constitution.

There is a well-defined body of case law defining when racial discrimination violates the U.S. Constitution. That case law provides clear borders to the limits of the Executive discretion being granted in this bill.

One traditional and important standard for identifying unconstitutional racial discrimination is to ask whether the challenged court action departs from normal rules of decision. In the case of redistricting, courts and the Justice Department would ask: Was the decision not to create a Black majority district a departure from ordinary districting rules? If a State has a large minority population concentrated in a particular area, ordinarily rules of districting—following political and geographic borders and keeping districts as compact as possible—would recommend that these voters be given a majority-minority district. If the redistricters went out of their way to avoid creating such a majority minority—one that would be created under ordinary rules—that is unconstitutional racial discrimination, and it is banned by this bill. But this bill does not require the creation of a majority-minority district that would not be created under default districting rules. Nor does the bill require the creation of coalition or influence districts. It bars discrimination against racial minorities, not against electoral advantages sought by either Republicans or Democrats. Moreover, no group is entitled to always be included in a district where the candidate of its party will prevail.

This section's abrogation of Bossier Parish does not permit a finding of discriminatory purpose that is based, in whole or in part, on a failure to adopt the optimal or maximum number of compact minority opportunity districts or on a determination that the plan seeks partisan advantage or protects incumbents. With the language of this bill, we are importing the constitutional test in section 5, and nothing else. With this understanding, I support this improvement to section 5 of the Voting Rights Act.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I add that I share the views of my colleague from Arizona. Like he, I represent a State that is covered by section 5 of the Voting Rights Act which is one of the sections that is being reauthorized today, hopefully. I thus paid close attention to the changes being made in that section.

Like my colleague from Arizona, I supported the provision that effectively instructs the Justice Department to refuse to preclear a voting practice that is motivated by a discriminatory, unconstitutional purpose. I also agree this is all this change does. It does not authorize the Justice Department to define for itself what is a ''discriminatory purpose.'' The Constitution and the courts have already done that, and it is that constitutional definition that is being incorporated in this legislation.

That standard bars discrimination against a racial group, and it does not require discrimination in favor of any racial group. Thus, it does not require those drawing electoral maps to create misshapen districts simply in order to create as many majority-minority districts as possible. Nor does it require that minority voters be placed as often as possible in districts where candidates of the party they support will prevail.

The equal protection clause of the U.S. Constitution does not say all citizens are equal, but that some are more equal than others. Nor should the Voting Rights Act say that. The Voting Rights Act should not be read to require creation of so-called coalition districts that produce a Democratic or a Republican representative, as the case may be. I think that would raise serious constitutional questions if we adopted a free-flowing definition of purpose—or authorized the U.S. Department of Justice to invent one—that is untethered from the Constitution itself. I think this is sufficiently clear from the bill's incorporation of constitutional terms of art that I am confident this is how the provision will be applied by the Justice Department and by the courts.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I would simply add there is a general agreement among Senators on this point. If someone is saying the bill authorizes the Justice Department to block a voting change because of a perceived discriminatory purpose that does not violate the Constitution, I have not heard them say it. Therefore, the bill should not be construed to require the creation of any district other than the majority-minority district that would be created if race were not considered—that would be created if instead only traditional districting principles were applied. Certainly a constitutionally grounded approach does not—does not—require the creation of the maximum number of majority-minority or Democratic or, for that matter, Republican-leaning districts.

If those doing the redistricting refuse to create a naturally occurring majority-minority district, they are discriminating by race. But if they simply refuse to create a district where different races combine to elect a candidate of their preferred party, the discrimination is not against the races—it is hard to see how anyone could discriminate against both races by the same act—but rather it is against that party. And as unhappy as that party might be about being denied such a district, the denial does not violate the Constitution. Obviously, giving the Justice Department discretion to redefine what ''discriminatory purpose'' means would be controversial. This is consensus legislation precisely because it avoids such litigation traps. It enforces the Constitution's requirements and no more.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I think the point the distinguished assistant majority leader made is very important, and I am glad there is agreement on this important matter.

I also wish to discuss one other of the bill's changes to section 5. That is the provision abrogating the Supreme Court's decision in Georgia v. Ashcroft. That Supreme Court case held that, when conducting a retrogression analysis of section 5 under the act, a court or the Justice Department should gauge whether a new electoral map has diminished a minority group's opportunities to participate in the political process by looking, in part, to whether the new plan creates coalition districts, or influences districts—that is the term they use—whether it protects positions in legislative leadership for minority representatives, and whether minority representatives support the new plan.

Many people objected to this aspect of the Ashcroft decision because of its perceived potential to put a partisan thumb on the scale, so to speak, in the redistricting process. Their concern was if the fact that a coalition or influence district elects a candidate that minority voters largely voted for, then even if that candidate was not the minority group's preferred candidate of choice, any plan that does not preserve that district would be considered retrogressive under the Voting Rights Act.

Similarly, there was concern that under Ashcroft, if a new voting map were to give advantage to legislative races to one party, and minority representatives—including committee chairmen and legislative leaders—overwhelmingly were members of the opposite party, then that plan, too, would be deemed retrogressive for that reason.

Personally, I do not think the Ashcroft decision should be read that way. I think it is clear the court intended to give States the option of using influence or coalition districts, but it did not intend to require the use of such districts, or to prevent them from later changing such districts.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, as one of the strong supporters of the Voting Rights Act, having supported it before in my Senate service, I have been very interested and, frankly, pleased with the comments that have been made. Let me add to what Senator KYL said.

Moreover, even if we are wrong about how George v. Ashcroft would have been interpreted and applied in the future, in any event, today's bill clearly ends any risk that section 5 of the Voting Rights Act will be applied as a one-way ratchet favoring Democrats or Republicans at the expense of one or the other.

As the House committee report makes clear, the bill ''rejects'' the Supreme Court's interpretation of section 5 in George v. Ashcroft and establishes that the purpose of section 5's protection of minority voters is, in the words of the bill's new subsection (d), to ''protect the ability of such citizens to elect their preferred candidates of choice.''

It is important to emphasize this language does not protect just any district with a representative who gets elected with some minority votes. Rather, it protects only a district in which ''such citizens''—minority citizens—are the ones selecting their ''preferred candidate of choice'' with their own voting power. I emphasize the words ''such citizens'' and ''preferred'' because they are key to this part of the bill and keep it consistent with the language abrogating Bossier Parish. Both parts have a limited but important purpose: protecting naturally occurring majority-minority districts.

The new subsection guarantees that districters will not discriminate against creating such districts. And this new subsection (d) ensures they will not break up such districts, at least not when neutral districting principles continue to commend the creation of such a district.

I note in passing that forcing the preservation of a noncompact majority-minority district likely would run afoul of the Supreme Court's ruling against racial gerrymanders in Shaw v. Reno. And, like subsection (c), all that subsection (d) does is protect naturally occurring majority-minority districts. By limiting non-retrogression requirements to districts in which ''such minority citizens'' are able with their own vote power to elect ''preferred candidates of choice''—not just a candidate of choice settled for when forced to compromise with other groups—the bill limits section 5 to protecting those naturally occurring, compact majority-minority districts with which section 5 was originally concerned.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, let me just say one final thing. I very much agree with Senator HATCH that the bill limits section 5, protecting those naturally occurring, compact majority-minority districts with which section 5 was originally concerned, and that nothing in this section of the act should be interpreted to require that the competitive position of the political party favored by minority voters be maintained or enhanced in any district. This change made by the bill is not intended to preserve or ensure the electability of candidates of any political party, even if that party's candidates are supported by members of minority groups.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I agree very much, and I am glad that we can put this issue to bed.

By anchoring section 5 in the concept of ''preferred candidates of choice''—another term of art whose meaning is cemented in the Supreme Court's precedents—I think this bill eliminates any risk that section 5 of the Voting Rights Act will be interpreted to protect coalitions and influence districts and other tools of purely partisan gerrymanders. The term ''preferred candidates of choice'' has a clear meaning in the court's precedents: Minority candidates elected by a minority community.

I think the use of this language eliminates the risk that courts will construe section 5 to protect candidates who rely on minority votes for their margin of victory in the general election but are not elected by a majority-minority district. And I agree that it may be good policy for a State to create districts in which different groups will combine to elect a common party candidate, but Federal law should not be used to require that the State permanently preserve such a district.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I would simply add to the comments of the assistant majority leader that I, too, am glad that we have eliminated any risk in Georgia v. Ashcroft, and section 5 would be applied to require preservation of anything other than districts that allow naturally occurring minority-group majorities to elect minority candidates. Locking into place so-called coalition or influence districts would wreak havoc with the redistricting process and would stretch the Voting Rights Act beyond the scope of the Congress's authority under the 14th amendment.

Mr. CORNYN. Mr. President, I have some additional remarks that I would like to make on this important legislation.

Forty-one years ago, when signing the landmark Voting Rights Act of 1965 into law, Lyndon Johnson, the President of the United States, a former member of the Senate whose seat I am privileged to hold, described the act's passage as ''a triumph for freedom as huge as any victory that has ever been won on any battlefield.'' President Johnson's words captured the importance of the act's passage. It was a hard-fought victory at a tense time in American history.

It is no secret why the Voting Rights Act was necessary. It was adopted at the height of the civil rights movement, when numerous jurisdictions throughout the United States had intentionally, systematically disenfranchised Blacks and other minorities from the electoral process.

As a witness before the Senate Judiciary Committee noted, a Senate report from 1965 found that in every voting discrimination suit brought against Alabama, Louisiana, and Mississippi, both the district court and the Court of Appeals found ''discriminatory use of tests and devices''—devices such as literacy, knowledge, and moral character

tests. The Senate concluded that these were not ''isolated deviations from the norm'' but, instead, ''had been pursuant to a pattern or a practice of racial discrimination.'' Such practices had driven down to 29.3 percent the average registration rate for Black citizens in these States—29.3 percent.

Worse yet, violence and brutality were common. In 1961, a Black voter registration drive worker in McComb, MS was beaten by a cousin of the sheriff; a worker was ordered out of the registrar's office at gunpoint and then hit with a pistol; a Black sympathizer was murdered by a State representative; another Black who asked for Justice Department protection to testify at the inquest was beaten and killed 3 years later; a White activist's eye was gouged out; and, finally, 12 student nonviolent coordinating committee workers and local supporters were fined and sentenced to substantial terms in jail. And those were just some of the many terrible incidents that occurred.

This type of bigotry and hatred at the polls, coupled with escalating violence and even the murder of activists, is the backdrop against which the Voting Rights Act was adopted—permanently enshrining into law the long-unfulfilled promise of citizenship and democratic participation for all Americans as guaranteed by the 15th amendment to the U.S. Constitution.

The permanence of the Voting Rights Act is something that I am afraid is sometimes misunderstood or misstated in the popular press. The act's core provision found that section 2 prohibits the denial or abridgement of the right of any citizen to vote on account of race or color.

That provision is permanent. That provision will never expire, and we are not addressing this permanent provision by the reauthorization that we will vote on today.

Instead, we are addressing what at the time was a temporary, 5-year period where provisions were adopted to subject certain jurisdictions to Federal oversight of the voting laws and procedures until the intent of the Voting Rights Act was accomplished. This provision, section 5, along with later-added provisions designed to protect voters from discrimination based upon limited English proficiency, has been renewed several times since it was originally passed and will expire in the summer of 2007. Those are the provisions which we are addressing here today and which this vote today will reauthorize.

Today, we are considering the renewal of these provisions at a time when we can look back with some pride as a country and say that the Voting Rights Act has fulfilled its promise. It worked.

Today, we live in a different—albeit still imperfect—world. Today, no one can claim that the kind of systemic, invidious practices that plagued our election systems 40 years ago still exist in America. Today, the voter registration rates among Blacks, for example, in the covered jurisdictions is over 68.1 percent, as this chart indicates, higher than the 62.2 percent found in noncovered jurisdictions.

Let me repeat that, Mr. President, because I think it is important. Earlier, you heard me say that as a result of the violence and the discrimination against Black voters in three Southern States before the Voting Rights Act was passed, voter registration rates for African Americans was about 29 percent. But today, 40 years later, as a result of the fact that the Voting Rights Act has accomplished its purpose, we now see voting registration rates nationwide at 62.2 percent. Perhaps the most amazing thing is that the rate of voter registration in those areas that were covered by section 5, because they had a history of discrimination and violation of the voting rights of minority voters, is actually higher than the rest of the country—68.1 percent—as opposed to 62.2 percent for the noncovered jurisdictions.

A review of the voter registration data since the act's original passage shows that the covered jurisdictions have demonstrated equal or higher voter registration rates among Black voters as noncovered jurisdictions since the mid-1970s.

I realize, though, this is not the only measure of the performance of the act. Another important indicator of its success is the continual decline—almost to the point of statistically negligible numbers—of objections issued by the Department of Justice to plans submitted under section 5 for pre clearance. You can see on this chart that I have demonstrated here, going back to 1982, to 2005—and again, this is for the nine covered jurisdictions—this is what we are focusing on with this reauthorization. In those nine covered jurisdictions that were required under section 5 to submit their election changes for preclearance, you see that in 1982, for 2,848 submissions, there were 67 objections to those changes or a rate of roughly 2.32 percent. But if you jump down to 2005—let's go to 1995—it shows that this is really a bipartisan success under both Republican and Democrat Presidential administrations. In 1995, you can see that out of 3,999 submissions, requests for pre clearance under section 5, there were only 19 objections as required through the required procedures.

So you see actually the number of objections dropping from 2.32 percent to, in 1995, under one-half of 1 percent. And the good news is, it just keeps getting better. In 2005, there were 3,811 submissions, and only 1 objection for preclearance of a change in voting practices or procedures in the covered jurisdictions. So I would submit that both the voter registration rates for African American voters in the covered jurisdictions, and the plummeting, really, of objections sustained to submissions requesting preclearance under section 5, are strong and compelling evidence that, in fact, the Voting Rights Act has achieved—largely achieved—the purposes that Congress had hoped for and that no doubt millions of people who had previously been disenfranchised had prayed for.

The evidence demonstrates the continued improvement of access to office for minorities. The statistics in the House record indicate that hundreds of minorities are now serving—not just getting to vote, they are actually serving in elected office, accomplishing again one of the important purposes of the Voting Rights Act. Indeed, in Georgia, minorities are elected at rates proportionate to or higher than the numbers proportionate to the general population would otherwise indicate. While Georgia's population is 28.7 percent African American, 30.7 percent of its delegation to the United States House of Representatives, and 26.5 percent of the officials elected statewide are African American, a remarkable accomplishment.

Black candidates in Mississippi have achieved similar success. The State's population is 36.3 percent African American, and 29.5 percent of its representatives in the State House, and 25 percent of its delegation in the United States House of Representatives are African American.

In light of this strong indication that the act has largely achieved the purposes that Congress had intended, of course, the logical question before us is whether these provisions under section 5 should be reauthorized. The Judiciary Committee hearings were enlightening on this point, and I want to congratulate Chairman SPECTER for readily ceding to requests that were made to have a complete record so that not only Congress but the courts that may later examine this record can see what the facts are. Senator SPECTER worked hard to hold a sufficient number of fair and balanced hearings, but given our busy schedule on the Senate floor, that was not always easy to accomplish. However, I think it might have been beneficial for the long-term viability and success of the Voting Rights Act had we engaged in serious, reasoned deliberation over some of the suggested possible improvements, some suggested by our witnesses—improvements that would underscore the act's original purpose. It would modernize it to reflect today's reality. It would possibly expand the coverage of section 5 to jurisdictions where recent abuses have taken place or, perhaps, have improved the so-called bailout procedures for

those jurisdictions that had a successful record of remedying, indeed eliminating, discrimination when it comes to voting rights.

One idea that was offered was to update the coverage formula. I don't know if that is a good idea, but I would like to know. Some suggest that such an update would gut the act. I, for one, certainly don't want to see that happen. I don't want to see the act gutted. But I am skeptical that this would be the result. The amendment that was voted on in the House, for example, would have updated the coverage trigger to the most recent three Presidential elections from the current point, or trigger, of 1964, 1968, and 1972 elections.

As I understand it, the map, after an update to cover the most recent three Presidential elections, would look something like this. In other words, rather than the nine covered jurisdictions, you would see jurisdictions around the country, both at the State and local level—primarily at the local level—that would focus on the places where the problems really do exist and where the record demonstrates with some justification for the assertion of Federal power and intrusion into the local and State electoral processes.

If this is an accurate reflection of the effects of updating the trigger to the most recent three Presidential elections, it certainly changes the map. But I suggest, just looking at this, it hardly guts it.

It would have also been beneficial for us to have had a full discussion of ways to improve the act to ensure its important provisions were applied in a congruent and proportional way, something the Supreme Court will take into consideration when it considers the renewed act.

Yesterday, the Senate Judiciary Committee voted overwhelmingly to extend the expiring provisions of the act and adopt several substantial revisions included by the House, so I think it is important to comment on the House revisions to the act. In other words, we are not just reauthorizing the Voting Rights Act as it existed previously, there have been changes made. So I think it is important for us to identify those changes and reflect on them for a moment.

There has been some debate about the meaning of these provisions. My understanding is that the purpose of these provisions is fairly straightforward, and I think the House legislative history reflects this; that is, the purpose is to ensure minorities are not prevented from holding elected offices in bodies such as Congress and ensure that no intentional, unconstitutional discrimination is allowed to proceed. It is important that our understanding about these provisions be clear so that their application will be likewise clear.

I think the colloquy that we had on the Senate floor just a few moments ago helps to make that as clear as we possibly can.

In short, the Voting Rights Act is simply the most important and most effective civil rights legislation ever passed, bar none. The extension of the expiring provisions is important for the continued protection of voting rights, even though it would have been preferable and even possibly constitutionally advisable for us to review the application of the act's preclearance and other provisions.

Unfortunately, the act's language was a bit of a foregone conclusion, prohibiting the kind of debate and discussion and perhaps amendment process that might have been helpful to protect the act against future legal challenges.

Few issues are as fundamental to our system of democracy and the promise of equal justice under law as the Voting Rights Act. I support reauthorization of the expiring provisions because the purpose of the Voting Rights Act is genuine, its goals are noble, and its success, as I hope to have demonstrated, is unparalleled.

But I do want to say in conclusion that I share the concerns expressed by Chief Justice Roberts in the most recent redistricting case that has been heard by the U.S. Supreme Court. I hope the day will come when we will no longer, to use his words, be ''divvying us up by race.''

It is my sincere hope that we will move beyond distinctions based on race in our policymaking, lest we, in the words of Justice Anthony Kennedy, make ''the offensive and demeaning assumption that voters of a particular race, because of their race, think alike, share the same political interests, and will prefer the same candidates at the polls.

The question in the end is, Is this bill that we will vote on today the very best possible product?

I would have to say the answer to that is, apparently not.

In response to the question, is this the very best that we can do at this time?'' I would have to conclude, yes, it is. And I support it for that reason.

I see my distinguished colleague from New York on the Senate floor.

I yield the floor to her and anyone else who seeks an opportunity to speak.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I am also here to voice my support for the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. It is so fitting that this legislation reauthorizing this landmark Civil Rights Act would be named for three women who are so well known as heroines of the struggle for civil rights in our own country.

Thousands of Americans risked their lives, and some unfortunately lost them, during the civil rights movement to challenge an electoral system that prevented millions of our fellow citizens from exercising their constitutional right to vote.

After a long struggle by activists and everyday citizens, President Johnson introduced and eventually signed the Voting Rights Act of 1965 into law.

I vividly remember the day, 41 years ago, when I sat in front of our little black and white television set and watched President Johnson announce the signing into law of the Voting Rights Act. He opened his speech to the Nation that night with these memorable words:

> I speak tonight for the dignity of man and the destiny of democracy.

That was the culmination of a long struggle which continues even now because we still must work vigilantly to make certain that those who try to vote are allowed to do so, and that we keep watch to guarantee that every vote is counted.

President Johnson was right all those years ago. When you deny a person his or her right to vote, you strip that individual of dignity and you weaken our democracy. The endurance of our democracy requires constant vigilance, a lesson that has been reinforced by the last two Presidential elections, both of which were affected by widespread allegations of voter disenfranchisement.

I believe we have a moral as well as a political and historical obligation to ensure the integrity of our voting process. That was our Nation's obligation in 1965; it remains our obligation today.

As we turn on our news and see the sights of conflict, as we hear the stories of sectarian violence, as we struggle to help nations understand and adopt democracy in their own lands, we more than ever must ensure that America is the place where the right to vote is fully and equally available to every citizen.

We still have work to do, to renew protections for the right to vote, to enforce safeguards that guarantee the right to vote, and strengthen our election laws so that our right to vote is not impeded by accident or abuse. While parts of the Voting Rights Act are permanent, there are three important sections set to expire next year unless they are renewed.

Section 5 of the Voting Rights Act requires that the Federal Government or a Federal court approve or, in the language of the act, ''preclear'' all changes to voting procedures by jurisdictions that have a history of discrimination. The importance of this provision cannot be overstated. Section 5 is the bulwark. It stands to ensure that all minorities have equal access to the ballot box. Not only has Section 5 been used to strike down potentially discriminatory changes to election laws, but it has also deterred them.

Equally important is the reauthorization of sections 6 through 9, which authorize the Federal Government to send examiners and observers to jurisdictions with a history of voter discrimination and voter intimidation, and to ensure that by the presence of the Federal Government—which represents all of us—no one will engage in such despicable behavior.

Finally, section 203 of the Voting Rights Act requires bilingual assistance for areas with a concentration of citizens with limited English proficiency, including bilingual ballots, if necessary. Voters with limited English proficiency would in many instances be unable to participate in our political process and to fully exercise their rights of citizenship if this assistance were not available to help them understand what is on a ballot.

Sometimes, even though I speak English, I think I need help understanding what is on some of our ballots when we have all kinds of bond issues and other kinds of activity. Imagine if you are, as are some of the people I have met, a legal immigrant from Latin America who is so proud to be a citizen and so worried she will make a mistake when she first goes to vote, or an elderly gentleman who came to this country fleeing oppression in the former Soviet Union, who speaks only Russian but has become a citizen, is learning English and wants to be able to understand what he is voting for. At a time when we are embroiled in a debate about how best to assimilate immigrants and to send out the message that we want people in our country to learn English, to participate as citizens, we don't want to set up any artificial barriers to them feeling totally involved in and supportive of and welcomed by our great democracy.

These expiring sections of the Voting Rights Act, sections 5, 203, 6 through 9, have all been reauthorized—first in the House, then in the Judiciary Committee yesterday here in the Senate. I am very pleased that has happened because I think we still need them.

Of course, we have made so much progress. I am very proud of the progress our Nation has made, when you go back and look over more than 200 years of history, what we have accomplished—it is just a miraculous, wonderful happening that could only occur in this great country of ours where we have steadily and surely knocked down the barriers to participation.

But are we perfect? Of course not. There is no such thing as perfection on this Earth. We have survived as a nation and as the oldest democracy in part because we have had checks and balances and we have been under the rule of law, not of men. So this reauthorization is critical to making sure we still have the framework to make it possible for every person to believe that he or she can vote, and that vote will matter. Of course, the Voting Rights Act only works if it is actually enforced. We can have all the laws in the world. We have seen in so many authoritarian regimes, totalitarian regimes, where they have great sounding laws. The laws sound as though they are next to paradise, but it does not matter because no one enforces the laws.

Unfortunately, I am worried we may be at that point in our own country when it comes to voting rights. The civil rights division at the Department of Justice has been purged by many of the people, career lawyers who enforced the law regardless of whether it was against Democrats or Republicans or in any part of the country. Now it is filled with political appointees who often choose ideology over evidence. That has resulted in a failure to enforce the Voting Rights Act. There are lots of examples. Look at the news coverage this past December: Six career lawyers and two analysts in the Department of Justice's civil rights division, it was reported, were basically overruled when they made recommendations about the Texas redistricting plan. The civil rights division officials were overruled when they recommended against Georgia's voter photo ID requirement which disadvantaged African Americans, the elderly, and other voters. Finally, that law was enjoined by a Federal court.

These are isolated incidents in some people's minds, but I see, unfortunately, a pattern. We need to make sure our laws have teeth; otherwise, they are just for show, they do not make any difference at all. Unfortunately, almost two-thirds of the lawyers in the voting section of the civil rights division have left in the last few years. That sends a very disconcerting message that maybe the Voting Rights Act will be honored by word but not by deed.

I hope when we reauthorize it, as I am confident we will do in the Senate, we will send a message that we expect it to be enforced and that it means something; otherwise, we are not going to be fulfilling the promise of a Constitution that sets voting and democracy at its core. I hope we will not only reauthorize the Voting Rights Act, that we will enforce the Voting Rights Act and, third, we will change some of our other laws to protect against some of the abuses now taking place around the country when it comes to voting.

We have to strengthen our electoral system so that basic democratic values are protected as voting technology evolves and as it threatens to undermine the right to vote. We need to put a few simple principles into law and we should do it sooner rather than later so that we count every vote and we make sure every vote is counted.

That is why I drafted and introduced, along with some of my colleagues in both Houses, the Count Every Vote Act, because I believe all Americans ought to have a reasonable opportunity to register and cast their vote if they are citizens. That should be part of being a citizen.

In fact, I met with a group of young high school students from New York. We were talking about how we can get more young people involved in voting. One of them asked, when we turn 18, why aren't we automatically registered? That is a great idea. Citizens should be automatically registered. We need to make this part of the growing up in America. You turn 18, you get registered to vote, beginning a lifetime habit of voting.

We also need to make sure every American citizen will be able to count on the fact that their name will not be illegally purged from the voter roles. We have seen that happen. It is still happening. What happens is, someone in the political position of a State says, we will purge the voter roles to get rid of people who have moved or who may not be eligible to vote. I don't disagree with that. People who don't live in a jurisdiction or are not eligible should not be permitted to vote.

Instead of purging on that very limited basis, oftentimes they purge hundreds and thousands of people unfairly, unlawfully. Someone shows up to vote and they are told, we are sorry, you are not registered to vote. The person does not know what has happened, but they are prohibited from voting.

Every American voter who shows up at the polls should be confident they do not have to wait hours to cast ballots. I did a town hall meeting in Cleveland with my friend Congresswoman STEPHANIE TUBBS JONES. We heard testimony from some students from Kenyon College who had to wait for 10 and 12 hours to be able to vote. They were eligible, they were registered, they were anxious to vote, and because of the way the number of voting machines was allocated and the discouragement that was meant to be sent that you would have to wait so long, it was an unfair treatment of these young people and not in keeping with our desire to increase the number of people who vote in our country.

We also need to make sure the system of voting has not been compromised by politics or partisanship. It is flat wrong for someone who runs an election to also be running in the election and thereby be supervising their own election, or for someone to be running for election to some position, get the support of the person running the election as his campaign manager or spokesman. That is a conflict of interest. That ought to be prohibited. People need to feel, and they have every right to feel, confidence in the integrity of our electoral system.

Finally, every American voter should know there are adequate safeguards

against abuses or mistakes caused by the new computerized voting machines. There have been so many problems. They have broken down, they have double counted, they have failed to count, tests have been run showing how easy they are to hack into. We do not need that. We need a system people can count on. If we can go to an ATM and withdraw money, if we can have all the other advantages from access to computers and the Internet, for goodness sakes, we ought to be able to use electronic voting without raising questions about whether it is being truthful, whether it is being accurate, and whether it is even being operated correctly.

This effort to reauthorize the Voting Rights Act is part of a larger struggle about basic rights, basic values, and basic opportunities. It is, at root, a struggle to ensure that we live up to the promise of democracy in this Nation. We do need to reinstate the decades-old voting rights protections. We need to enforce those voting rights presentations. We need to strengthen those voting rights protections. We need to do that because that is what we are as Americans. That is what we expect of ourselves.

I hope after we reauthorize the Voting Rights Act, which I am confident we are going to do, then we turn our attention to making sure we enforce it, that we are doing everything we can to encourage people to vote, make it easy for them to vote, and make sure that every vote counts.

Our ideals are important to us as Americans. Our principles about who we are, what we believe in, our core values as to what it means to be an American. I hope and trust when it comes to the most important function in a democracy—namely, running elections and giving people the right to make decisions about who governs us—that we will be second to none. We cannot say that now because other countries, frankly, are doing a better job than we are, but today is a good first step to get us back on the track of making sure that the world's oldest democracy demonstrates clearly we know how to run elections that people have confidence and trust in and that we want every single citizen to feel welcome to participate and to make the decisions that will determine the future of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I rise in support of a bill to extend the expiring provisions of the 1965 Voting Rights Act. While I support this bill, I continue to have some serious concerns with several aspects of it, not the least of which is the extension for an extraordinary 25 years.

The act, originally passed in 1965, was unquestionably needed to bring the promise of the Constitution to many of our citizens who had been shut out of our national political process. The original act, a remedial measure to deal with past discrimination, provided that certain provisions would sunset after 5 years. I have grave concerns that a 25-year extension may well, by itself, doom the act in a future constitutional challenge, given the Supreme Court's jurisprudence concerning the need for narrowly tailored remedial measures to deal with past discrimination.

Members of the House raised legitimate concerns last week and advanced positive amendments which I believe would have strengthened this bill and updated it to reflect the reality of profoundly improved race relations which exist today in my home State of Georgia.

Let me talk about the positive progress. Today, a higher percentage of Black citizens in Georgia are registered to vote than are White citizens: 66 percent compared to 59 percent. Today, a higher percentage of Black citizens in Georgia turn out the vote than do White citizens: 51 percent compared to 48 percent. The number of Black elected officials in Georgia has climbed steadily, from 30 in 1970 to 249 in 1980, a 730-percent increase, to 582 in 2000.

Let me talk about my home county which is in rural Georgia, the very southern part of our State. Our community is a beneficiary of this Voting Rights Act. Over the years, several members of our Black community have been elected to city council, county commission, and school board posts.

Men and women such as Wesley Ball, Frank Wilson, Lamont Alderman, Justina Lewis, George Walker, Trudy Hill, Betty Hagin, Luke Strong, Jr., the Rev. Ronald Wilson, Debra Boyd, and Stine George. All of these outstanding men and women have been very professional public servants in representing our school board, our city, as well as our county.

I am very proud to live in a city and county that has had individuals such as these as its representatives.

Currently, there are nine statewide Black elected officials in Georgia, most of whom, interestingly enough, defeated White opponents, including the current attorney general, three State supreme court justices, including the chief justice, and the State labor commissioner.

Today, 4 of Georgia's 13 Members of the U.S. House are Black, two of whom represent majority White districts.

One of the continuing concerns about the bill as currently written is it mandates that Georgia continues to be a ''covered jurisdiction.'' That designation requires any election law change, no matter how minor, to be precleared by a Federal bureaucracy. Other States with much less impressive minority progress and less impressive minority participation are not covered, while Georgia is. Many of us share the view that this seems both unfair and unwise.

Only a short while ago my colleague from Illinois acknowledged that voting discrimination occurs in noncovered States, yet he and others leave unaddressed the issue of whether the formula adopted in 1964 should be modernized to reflect the reality of 2006, so that appropriate discrimination can be dealt with wherever it exists.

Despite these concerns, I will vote in favor of this bill. It is a symbol of progress to so many of our citizens and it has made a difference in the lives of a generation of Georgians, Black and White.

I urge my colleagues to join me in support.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I ask unanimous consent to proceed for up to 20 minutes after the distinguished Senator from Illinois.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Mr. President, I modify my request and ask unanimous consent that after Senator OBAMA speaks, and after a Republican has spoken after Senator OBAMA, that I could be recognized for up to 20 minutes at that time.

The PRESIDING OFFICER. Is there objection to the revised unanimous consent request?

Mr. CHAMBLISS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. I will not object, but I say to the Senator from Oregon, if we could have the Senator from Illinois proceed, then the Senator from South Carolina, Mr. GRAHAM, proceed, and then the Senator from Oregon.

Mr. WYDEN. Mr. President, that is exactly the kind of scenario I envisioned, and I appreciate that from the Senator from Georgia, and renew my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. OBAMA. Thank you, Mr. President.

Mr. President, I rise today both humbled and honored by the opportunity to express my support for renewal of the expiring provisions of the Voting Rights Act of 1965. I thank the many people inside and outside Congress who have worked so hard over the past year to get us here. We owe a great debt of gratitude to the leadership on both sides of the aisle. We owe special thanks to Chairmen SENSENBRENNER and SPECTER, Ranking Members CONYERS and LEAHY, and Representative MEL WATT. Without their hard work

and dedication, and the support of voting rights advocates across the country, I doubt this bill would have come before us so soon.

I thank both Chambers and both sides of the aisle, as well, for getting this done with the same broad support that drove the original act 40 years ago. At a time when Americans are frustrated with the partisan bickering that too often stalls our work, the refreshing display of bipartisanship we are seeing today reflects our collective belief in the success of the act and reminds us of how effective we can be when we work together.

Nobody can deny we have come a long way since 1965. Look at the registration numbers. Only 2 years after the passage of the original act, registration numbers for minority voters in some States doubled. Soon after, not a single State covered by the Voting Rights Act had registered less than half of its minority voting-age population.

Look at the influence of African-American elected officials at every single level of government. There are African-American Members of Congress. Since 2001, our Nation's top diplomat has been African American. In fact, most of America's elected African-American officials come from States covered by section 5 of the Voting Rights Act—States such as Mississippi, Alabama, Louisiana, and Georgia.

But to me, the most striking evidence of our progress can be found right across this building in my dear friend Congressman JOHN LEWIS, who was on the front lines of the civil rights movement, risking life and limb for freedom. On March 7, 1965, he led 600 peaceful protesters, demanding the right to vote, across the Edmund Pettus Bridge in Selma, AL. I have often thought about the people on the Edmund Pettus Bridge that day, not only JOHN LEWIS and Hosea Williams, who led the march, but the hundreds of everyday Americans who left their homes and their churches to join it—Blacks and Whites, teenagers, children, teachers, bankers, shopkeepers; what Dr. King called a beloved community of God's children ready to stand for freedom.

I wonder sometimes: Where did they find that kind of courage? When you are facing row after row of State troopers on horseback, armed with billy clubs and tear gas—when they are coming toward you spewing hatred and violence—how do you simply stop, kneel down, and pray to the Lord for salvation?

But the most amazing thing of all is that after that day, after JOHN LEWIS was beaten within an inch of his life, after people's heads were gashed open and their eyes were burned, and they watched their children's innocence literally beaten out of them—after all that, they went back and marched again. They marched again. They crossed the bridge. They awakened a nation's conscience, and not 5 months later the Voting Rights Act of 1965 was signed into law. It was reauthorized in 1970, in 1975, and in 1982.

Now, in 2006, JOHN LEWIS—the physical scars of those marches still visible—is an original cosponsor of the fourth reauthorization of the Voting Rights Act. He was joined last week by 389 of his House colleagues in voting for its passage.

There were some in the House, and there may be some in the Senate, who argue that the act is no longer needed, that the protections of section 5's ''preclearance'' requirement—a requirement that ensures certain States are upholding the right to vote—are targeting the wrong States. Unfortunately, the evidence refutes that notion.

Of the 1,100 objections issued by the Department of Justice since 1965, 56 percent occurred since the last reauthorization in 1982. Over half have occurred since 1982. So despite the progress these States have made in upholding the right to vote, it is clear that problems still exist.

There are others who have argued we should not renew section 203's protection of language minorities. These arguments have been tied to debates over immigration and they tend to muddle a noncontroversial issue—protecting the right to vote—with one of today's most contentious debates.

But let's remember, you cannot request language assistance if you are not a voter. You cannot be a voter if you are not a citizen. And while voters, as citizens, must be proficient in English, many are simply more confident that they can cast ballots printed in their native languages without making errors. It is not an unreasonable assumption.

A representative of the Southwestern Voter Registration Project is quoted as saying:

> Citizens who prefer Spanish registration cards do so because they feel more connected to the process; they also feel they trust the process more when they understand it.

These sentiments—connection to and trust in our democratic process—are exactly what we want from our voting rights legislation.

Our challenges, of course, do not end at reauthorizing the Voting Rights Act. We have to prevent the problems we have seen in recent elections from happening again. We have seen political operatives purge voters from registration rolls for no legitimate reason, prevent eligible ex-felons from casting ballots, distribute polling equipment unevenly and deceive voters about the time, location, and rules of elections. Unfortunately, these efforts have been directed primarily at minority voters, the disabled, low-income individuals, and other historically disenfranchised groups.

The Help America Vote Act, or HAVA, was a big step in the right direction. But we have to do more. We need to fully fund HAVA if we are going to move forward in the next stage of securing the right to vote for every citizen. We need to enforce critical requirements such as statewide registration databases. We need to make sure polling equipment is distributed equitably and equipment actually works. We need to work on getting more people to the polls on election day.

We need to make sure that minority voters are not the subject of some deplorable intimidation tactics when they do go to the polls. In 2004, Native American voters in South Dakota were confronted by men posing as law enforcement. These hired intimidators joked about jail time for ballot missteps and followed voters to their cars to record their license plates.

In Lake County, OH, some voters received a memo on bogus board of election letterhead, informing voters who registered through Democratic and NAACP drives that they could not vote.

In Wisconsin, a flier purporting to be from the ''Milwaukee Black Voters League'' was circulated in predominantly African-American neighborhoods with the following message:

> If you've already voted in any election this year, you can't vote in the presidential election. If you violate any of these laws, you can get ten years in prison and your children will get taken away from you.

Now, think about that. We have a lot more work to do. This occasion is a cause for celebration. But it is also an opportunity to renew our commitment to voting rights.

As Congressman LEWIS said last week:

> It's clear that we have come a great distance, but we still have a great distance to go.

The memory of Selma still lives on in the spirit of the Voting Rights Act. Since that day, the Voting Rights Act has been a critical tool in ensuring that all Americans not only have the right to vote but have the right to have their vote counted.

Those of us concerned about protecting those rights cannot afford to rest on our laurels upon reauthorization of this bill. We need to take advantage of this rare, united front and continue to fight to ensure unimpeded access to the polls for all Americans. In other words, we need to take the spirit that existed on that bridge, and we have to spread it across this country.

Two weeks after the first march was turned back, Dr. King spoke, and he told a gathering of organizers and activists and community members that they should not despair because the arc of the moral universe is long, but it bends toward justice. The arc of the moral universe is long, but it bends toward justice. That is because of the

work that each of us does that it bends toward justice. It is because of people such as JOHN LEWIS and Fannie Lou Hamer and Coretta Scott King and Rosa Parks—all the giants upon whose shoulders we stand—that we are beneficiaries of that arc bending toward justice.

That is why I stand here today. I would not be in the Senate had it not been for the efforts and courage of so many parents and grandparents and ordinary people who were willing to reach up and bend that arc in the direction of justice. I hope we continue to see that spirit live on not just during this debate but throughout all our work here in the Senate.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Thank you, Mr. President.

I wish to take a few moments to add my voice to the Senate debate in terms of why I will vote for the Voting Rights Act reauthorization.

No. 1, I am a member of the Judiciary Committee, and I wish to congratulate our chairman, Senator SPECTER, and our ranking member, Senator LEAHY, for getting the bill out of committee. It was an 18-to-0 vote. I have enjoyed that committee in many ways, and one of the highlights of my time on that committee is getting this piece of legislation to the floor for a vote. I anticipate an overwhelming vote for the Voting Rights Acts.

There are so many ways to say why, and so many approaches to explain the continued need. But the best I can say, in terms of my voice being added to the debate, is that I recognize it is just a voice, that I am in the Senate—I just turned 51 years old, a child of the South. I grew up in the 1950s and 1960s, and I went to segregated schools until, I think, the fifth or sixth grade.

My life is better because of the civil rights movement.

It has enriched the country. I have been able to interact with people in ways that would have been impossible if segregation had stood and, as Senator OBAMA indicated, his career in the Senate is possible. I would argue that most Americans' lives are better because in America you can interact in a meaningful way now. And one of the interactions is to be able to vote.

But it is just a voice I add. To get here, literally, to get the Voting Rights Act passed back in the 1960s, people died. They shed their blood, their sweat. They put their hopes and dreams for their children on the line. They were willing to die for their insistence that they play a meaningful role in American society. And the most meaningful way you can participate is to be able to vote without fear.

Dr. King is a fascinating historical figure now. He was a fascinating man while he lived. I have been in the military for quite a while. I have been around a lot of brave people—pilots who take off and fly in harm's way. I sort of have an affinity for military history. I always admired the people who would go up the hill in the face of overwhelming force or stand with their comrades when it looked as though all hope was lost because that was the right thing to do.

They were willing to sacrifice their life not only for their country but for their fellow service members, the people in their unit. How hard that must have been. Some people rise to the occasion and some don't. Those who rise to the occasion are called heroes, rightly so. Those who fail to rise to the occasion are called human beings.

All human beings, me included, should celebrate the heroes. The thing that I admire most about Dr. King and his associates is that it is one thing to put your own life at risk. It is another thing to put your family at risk. I would imagine, never having met Dr. King, that one of his biggest fears was not about his personal safety but about what might happen to his family. To me that is the ultimate act of bravery, to know that if you do nothing, your family is going to be locked into a system where life is very meaningless. And to do something so heroic and so challenging that you put your family at risk had to be a very hard decision.

So as we reauthorize the Voting Rights Act, we need to remember, all of us who vote, that it is not that big a deal. There is no one in the Senate. Hardly anyone is listening. We have some visitors here in the Capitol. It is going to pass pretty quickly. Everybody knows the outcome. In the 1960s, people did not know the outcome. I argue that the fact we reauthorized this without a whole lot of discussion and rancor is the best testament to its success. All the fears and all the playing on people's prejudices that would come from integration, if it came about, or allowing everyone to vote, if it came about, they were just that—baseless fears. As you look back from 2006 over the history of the Voting Rights Act, there is nothing to fear. Allowing Americans to fully participate in a democracy has been a wonderful thing. Allowing people to go to the movie they went to go to and go to the restaurant they want to eat at and play on the same sports teams as every other person in their neighborhood, regardless of race, creed, or color, is a wonderful thing. At the time it was a frightful thing.

That says nothing about this generation being good and the last generation being evil. It speaks to the weakness of humanity. Within all of us there is a fear that can be tapped into. We have to guard against that. We have to be on constant guard not to let the issues of our day play on our fears.

I argue that one of those issues we are dealing with today that is playing on the fears of the past and the weaknesses of humanity is the immigration issue. I hope as we move forward on the immigration issue, we can understand that obeying the law is an essential part of America, and people need to be punished when they break it. But America's strength has been absorbing people from all over the world, from different backgrounds, races, and creeds, and allowing them to share in the American dream. We should do it in an orderly way, not a chaotic way.

To the issue at hand, the Voting Rights Act will be extended. I believe it is for 25 years. Some of the data in the act is based on 1968, 1972 turnout models. The act does not recognize the progress particularly in my region of the country. I think it should have, but it didn't. So we will just move on.

South Carolina has made great strides forward in terms of African American voting participation and minority African American representation at all levels of State government and local government. My State is better for that. I am proud of the progress that has been made. To those who made it happen, those who risked their blood, sweat and tears, I owe you a debt, as everyone of my generation does. When I cast my vote today, it will be in your honor and your memory.

I hope 25 years from now it can be said that there will be no need for the Voting Rights Act because things have changed for the better. I can't read the future or predict what the world will be like 25 years from now or what America will be like. But if we keep making the progress we have in the last 25 years, it can happen.

It is incumbent upon each Member of this body—regardless of political differences, party affiliation, or personal background—to try to bring out the best in our country no matter how hard the issue might be, no matter how emotional it might be, and no matter how much people play on our fears. Just as those who came before us rejected the desire to play on fears and prejudices and risked their personal safety, I hope this generation of political leaders that I am now a part of will live up to the ideals demonstrated by Americans in the past who were brave, who risked it all for the common good.

I will close with this thought: As Senator OBAMA said, if we can embrace the spirit that led to the Voting Rights Act—a sense of fair play, fair treatment—and apply it to other areas and other issues facing our Nation, we will be much stronger. It is with that sense of purpose and hope that I will vote to reauthorize the Voting Rights Act.

To my fellow South Carolinians, you have come a long way. You have much to be proud of. But we, like every other

part of this country, still have a long way to go.

I yield the floor.

Mr. LUGAR. Mr. President, I rise today to express my strong support for the reauthorization of the landmark Voting Rights Act of 1965.

I was a member of the Indianapolis School Board and mayor of Indianapolis during the civil rights movement, and I witnessed firsthand the critical importance of promoting justice and understanding in our communities. Following the tragic death of Dr. Martin Luther King, Jr., while I was serving as mayor, so many of my friends and neighbors in Indianapolis came together in peace and reconciliation, and I am grateful that our city served as a model to so many other cities that were unfortunately stricken with violence and division.

It is in the spirit of justice, harmony, and compassion that we must join together to pass this important legislation. This is a signal moment for the Senate, and I am pleased that President Bush will sign this bill into law as the 41st anniversary of the signing of the Voting Rights Act approaches on August 6.

Mr. SESSIONS. Mr. President, I rise to voice my support for reauthorizing the Voting Rights Act of 1965. H.R. 9, the bill to reauthorize the Voting Rights Act, is an important piece of legislation. I wish to take a few moments to express my thoughts on the great progress prompted by the Voting Rights Act in my State, as well as to express a few concerns.

My home State of Alabama—the site of the Selma to Montgomery voting rights march—had a grim history on voting rights. Before 1965, only 19 percent of African Americans in our State were registered to vote, and they were denied the right to vote through any number of tactics and strategies. Behind those tactics and strategies—the multiple ''tests and devices''—lay a ruthless decision to deny Black citizens the right to vote so that the majority of the White community could maintain political power.

The results of the Voting Rights Act of 1965 were some of the best things that ever happened to Alabama. Before the Voting Rights Act, Alabama had fewer than a dozen Black elected officials. As of 2001, the most recent figures available, Alabama had over 750 African-American office holders—second only to Mississippi. These elected officials include a U.S. Congressman, 8 State senators, 27 members of the State House of Representatives, 46 mayors, 80 members of county commissions, school board members, town council members and the like.

Voter registration rates for Blacks and Whites in Alabama are now virtually identical. In fact, in the last Presidential election, according to the Census Bureau, a larger percentage of African Americans voted than Whites in the State of Alabama. Now, that was the goal of the act—to have this kind of progress occur. In fact, over the past 15 years, Alabama has not had a single court find the State guilty of violating the 15th amendment or the very broad protections afforded by section 2 of the Voting Rights Act. The same cannot be said of Arkansas; Colorado; Hawaii; Ohio; Maryland; Massachusetts; Missouri; Montana; Nebraska; Wisconsin; Chicago, IL; Hempstead, NY; Los Angeles County, CA; or Dade County, FL—none of which are covered by section 5's preclearance requirement.

The people of Alabama understand that these changes in our State are good, and they do not want to do anything that would suggest that there is any interest in moving away from the great right to vote. We want to reauthorize the Voting Rights Act. How we reauthorize the act is something that is worthy of discussion, however. The witnesses we have heard in the Judiciary Committee over the past couple of months have had many different ideas, and after hearing from them, I am concerned that we should have listened more carefully to some of their recommendations.

My concerns stem, in part, from the extraordinary nature of some of the temporary provisions of the Voting Rights Act particularly the ''preclearance'' requirement of section 5. Section 5 requires Alabama and other covered jurisdictions to ''preclear'' any change in ''any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting.'' The preclearance requirement applies to ''[a]ny change affecting voting, even though it appears to be minor or indirect.'' As a representative of the Department of Justice testified in the House of Representatives, ''There is no de minimis exception'' to the preclearance requirement.

In 1966, the Supreme Court in South Carolina v. Katzenbach upheld section 5's preclearance requirement ''as a necessary and constitutional response to some States' 'extraordinary stratagem[s] of contriving new rules of various kinds for the sole purpose of perpetuating voting discrimination in the face of adverse federal court decrees.' '' The Court ''acknowledged that suspension of new voting regulations pending preclearance was an extraordinary departure from the traditional course of relations between the States and the Federal Government,'' but ''held it constitutional as a permitted congressional response to the unremitting attempts by some state and local officials to frustrate their citizens' equal enjoyment of the right to vote.'' In other words, the preclearance requirement was an extraordinary response to an extraordinary problem—unrelenting efforts by some State and local officials to contrive new rules for voting and elections after each defeat in Federal court.

During the reauthorization process, we have been presented relatively little present-day evidence of continued ''unremitting attempts by some state and local officials to frustrate their citizens' equal enjoyment of the right to vote'' as was the case in 1965—especially the kind of change-the-rules-after-losing tactics that prompted the section 5 preclearance requirement. According to Richard L. Hasen, William H. Hannon Distinguished Professor of Law at Loyola Law School in Los Angeles: ''In the most recent 1998 to 2002 period, DOJ objected to a meager 0.05 percent of preclearance requests. Updating these data, DOJ interposed just two objections nationwide overall in 2004, and one objection in 2005.'' These data suggest relatively isolated attempts to interfere with voting rights not widespread, ''extraordinary stratagem[s]'' to perpetuate discrimination in voting.

To be sure, there have been examples of misconduct, such as the cancellation of the June 5, 2001, city council and mayoral elections in the town of Kilmichael, MS, and I do not want to minimize those violations in any way. Such misconduct did not appear to be common or widespread, however, and it could have been remedied through ordinary litigation under section 2 of the act and 42 U.S.C. § 1983. In fact, a disturbing aspect of the Kilmichael incident is that the attorney general's objection to the cancellation of the election came on December 11, 2001 over 7 months after the election had been canceled. This was no doubt due in part to the town's failure to submit the change in a timely fashion, but it nonetheless appears that minority voters would have received justice more quickly through a lawsuit in Federal court, accompanied by a request for a preliminary injunction and/or a temporary restraining order.

In light of the dearth of present-day preclearance objections or evidence of violations that, due to their nature or number, cannot be remedied through litigation, I am concerned that reauthorizing section 5's preclearance requirement for 25 years as proposed in H.R. 9 will not pass constitutional muster in the litigation that is certain to follow its enactment. In City of Boerne v. Flores, the Supreme Court held that when Congress enacts legislation to enforce constitutional guarantees, ''[t]here must be a congruence and proportionality between the injury to be prevented or remedied and the means adopted to that end.'' The Court cited the Voting Rights Act of 1965 as an example of appropriate congressional enforcement legislation that it had upheld. The Court observed, however, that ''[s]trong measures appropriate to address one harm may be an unwarranted response to another, lesser one.''

I am worried because, in extending section 5's preclearance requirement for another 25 years, H.R. 9 does little to acknowledge the tremendous progress made over the past 40 years in Alabama and other covered jurisdictions. Today is not 1965, and the situation with respect to voting rights in Alabama and other covered jurisdictions is dramatically different from 1965. I would have expected Congress to recognize this tremendous progress in covered jurisdictions by modernizing section 5 to reflect present-day progress and remaining problems.

For example, Congress ought to update the coverage trigger in section 4(b) of the act. It is simply illogical—in 2006—to base coverage solely on registration and voter turnout data from the Presidential elections in 1964, 1968, 1972. What about the Presidential elections of 1996, 2000, and 2004? What about the 14 noncovered jurisdictions that Federal courts have found guilty of constitutional or section 2 violations in recent years? Those years and those jurisdictions could easily be added to the coverage formula in section 4(b), but H.R. 9 does not update the coverage formula to include them. Given the dearth of preclearance objections, it seems that some minor or de minimis voting changes ought to be removed from the preclearance requirement, as well.

Congress also needs to make changes to improve the ''bailout'' process in section 4(a) of the act. According to the Department of Justice, out of 914 covered States and political subdivisions, only 11 covered jurisdictions, all in Virginia, have bailed out from coverage, and thus preclearance, under section 4(a). It is obvious that bailout is not working properly, but H.R. 9 does not correct that problem. For example, even if a town in Alabama has a perfect record on voting rights and meets every one of the requirements for bailout, it cannot seek bailout because section 4(a) only allows a ''political subdivision'' to bail out, and section 14(c)(2) defines ''political subdivision'' to mean ''any county or parish'' but not any city or town. That should be changed, but this bill does not address it. I also think we should have given serious consideration to Professor Hasen's ''proactive bailout'' proposal to improve the bailout process.

I am also concerned that the Supreme Court will think that a 25-year reauthorization is simply too long to pass constitutional muster. In 1965, Congress only authorized the temporary provisions of the Voting Rights Act for 5 years. They have now been in effect for 41 years. I am worried that the Supreme Court will conclude that it is not ''congruent and proportional'' to require some States to preclear every single voting change, no matter how minor or insignificant, until the year 2031 based on data regarding voter turnout and registration from 1964—67 years earlier.

Finally, I am concerned about H.R. 9's language adding new subsections (b), (c), and (d) to section 5 of the Voting Rights Act to alter the Supreme Court's decisions in Georgia v. Ashcroft and Reno v. Bossier Parish School Board, Bossier Parish II. In its decision in Bossier Parish II, in particular, the Court warned that the interpretation of section 5 rejected in that case ''would also exacerbate the 'substantial' federalism costs that the preclearance procedure already exacts perhaps to the extent of raising concerns about §5's constitutionality.'' Altering these decisions adds to the risks taken in failing to modernize and modify the provisions of the Voting Rights Act to address the voting rights problems of the 21st century. It is particularly important therefore, that these new provisions be strictly interpreted.

The ''ability . . . to elect their preferred candidates of choice'' language in new subsections 5(b) and 5(d) prevents the elimination of what the Supreme Court called ''majority-minority districts'' in Georgia v. Ashcroft, in exchange for the creation of what it called ''influence districts.'' Neither the language of new subsections 5(b) and 5(d) nor the ''any discriminatory purpose'' language of new subsection 5(c) requires the creation of or locks into place ''influence'' or ''coalitional'' districts, however. The concept of ''influence'' or ''coalitional'' districts is far too amorphous to impose as a requirement of Federal law. Imposing such new restrictions on the redistricting process would prove both unworkable and unconstitutional.

I agree with the comments made earlier this afternoon by Senator MCCONNELL, Senator HATCH, Senator KYL, and Senator CORNYN. We must remember that we are reauthorizing the Voting Rights Act not creating a ''gerrymandering rights act.'' The bipartisan support for this bill indicates that both Republicans and Democrats do not expect or intend it to be interpreted to advantage one party or the other.

Although the Voting Rights Act is now 40 years old, many of my constituents have vivid recollections of discrimination at the ballot box, and they have strong memories of the civil rights movement that led to the most historic changes that were encapsulated in the Voting Rights Act. These are wonderful people. They love America and are proud of the changes in Alabama and our Nation. They have a strong attachment to the Voting Rights Act. All Alabamians want to see the progress continue. In light of the wrongs that have occurred in the past and out of respect for those who placed their very lives at risk for change, I will vote in favor of H.R. 9.

Mr. BURR. Mr. President, I rise today in support of reauthorizing the Voting Rights Act.

The democratic process of citizens electing those who will govern them is a cornerstone of America. It is this design which has contributed greatly to making our Nation stable, resilient, and a leader in the world. Every citizen over the age of 18 who can legally vote has a constitutional right to do so.

The 15th amendment of the Constitution states, ''The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.''

To enforce the 15th amendment, President Lyndon Johnson signed the Voting Rights Act into law on August 6, 1965. This legislation prevented States from suppressing or denying African Americans and others the opportunity to participate in the electoral process, and it continues to do so today.

Most of the Voting Rights Act is permanent law. However, certain sections of the law are set to expire in 2007 if not reauthorized by this Congress. These sections, including requirements for Federal review of State and local election laws, the placement of Federal election observers, and voting assistance programs for bilingual American citizens, were established so that Congress could periodically reevaluate and amend them if needed.

I stand here today representing a State, portions of which have been classified by this act as having a troubled past, and I support reauthorization of the Voting Rights Act.

North Carolina is proud of the progress it has made over the last several decades. North Carolinians continue to learn from history and will continue to strive to serve as a model for the rest of the Nation in equality and fairness.

I must emphasize that regardless of the outcome of this reauthorization vote, which I will support and I am confident will pass this Chamber unanimously, no citizen will lose the right to vote in 2007 as a result of any expiring provisions. As Members of Congress, we have the responsibility to preserve the constitutional rights of all individuals but also to make sure that the law of the land is evenly and fairly applied and enforced.

Voting rights for African Americans or any other citizen group are granted by the 15th amendment. Voting rights for all American citizens are permanent.

We must ensure public confidence in our electoral system.

As I have said on the floor of the Senate before, ''as our country plants the seeds of democracy across the world, we have the essential obligation to continue to operate as the model.''

I urge my colleagues to support this reauthorization.

Mr. GRASSLEY. Mr. President, I rise today in strong support of the reauthorization of the Voting Rights Act.

Let me first commend everyone who has been involved with getting this bill to where it is today, including the chairman of the Judiciary Committee here in the Senate, Chairman SPECTER. Chairman SPECTER has attempted to ensure that everyone involved in this process received the opportunity to explore the issues about which they had further questions, while still moving the bill through expeditiously. Thanks to all these efforts, we will see final passage of the Voting Rights Act reauthorization today, nearly a year ahead of the expiration of any of the temporary provisions.

I have long been a supporter of the Voting Rights Act. I had the opportunity to work with Senators DOLE and KENNEDY and others in 1982 to continue the VRA's vital protections, to ensure that all Americans truly have the right to vote.

As I explained during the reauthorization of the VRA in 1982, the right to vote is fundamental. Only through voting can we guarantee preservation of all our other rights. The right to vote is the very cornerstone of democracy and merits the highest protection of law.

People of all races have been guaranteed the right to vote since passage of the 15th amendment in 1870. For far too long, though, this was a right only in theory. Many minorities were discriminated against in the days before the Voting Rights Act was introduced. Since this Act was passed, we have seen the voting proportions of these populations increase dramatically. The Voting Rights Act has had very significant success in fighting racial discrimination, probably more than anything else that Congress has done since the adoption of the Civil War amendments.

Next year, important provisions of the Voting Rights Act will expire. The right of every American to have a voice and vote is the essence of America's strength and greatness. As was the case in 1982, conditions have improved since the original Voting Rights Act was passed. It is our duty as the ultimate custodians of the public trust, however, to ensure that we never return to a world in which some of our citizens do not truly have the right to vote.

For this reason, I stand with Chairman SPECTER as an original cosponsor of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. Many people, including the bill's authors, members of the Judiciary Committees in both Houses, and thousands of civil rights activists, have worked incredibly hard to see this reauthorization become a reality.

I will repeat what I said on this floor 15 years ago: It is our duty to guarantee that all citizens have the same opportunity to participate in the political process and to elect representatives of their choice. All of us here today recognize that it is our duty, as elected representatives of the people, as guardians of democracy, to protect the right to vote. I remain confident, as I was in 1982, that the Voting Rights Act is a key tool—perhaps the key tool—in eradicating any remaining vestiges of racial discrimination.

I support reauthorization of the Voting Rights Act and encourage my colleagues to do the same. As it was in 1965 and in 1982 and for all the other extensions along the way, this vote today is among the most important civil rights votes on the floor of this body. We have the opportunity today to show that we are, indeed, one Nation, under God, indivisible, with liberty and justice for all. Please join me in voting aye.

Mr. DOMENICI. Mr. President, it is without hesitation that I support the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, which ensures that the right of all citizens to vote, including the right to register to vote and cast meaningful votes, is preserved and protected as guaranteed by the Constitution.

Reauthorization of the Voting Rights Act of 1965 may be a foregone conclusion; however, I believe that today's debate and vote are of great consequence because we are protecting each citizen's right to vote and preserving the integrity of our Nation's voting process. Passage of this measure is not merely symbolic; it is an essential reaffirmation that we the people are securing the blessings of liberty to ourselves and our posterity. I firmly believe that the right of citizens of the United States to vote should not be denied or abridged by the United States or any State on account of race.

The right to cast a vote is fundamental in our system of government, and the importance of each person's voting rights is reflected by the fact that they are protected by the 14th, 15th, 19th, 24th, and 26th amendments to the Constitution. President Ronald Reagan described the right to vote as the crown jewel of American liberties. Like President Reagan, I also believe that the right to vote is a great privilege worth protecting.

The Voting Rights Act of 1965 was initially passed in response to post-Civil War Reconstruction efforts to disenfranchise Black voters. The voting Rights Act of 1965 was amended in 1970, 1975, 1982, and 1992. It remains one of the most significant pieces of civil rights legislation in American history. This legislation amends and reauthorizes the Voting Rights Act for an additional 25 years, several provisions of which will expire on August 6, 2007, unless Congress acts to renew them. Reauthorization of the Voting Rights Act will ensure many privileges including bilingual election assistance for certain language minority citizens in certain States and subdivisions.

I cast my vote to ensure that no law abridges the privileges or immunities of any citizen of the United States or denies any citizen equal protection of the laws.

Mr. TALENT. Mr. President, I am pleased to speak in support of the Voting Rights reauthorization legislation, of which I am a cosponsor. Congress enacted the Voting Rights Act in 1965 to protect the voting rights of all Americans, and I am pleased that the Congress is reauthorizing this important legislation.

The right to vote is the foundation of our democracy and a fundamental right to our citizenry. Before the Voting Rights Act was passed, however, a great percentage of American citizens were denied that right. The Voting Rights Act rectified that wrong by prohibiting the enactment of any election law that would deny or abridge voting rights based on race or color and provided the right to challenge discriminatory voting practices and procedures.

This legislation has been extended and amended four times since its passage and has resulted in a tremendous growth in the ability of minority citizens to fully participate in the American political system, both as voters and candidates. At the time the act was first adopted, only one-third of all African Americans of voting age were on the registration rolls in the specially covered States compared with two-thirds of White voters. Now African Americans' voter registration rates are approaching parity with that of Whites in many areas, and Hispanic voters in jurisdictions added to the list of those specially covered by the act in 1975 are not far behind. Enforcement of the act has also increased the opportunity of African Americans and Latino voters to elect representatives of their choice. Virtually excluded from all public offices in the South in 1965, African Americans and Hispanic voters are now substantially represented in the State legislatures and local governing bodies throughout the region.

Mr. President, this is a piece of legislation that literally changed the landscape of the American political system, and I am extremely pleased to cast a vote in favor of its extension.

Mr. BUNNING. Mr. President, I rise today to express my support for the reauthorization of the Voting Rights Act of 1965. I support this law and recognize its valuable contributions to our society.

Since its inception in 1965, the Voting Rights Act has successfully helped protect the right to vote for millions of U.S. citizens. This right, as outlined in the 14th and 15th amendments to the Constitution, is fundamental to our

Country's foundation. It is the lifeblood of our democracy. The very legitimacy of our government is dependent on the access all Americans have to the electoral process.

We must ensure that when citizens choose to go to the polls that they do not face obstacles created to disenfranchise them. Every U.S. citizen, regardless of race or gender, should have opportunity to cast their vote without fear of discrimination.

This has not always been the case. Our Nation's history can provide examples where the person's right to vote has been impeded whether it be through literacy tests or poll taxes. This is unacceptable and is a powerful reminder of the hardships this Nation has experienced. The Voting Rights Act has provided protection to minority communities that may fall victim to some of those impediments, or even worse, to threats or intimidation during the electoral process.

I believe the Voting Rights Act was a good idea and necessary in 1965. I also believe we have come a long way since 1965 and would like to recognize the many changes and progress made all across the Country. I firmly believe this progress will only continue to grow.

I come from a State that is committed to civil rights, and I believe that our Forefathers said it best that we are one Nation, undivided, with liberty and justice for all. I look forward to seeing this commitment to justice renewed today as we reauthorize the Voting Rights Act of 1965.

Mr. President, I am confident that the Voting Rights Act will be reauthorized today and urge my colleagues to support this important piece of legislation.

Mr. DEWINE. Mr. President, I am proud to be an original cosponsor of this very important piece of legislation, the Voting Rights Reauthorization Act of 2006.

As we all know, Congress first passed the Voting Rights Act back in 1965, when many jurisdictions had numerous laws and regulations aimed at denying the right to vote to many of our citizens—in direct violation of the 15th amendment to the Constitution. The Voting Rights Act made it clear that our society would no longer tolerate such abuses. It also made clear that all citizens should have the opportunity to exercise this critical right freely and easily, without harassment, intimidation, or other barriers to voting. Its passage was one of the proudest moments of the civil rights movement.

The Voting Rights Act has been an extraordinary success, and we can see its results in towns, counties, and States across the country, as well as in the House of Representatives and in the U.S. Senate. Minority voters have had their voices heard and their votes counted, and have helped elect a wide range of officials who reflect the diversity of our great Nation. Unfortunately, despite the great advances we have made as a country, we still have more work to do. Both the House and the Senate have investigated this issue thoroughly, and after numerous hearings and thousands of pages of evidence being accepted into the record, it is clear that we need to reauthorize the expiring provisions of the act. More time and effort is needed to completely fulfill the promise of the Voting Rights Act and to assure every citizen that his or her 15th amendment rights are fully available, and this bill will allow us the time we need.

The House of Representatives has already passed the Voting Rights Renewal Act, and I am glad we are going to move it forward today. We can then quickly put this critical legislation in front of the President, who supports the bill and is waiting to sign it into law. I am hopeful that at the end of this 25-year reauthorization, we will all be able to agree that no further legislative action is necessary—that we have accomplished the critical goal of assuring every American citizen the equal right to vote.

Mr. COBURN. Mr. President, the 15th amendment of the United States Constitution provides ''[t]he right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. The Congress shall have the power to enforce this article by appropriate legislation.'' In 1965, with the passage of the Voting Rights Act, Congress finally began to enforce the Nation's promise embodied in the 15th amendment. The Voting Rights Act was designed to ''foster our transformation to a society that is no longer fixated on race,'' to an ''all-inclusive community, where we would be able to forget about race and color and see people as people, as human beings, just as citizens.'' The mere mention of this act conjures up profound images of the civil rights movement, a fight by many courageous men and women for equality and justice.

In 1965, Congress wisely decided to make the most significant sections of the bill permanent. The permanent provisions apply to all States equally. One section of the original act suspended all ''tests or devices'' that States used to disfranchise racial minorities. Section 2, which is also permanent, codifies the 15th amendment, confirming by statute that no political subdivision may deny or abridge voting rights on account of race or color and that all individuals have recourse to discriminatory election procedures in Federal court.

That same Congress passed temporary remedial measures to address voting practices and districting in seven Southern States, where registration rates for Black voters averaged only 29.3 percent. Section 5 was crafted to remedy the low voter registration and turnout among the minority communities caused by discriminatory registration practices and intimidation at the polls. Indeed, the Voting Rights Act has succeeded tremendously. Statistician Keith Gaddie reported that the registration and turnout rate of Black citizens is higher in covered jurisdictions than throughout the rest of the Nation. He additionally revealed that registration of Black citizens in Alabama during the 2004 elections was 72.9 percent of the voting age population; in Georgia, 64.2 percent; in Louisiana, 71.1 percent; in Mississippi, 76.1 percent; in South Carolina, 71.1 percent; and in Virginia, 57.4 percent of the voting age population. Voter turnout rates were equally improved. For example in 2004 Alabama had a 63.9 percent turnout rate of registered Black voters, Georgia had a 54.4 percent turnout rate, Louisiana had a 62.1 percent turnout rate, Mississippi had a 66.8 percent turnout rate, South Carolina had a 59.5 percent turnout rate, and Virginia had a 49.6 percent turnout rate.

If we applied registration and turnout data from our most recent Presidential elections to the trigger formula for coverage, many covered States would no longer require coverage. This is important because the Supreme Court requires that any laws that we write must be ''congruent and proportional'' to the problems we seek to remedy. While these provisions were necessary because State practices and the prejudices of individuals kept eligible citizens from being able to cast a ballot free from the threat of intimidation or harassment, it is important that we ensure that the correct jurisdictions are covered in order to preserve the constitutionality of the act.

We held nine hearings, and many individuals from diverse backgrounds and different races have both praised and criticized the temporary provisions of the VRA set to expire 1 year from now. At each hearing, multiple witnesses suggested ways to amend and improve this Act. Yet I was the only Senator on the committee prepared to offer substantive amendments to improve the act so that it addresses the problems it seeks to remedy today.

I was prepared to offer three amendments. The first would define the term ''limited English proficient,'' the second would reauthorize the amended provisions for 7 years instead of 25 years, and the third would require a photo identification in all Federal elections. Yet I only offered one amendment in committee yesterday because it was clearly communicated that we should pass the exact bill that the House passed regardless of the merits of certain amendments. In fact, even though the committee did pass a nonsubstantive amendment to amend the

title of the bill, Senate leadership brought the House bill H.R. 9 to the floor without the title change accepted in committee. Political expediency clearly trumped the will of individual Senators.

There are other amendments that should have received consideration. During hearings, some Senators discussed possible amendments that they appeared to support with witnesses. Yet I believe that political fear and perceived intimidation prevented them from offering any amendments. For example, there was discussion based on the testimony of numerous witnesses that someone should offer an amendment to create more reasonable bailout procedure. States and counties wishing to bail out are only permitted to make their case here in Washington rather than at a Federal court closer to their home. Another amendment that received some support among witnesses would have included more recent data to determine coverage of areas with a recent history of discrimination rather than relying on data only from the 1964, 1968, and 1972 elections.

Even if no amendments offered were accepted, this bill is dramatically different from reauthorizing the Voting Rights Act as renewed in 1982. This bill rewrites the Voting Rights Act, section 5 to include in section (b) that ''[t]he purpose of [section 5] is to protect the ability of such citizens to elect their preferred candidates of choice.'' Such language has never before been inserted into section 5 preclearance requirements where there is no judicial review of determinations made by Department of Justice, DOJ employees. Additionally, section 5(c) of the bill rewrites the Voting Rights Act to require that DOJ refuse to preclear a plan that employs ''any discriminatory purpose.'' These are very serious changes that were never debated and that witnesses suggested we amend. Those suggestions were never even discussed or considered. I am at a loss as to why we are inserting new standards for 25 years without knowing the potential consequences and clarifying congressional intent in the language of the act.

Some Senators have said that we have carefully considered this bill and the effects it will have on our Nation based on the number of hearings we had. Yet Member attendance at these hearings was incredibly low. At the first two hearings on section 5, only one Senator attended. At the third, five Senators attended. Five Senators did not attend any of the committee's hearings. Five Senators attended only portions of one hearing. This is not meant as criticism because I only attended part of two hearings.

My point is that it is unfortunate that we insisted on doing this on an expedited basis when the act does not expire for a year. The committee conducted eight hearings in 9 workweeks—and during times when it was clear most Senators would be absent. We held four hearings during the immigration debate on the floor and held two hearings during rollcall votes on the floor. Because of the political nature of this bill and the fear of being improperly classified as ''racist,'' the bill was crafted and virtually passed before any Senator properly understood any of the major changes. For example, the bill that passed out of committee included a finding section before any hearings were held. No changes to those findings were made.

Furthermore, it was nearly impossible to prepare for the hearings. Our rules require that witnesses submit their testimony 24 hours prior to the hearing so Senators can formulate thoughtful questions. Over half of the witnesses—21 out of 41—flouted the committee's rules by turning in their testimony less than 24 hours before the hearing. Indeed, one witness submitted his testimony at 12:03 a.m. the morning of a hearing scheduled for 9:30 a.m. Another witness submitted her testimony at 10:21 p.m. the night before a 9:30 a.m. hearing. Other witnesses submitted their testimony literally hours before the hearing. Clearly, the only way Senators could ask thoughtful questions of these witnesses was through written questions. And many tried to do so. But that process has been unsuccessful. We voted the bill out of committee for discussion on the floor before 107 written questions to 10 witnesses were answered and returned. We did not even have the opportunity to submit questions to the witnesses on the panel of the final hearing.

We had plenty of time to do this right—to fully consider the testimony and answers submitted by witnesses—and still vote to extend the temporary provisions before they expire in the summer of next year. We still have time to do this right. Congress has until the summer of 2007 to consider this bill, and yet we are moving ahead without receiving all answers to questions and fully considering the testimony of our witnesses. As a result, none of us can realistically say that we know the full implications of what we are voting on today. And the consequences of our rush, forced by politics, may have unintended consequences for our Nation.

Nonetheless, I am voting for the Voting Rights Act because of its unparalleled success in the past at securing the opportunity to vote. I urge my colleagues not to forget that we all share the fundamental American belief that our society should be color-blind and that everyone should be treated equally. There should be no political advantage or disadvantage because of the color of a person's skin and we should be able to put aside politics to protect and openly discuss those values. Most Americans would like to move away from considering race when drawing congressional districts. In fact, a Washington Post/Kaiser poll found that 70 percent of Blacks, 83 percent of Hispanics, and 90 percent of Whites said race should not figure into map-drawing.

While America has a long history of negative race relations, we must strive for the dream taught by Martin Luther King—that one day society will judge people based on the content of their character and not the color of their skin. For this, as Justice O'Connor stated in 1993, is the goal toward which our Nation continues to aspire.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, often when the Senate passes something unanimously, it means that the matter is not so important. That is not the case today. The Voting Rights Act is about as important as it gets. Senators of both political parties deserve great credit for bringing this vitally needed legislation to the floor of the Senate today. I have come to salute those inside and outside the Senate for their work to bring this extraordinarily important issue before the country and before the Senate and to make an appeal to Senators and those outside the Chamber to work for more.

In the past three successive elections—2000, 2002, and 2004—there were scores of accusations of voter intimidation, rigged voting machines, conflicts of interest among elected officials, and other serious electoral abuses. Many newspaper articles, State and Federal governmental investigations, private studies and scores of lawsuits have described in considerable detail the toll that election abuses now take on our democracy. As much as it is an accomplishment that the Senate will be voting to reauthorize the Voting Rights Act today, that law cannot cure many of the problems that we have seen in the last three election cycles. But there is a proven system that can reduce many of these abuses, and I hope in the days ahead the U.S. Congress will take steps to promote it. It is known as vote by mail.

My State of Oregon adopted this election system back in 1998, with nearly 70 percent support of our State's voters. It has been a resounding success any way one looks at it, and it has not been seen in any way as a kind of partisan tool that advantages one particular party or one particular philosophy.

What I want to do this afternoon is describe briefly how Oregon's vote by mail system works and then talk about why the Senate ought to be taking steps to promote it nationally as a way to deal with some of these problems that have swept across our land over the last three election cycles.

In Oregon the system works in this way. At least 2 weeks before election day, election officials mail ballots to

all registered voters. The voters mark their ballots, seal and sign those ballots, and return them by mail or by placing them in a secure drop box. Election officials count the votes using optical scanning machines that confirm the signature on the return envelope matches the signature of the voter on file. Each county also provides optional onsite voting booths for individuals who need special accommodations or prefer to vote onsite.

The bottom line is that vote by mail can address many of the problems that plague this country's elections. For example, with vote by mail, there is no waiting in line in the polls for hours. All through our country over the last election we heard complaints about people having to wait in line, often for hours and hours on end. It doesn't happen with vote by mail. Each voter receives a ballot in the mail. They can complete it at home, at work, or wherever is convenient for them. And you don't have the problem of people waiting in line for hours and hours to exercise their franchise.

With vote by mail, no one would get the run-around about which polling place they are supposed to vote at. The ballots are mailed to the citizen's home. If, for some reason, a voter's ballot does not arrive 2 weeks before the election as it is supposed to, the voter has enough time to correct the problem, get their ballot, and then cast it. Americans who face the toughest time getting to the polls, such as citizens with disabilities and the elderly, report that they vote more often using vote by mail. Women, younger voters, stay-at-home moms also report that they vote more often using vote by mail. Once again, it is an opportunity on a bipartisan basis to deal with a very serious problem that we have seen over the last few election cycles.

Citizens wouldn't get the run-around at the polling place when they show up on election day to vote and are told: ''You really shouldn't be here; you ought to be there.'' ''We can't really tell you where you ought to be.'' ''We have all these people in line, and we will try to help you later.'' All of that is eliminated through vote by mail because folks get their ballot at their home.

Third, with vote by mail there is less risk of voter intimidation. A 2003 study of voters in my home State showed that the groups that would be most vulnerable to coercion now favor vote by mail. Over the last few elections, we saw again and again our citizens saying that they feared coercion. They were concerned about intimidation in the exercise of their franchise.

We have documentary proof in our home State, a specific study that I have cited, that citizens who are most vulnerable to intimidation and coercion feel more comfortable voting by mail.

Next, with vote by mail, malfunctioning voting equipment is a thing of the past. Everyone heard the stories in 2004 of citizens who said they voted for one candidate only to see the electronic voting machine indicate that the voter had cast a ballot for somebody else. Irregularities such as this cannot occur in vote by mail. Each voter marks the ballot, reviews it, and submits it, the ballot is counted, and it becomes a paper record—a paper record that is used in the event of a recount.

I happen to believe that we must have a paper trail for every ballot that is cast in our country. It is wrong that there is at present no such paper trail. Every time I have a community meeting, people bring up: why can this not be done? It is just common sense. My home State has led the way to ensure that through our vote-by-mail system there is a paper trail.

With vote by mail, the risk of fraud is minimized. When an Oregon county receives a voter's marked ballot, the ballot is then sent to elections workers trained in signature verification who compare the signature on each ballot against the person's signature on their voter registration card. This can be done quickly and easily because each voter's registration card has been electronically scanned into the system. No ballot is processed or counted until the county is satisfied that the signature on the ballot matches the voter's signature on file. If someone tries to commit fraud, they can be convicted of a Class C felony, spend up to five years in prison, and pay $100,000 in fines.

Vote by mail can help make the problems of recent elections a thing of the past. In doing so, it will make our elections fairer and help reinstill a confidence in our democracy, which frankly, has been lacking.

There are a number of other reasons why I think our country ought to be doing everything possible to encourage citizens to adopt vote by mail. This approach increases election participation. For example, vote by mail helps make voter turnout in Oregon considerably higher than the average national voter turnout. Oregon experienced a record turnout of more than 70 percent in the 2004 Presidential election, compared to 58 percent nationally.

Vote by mail, we find, gets more citizens involved in the issues because folks get their ballots weeks before the final day when their ballot is due, and they have the time to quiz candidates, examine issues that are important to them, and do it in a deliberate fashion that gives them more time.

Next, vote by mail has produced huge savings at the local level for election costs. Vote by mail reduces those election costs by eliminating the need to transport equipment to polling stations and to hire and train poll workers. My home State has reduced its election-related costs by 30 percent since implementing vote by mail. So we have the results. We have the results to show the rest of the country why we ought to be encouraging across the land vote by mail.

In a survey taken 5 years after we implemented this system, more than 8 out of 10 Oregon voters said they preferred voting by mail to traditional voting. I am confident that the rest of our country would embrace it the very same way.

What this is all about, and why I have taken time to discuss our approach, is that I think it is very much in line with both the spirit and the text of the Voting Rights Act. America needs to make sure that no eligible voter, based on color, creed or any other reason, would be disenfranchised. What we are doing in the Senate today by reauthorizing the Voting Rights Act is the right thing. It is clearly a step in the right direction for these difficult times. But I do think much more can be done to improve the election process. I intend to press at every possible opportunity for a way to encourage an approach that has empowered people in my home State in a manner that has far exceeded the expectations of even the biggest boosters. It has been totally nonpartisan.

In Oregon, we were amused in the beginning of our discussion about vote by mail. At the beginning of the discussion, it seemed that a fair number of Republicans were for vote by mail, but a number of Democrats were skeptical. Then, after I won the Senate special election in 1996—and Senator SMITH and I have laughed about this often over the years—there was an about face, and it seemed then that Democrats liked vote by mail and Republicans were a little cautious. Our State's citizens said enough of all this nonsense and overwhelmingly voted, on a bipartisan basis, to say this is just plain good government, and this is the way we want to go.

I think the Oregon story can be copied across the country, and I am going to do everything I can to encourage it. The Supreme Court declared in the Reynolds v. Sims case:

> [i]t has been repeatedly recognized that all qualified voters have a constitutionally protected right to vote . . . and to have their vote counted.

Promoting vote by mail across our land will help make this constitutional right a reality. I encourage my colleagues to look and study the approach we have used in our State, an approach that will advance the spirit of the Voting Rights Act. Support the Voting Rights Act today and work with us to build on its incredible importance in the days ahead.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted

to proceed for 10 minutes and, following me, Senator BOXER be permitted to proceed for 15 minutes, and following her, Senator SCHUMER for 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KERRY. Mr. President, I thank the Senator from Oregon for his discussion of an important way of having accountability in voting. I must say that I saw how that works out in Oregon. It works well. It works brilliantly, as a matter of fact. People have a lot of time to be able to vote. They don't have to struggle with work issues or being sick or other things. They have plenty of time to be able to have the kind of transparency and accountability that makes the system work. There are other States where you are allowed to start voting early—in New Mexico and elsewhere.

It is amazing that in the United States we have this patchwork of the way our citizens work in Federal elections. It is different almost everywhere. I had the privilege of giving the graduation address this year at Kenyan College in Ohio, and there the kids at Kenyan College wound up being the last people to vote in America in the Presidential race in 2004 in Gambier, at 4:30 in the morning. We had to go to court to get permission for them to keep the polls open so they could vote at 4:30 in the morning.

Why did it take until 4:30 in the morning for people to be able to vote? They didn't have enough voting machines in America. These people were lined up not just there but in all of Ohio and in other parts of the country. An honest appraisal requires one to point out that where there were Republican secretaries of state, the lines were invariably longer in Democratic precincts, sometimes with as many as one machine only in the Democratic precinct and several in the Republican precinct; so it would take 5 or 10 minutes for someone of the other party to be able to vote, and it would take literally hours for the people in the longer lines. If that is not a form of intimidation and suppression, I don't know what is.

So I thank the Senator from Oregon for talking about the larger issue here. He is absolutely correct. The example of his State is one that the rest of the country ought to take serious and think seriously about embracing.

This is part of a larger issue, obviously, Mr. President. All over the world, our country has always stood out as the great exporter of democratic values. In the years that I have been privileged to serve in the Senate, I have had some extraordinary opportunities to see that happen in a firsthand way.

Back in 1986, I was part of a delegation that went to the Philippines. We took part in the peaceful revolution that took place at the ballot box when the dictator, President Marcos, was kicked out and ''Cory'' Aquino became President. I will never forget flying in on a helicopter to the island of Mindanao and landing where some people have literally not seen a helicopter before, and 5,000 people would surround it as you swooped out of the sky, to go to a polling place where the entire community turned out waiting in the hot sun in long lines to have their thumbs stamped in ink and to walk out having exercised their right to vote.

I could not help but think how much more energy and commitment people were showing for the privilege of voting in this far-off place than a lot of Americans show on too many occasions. The fact is that in South Africa we fought for years—we did—through the boycotts and other efforts, in order to break the back of apartheid and empower all citizens to vote. Most recently, obviously, in Afghanistan and Iraq, notwithstanding the disagreement of many of us about the management of the war and the evidence and other issues that we have all debated here. This has never been debated about the desire for democracy and the thrill that everyone in the Senate felt in watching citizens be able to exercise those rights.

In the Ukraine, the world turned to the United States to monitor elections and ensure that the right to vote was protected. All of us have been proud of what President Carter has done in traveling the world to guarantee that fair elections take place. But the truth is, all of our attempts to spread freedom around the world will be hollow and lose impact over the years in the future if we don't deliver at home.

The fact is that we are having this debate today in the Senate about the bedrock right to vote, with the understanding that this is not a right that was afforded to everyone in our country automatically or at the very beginning. For a long time, a century or more, women were not allowed to vote in America. We all know the record with respect to African Americans. The fact is that the right to vote in our country was earned in blood in many cases and in civic sweat in a whole bunch of cases. Courageous citizens literally risked their lives. I remember in the course of the campaign 2 years ago, traveling to Alabama—Montgomery—and visiting the Southern Poverty Law Center, the memorial to Martin Luther King, and the fountain. There is a round stone fountain with water spilling out over the sides. From the center of the fountain there is a compass rose coming back and it marks the full circle. At the end of every one of those lines is the name of an American with the description, ''killed trying to register to vote,'' or ''murdered trying to register.'' Time after time, that entire compass rose is filled with people who lost their lives in order to exercise a fundamental right in our country.

None of us will forget the courage of people who marched and faced Bull Connor's police dogs and faced the threat of lynchings, some being dragged out of their homes in the dark of night to be hung. The fact is that we are having this debate today because their work and that effort is not over yet. Too many Americans in too many parts of our country still face serious obstacles when they are trying to vote in our own country.

By reauthorizing the Voting Rights Act, we are taking an important step, but, Mr. President, it is only a step. Nobody should pretend that reauthorizing the Voting Rights Act solves the problems of being able to vote in our own country. It doesn't. In recent elections, we have seen too many times how outcomes change when votes that have been cast are not counted or when voters themselves are prevented from voting or intimidated from even registering or when they register, as we found in a couple of States, their registration forms are put in the wastebasket instead of into the computers.

This has to end. Every eligible voter in the United States ought to be able to cast his or her ballot without fear, without intimidation, and with the knowledge that their voice will be heard. These are the foundations of our democracy, and we have to pay more attention to it.

For a lot of folks in the Congress, this is a very personal fight. Some of our colleagues in the House and Senate were here when this fight first took place or they took part in this fight out in the streets. Without the courage of someone such as Congressman JOHN LEWIS who almost lost his life marching across that bridge in Selma, whose actions are seared in our minds, who remembers what it was like to march to move a nation to a better place, who knows what it meant to put his life on the line for voting rights, this is personal.

For somebody like my colleague, Senator TED KENNEDY, the senior Senator from Massachusetts, who was here in the great fight on this Senate floor in 1965 when they broke the back of resistance, this is personal.

We wouldn't even have this landmark legislation today if it weren't for their efforts to try to make certain that it passed.

But despite the great strides we have taken since this bill was originally enacted, we have a lot of work to do.

Mr. President, I ask for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, on this particular component of the bill, there is agreement. Republicans and Democrats can agree. I was really pleased

that every attempt in the House of Representatives to weaken the Voting Rights Act was rejected.

We need to reauthorize these three critical components especially: The section 5 preclearance provisions that get the Justice Department to oversee an area that has a historical pattern of discrimination that they can't change how people vote without clearance. That seems reasonable.

There are bilingual assistance requirements. Why? Because people need it and it makes sense. They are American citizens, but they still may have difficulties in understanding the ballot, and we ought to provide that assistance so they have a fully informed vote. This is supposed to be an informed democracy, a democracy based on the real consent of the American people.

And finally, authorization for poll watching. Regrettably, we have seen in place after place in America why we need to have poll watching.

A simple question could be asked: Where would the citizens of Georgia be, particularly low-income and minority citizens, if they were required to produce a government-issued identification or pay $20 every 5 years in order to vote? That is what would have happened without section 5 of the Voting Rights Act. Georgia would have successfully imposed what the judge in the case called ''a Jim Crow-era like poll tax.'' I don't think anybody here wants to go back and flirt with the possibility of returning to a time when States charged people money to exercise their right to vote. That is not our America.

This morning, President Bush addressed the 97th Annual Convention of the NAACP after a 5-year absence. I am pleased that the President, as we all are, ended his boycott of the NAACP and announced his intention to sign the Voting Rights Act into law.

But we need to complete the job. There are too many stories all across this country of people who say they registered duly, they reported to vote, and they were made to stand in one line or another line and get an excuse why, when they get to the end of the line, they can't vote. So they take out a provisional ballot, and then there are fights over provisional ballots.

There are ways for us to avoid that. Some States allow same-day registration. In some parts of America, you can just walk up the day of an election, register, and vote, as long as you can prove your residence.

We have this incredible patchwork of laws and rules, and in the process, it is even more confusing for Americans. We need to fully fund the Help America Vote Act so that we have the machines in place, so that people are informed, so that there is no one in America who waits an undue amount of time in order to be able to cast a vote.

We have to pass the Count Every Vote Act that Senator CLINTON, Senator BOXER, and I have introduced which ensures exactly what the Senator from Oregon was talking about: that every voter in America has a verifiable paper trail for their vote. How can we have a system where you can touch a screen and even after you touch the name of one candidate on the screen, the other candidate's name comes up, and if you are not attentive to what you have done and you just go in, touch the screen, push ''select,'' you voted for someone else and didn't intend to? How can we have a system like that?

How can we have a system where the voting machines are proprietary to a private business so that the public sector has no way of verifying what the computer code is and whether or not it is accountable and fair? Just accounting for it.

Congress has to ensure that every vote cast in America is counted, that every precinct in America has a fair distribution of voting machines, that voter suppression and intimidation are un-American and must cease.

We had examples in the last election of people who were sent notices—obviously fake, but they were sent them and they confused them enough. They were told that if you have an outstanding parking ticket, you can't vote. They were told: Democrats vote on Wednesday and Republicans vote on Tuesday and various different things.

It is important for us to guarantee that in the United States of America, this right that was fought for so hard through so much of the difficult history of our country, we finally make real the full measure of that right.

I yield the floor. I thank the Chair and I thank my colleague for her forbearance.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, before Senator KERRY leaves the floor, I want to thank him. The issues he raised absolutely have to be a part of this debate. I will address them after he leaves. The reason I stood up and objected to the Ohio count is because I knew firsthand from the people of Ohio who came and talked with me through STEPHANIE TUBBS JONES that they were waiting in lines for 6, 7 hours. That is not the right to vote. I think Senator KERRY's remarks and the remarks of the Senator from Oregon are very important.

So let a message go out from this Senate floor today that we are not stopping our efforts to make sure people can vote with the very important passage of this very important legislation. I am very pleased to follow him in this debate.

I rise to cast my vote in support of a very historic bill named after three amazing women whom I truly admire—Fannie Lou Hamer, Rosa Parks, and Coretta Scott King. These three legendary women were part of the heart and soul of the civil rights movement in this country, and those women helped move the conscience of this Nation in the 1960s and, frankly, inspired me to serve in public service.

In 1950, I was a little girl and I was in Florida with my mother. I went on a bus. It was a crowded time of day. A woman came on the bus. Her hands were filled with packages. To me she looked really old. I guess she was my age. I jumped up because I was taught to do that. I jumped up and I said: Please, please, take my seat. My mother kind of pulled at my sleeve, and the woman put her head down and she walked to the back of the bus.

I was perplexed by this. I said to my mother: Why was she rude to me? Why didn't she say thank you and take the seat?

My mother explained to me the laws in those days that sent African Americans to the back of the bus. I at 10 years old was astounded, shocked, angry. My mother said to me: Why don't we just stand up. And that is what we did. We walked to the back, and we stood.

That was an America that is no more, but that is an America we cannot forget. That was an overt law to hurt people, to make America ''we and them.'' That is why the law we are passing today is so important—because it says that we all recognize that even though that America is no more, we have more work to do.

And then came the sixties. Of course, we know it was Rosa Parks who changed the world with that one act of defiance of hers, where she just went on that bus and she wasn't going to the back.

When I met her, when President Clinton invited her to the White House and I went there, I stood in awe because it said to me how one person can make a difference in this, the greatest nation in the world. We get so frustrated sometimes; we feel we can't make a difference. Here is one woman saying, No, I won't do that; that's wrong; I'm one of God's children. And that act of defiance changed our country. I am so happy this bill is named after her and Fannie Lou Hamer who helped organize Freedom Summer in 1965 which helped lead to passage of this landmark bill we will vote on today. She had a very simple phrase that she used: ''Nobody's free until everybody's free.'' ''Nobody's free until everybody's free.'' That reminds us of the work that we certainly have to do today.

So Fannie Lou Hamer, Rosa Parks, and Coretta Scott King, who worked with her great husband during the civil rights movement in the sixties and carried on his work after his horrific assassination, working for justice, worked for equality not only in this country but around the world.

In the late eighties, she worked tirelessly to help bring an end to apartheid in South Africa. I often quote Martin Luther King, almost in every speech I give, because he is one of my heroes. One of the lines he said, which isn't really one that gets quoted all the time, is that ''Our lives begin to end when we stop talking about things that matter.'' ''Our lives begin to end when we stop talking about things that matter.'' That touched me and reached me.

I think his words, of course, reached every American, regardless of political party. Don't stop talking about things that matter, even though it might be easier to do so, even though it might be easier when you are at a friend's house and somebody says something that is bigoted toward somebody else. It is sometimes easier for us to make believe we didn't hear it. No, that matters, you matter, your view matters, your values matter. Speak up.

That is what we are doing, and I am proud to be in the Senate today because we are doing something good today. It is a privilege and an honor to vote for this reauthorization of the Voting Rights Act.

I had a number of people visit me from my State yesterday—old and young, children, grandmothers, great grandmothers, granddads, lawyers, workers, doctors. They just jammed into my conference room and they said: Senator BOXER, we know you are with us. We know you have been on this bill. We know where you are. We have listened to you all these years. We wanted to come here and say thank you.

I said: You don't need to thank me. What you need to do is join with me so that after this vote, we truly get equal voting rights in this country.

That was touched on by Senator KERRY, and it was touched on by Senator WYDEN. The right to vote—without it we are nothing. Without it, we are not standing up for the principles upon which this Nation was founded: a government of, by, and for the people.

How do you have a government of, by, and for the people, if the people turn away from the voting booth? I hear every excuse in the world: Oh, you are all the same. What is the difference. I can't make a difference. It is just false. It is just an excuse.

Show me two candidates running against each other at a local level, at a State level, at a Federal level, and I will show you the differences. If you pay attention, you will find out the differences, and you will cast your vote for the candidate that most represents you. You are not going to agree with them 100 percent of the time. That is another issue: Oh, I used to agree with him, but he did three things, and I don't agree with him anymore. Look at the totality. Look at the totality of the voting record. Look at the totality of the opposition and make a decision. Don't just walk away. Don't pull the covers over your head with excuses: They are all alike. I can't make a difference. What is one vote?

We all know the election of John Kennedy was decided by a couple of votes per precinct. It could have been one vote per precinct. That is how close that election was.

In the voting booth, we are all equal. In the voting booth, we are all equal. Your vote and my vote, whether you are 18 years old or you are my age and a Senator, we are all equal in the voting booth. We have one vote. We should cherish it. The CEO of a giant company who earns multimillions of dollars a year is equal to a minimum wage worker. And if that minimum wage worker thinks it is time he got a raise or she got a raise after almost 10 years of not getting a raise, he or she ought to vote, and vote for the candidate who supports your right to join the middle class.

Every citizen of this country who is eligible to vote should be guaranteed that their vote is counted and that their vote matters. That is why it is so important that we maintain the protections of this historic Voting Rights Act, such as requiring certain localities with a history of discrimination to get approval from the Federal Government before they make changes to voting procedures. Why is this important? It is important because it is a check and balance on an area that has in the past not shown—not shown—the willingness to fight for every voter. And, requiring certain jurisdictions to provide language assistance to voters with limited English proficiency, and authorizing the Federal Government to send election monitors to jurisdictions where there is a history of attempts to intimidate minority voters at the polls, we just want to make sure these elections are fair, wherever they are held.

The Federal Government must work hard to guarantee that the inequities we have seen in the past never resurface again. And won't that be the day, when we have a system that we believe we can be proud of again.

I am proud to stand here today with an opportunity to cast a vote to reauthorize provisions of the Voting Rights Act. But today didn't come without struggle. Why did my people have to come all the way from California, spend their hard-earned dollars to get on a plane? I will tell you why: Because this was a hard bill to get before this body. People objected. People complained. It was a hard bill to get before the House. But many people worked hard, and House Members listened to the people, and Senators listened to the people.

I want to thank my friends at the NAACP who were finally able to convince enough that, yes, this was something we had to do. We have to be honest. There were attempts to weaken this bill, but we succeeded in not allowing that to happen.

In my closing moments, I want to say that our work does not stop today, as Senator KERRY said and as Senator WYDEN said. For example, several of us have introduced the Count Every Vote Act, a comprehensive voting reform bill that will ensure that every American indeed can vote, and every vote is counted.

Congresswoman STEPHANIE TUBBS JONES, who lived through a harrowing experience during the last election, with her constituents being given the runaround and standing in line for 6 and 7 hours. Is that the right to vote, standing in line for 6 and 7 hours, people who have to work, people who had health problems, people who couldn't stand up, people whose legs were weakening beneath them? Is that the right to vote? I say it is not the right to vote. I say it is harassment.

Senators CLINTON, KERRY, LAUTENBERG, MIKULSKI, and I have introduced the Count Every Vote Act, and I want to highlight the two key provisions that are in this bill. The first is the bill would require electronic voting machines provide a paper record which will allow voters to verify their votes, and it will serve as a record if a manual recount is needed. We go to a restaurant, we get a receipt. We go to the store, we get a receipt. We save it in case there is a problem. When we vote, we should get a receipt. We should look at it, we should check it, just as we add up the bill from the restaurant. We should give it back and then it is stored. In case there is a problem, we have a paper trail.

The second provision: We say election day should be a Federal holiday. We all give speeches. We stand up and we stand behind the red, white, and blue. What a great, free country this is, and indeed it is. Why shouldn't we make election day a holiday so that we can celebrate on every election day our freedoms, our history, our rights, our protections as citizens to choose our own leaders?

Let me say, we cannot even get to page 1 in terms of moving this bill forward. There is resistance to this bill. There are those in this body who don't want a paper trail. They don't want to make it easier to vote, and let's call it what it is. That resistance exists, and that is wrong. So I call on the leadership of this body: Let's do something more for people. Let's not have another situation where a Senator has to go over and protest a vote count because people said they had to stand in line for hours.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Then we have the people of Washington, DC. They are not represented with a vote. That is wrong. Over 500,000 people live in this great city, the heart and soul of our democracy. Eighty percent are voting age. They can't cast their ballots in national elections for congressional representatives. They don't have Senators or Representatives here. That is why I have joined Senator JOE LIEBERMAN on his bill that calls for full voting rights for DC residents.

So, again, I say what a privilege and honor it is for me to be here, to stand here, thinking back to my days as a child when African Americans had to go to the back of the bus in some parts of the South, feeling the pain of that myself for those who had to live in that way. So this bill is a fitting tribute to Rosa Parks and Fannie Lou Hamer and Coretta Scott King.

I thank the Presiding Officer for his indulgence. This is a starting place for a lot of us, and we are going to make sure that, in fact, the right to vote is a reality for every single one of our citizens.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. SCHUMER. Mr. President, I salute my colleague on her wonderful and heart-felt words.

Mr. President, this is a hallowed moment on the floor of this Senate. We don't have too many of these hallowed moments these days, but passing, working for, voting for the renewal of the Voting Rights Act is just one of those. I rise in proud and full-hearted support of H.R. 9, which is a bicameral and bipartisan bill, thank God, to reauthorize the Voting Rights Act.

The bottom line, Mr. President, is this: Without the right to vote in a democracy, people have no power. And while I do believe that race and racism have been a poison that has afflicted America for a long time, and there are many ways to solve that, probably the best is the full and unrequited power to vote. For so long, that power was denied to people of color: Blacks, Hispanics, and others. Now it is not being.

I can tell by my own history, even here in the Congress, the progress we have made. When I got to the Congress in 1980, there were only 17 African Americans in the House. Today, there are 42. That is very close to the percentage of African Americans in American society. That shows you the progress we have made. Without the Voting Rights Act, it clearly would not have happened.

However, we sit in the Senate, and only last year did we again have an African American come to the Senate. There is only one. So while we see the progress in the House of Representatives, we also look in the Senate and see how much longer we have to go.

I am glad that final passage is now imminent, as leaders from both parties are supporting this bill. Let me say this act has been hailed as the single most effective piece of civil rights legislation we have ever passed. The reason is it does not just simply guarantee the right to vote in name, but it ensures the effective exercise of that fundamental right.

Today, when we see the Governor of Georgia and the legislators of Georgia impeding the right to vote, we know that we need a strong and full-throated Voting Rights Act. And, thank God, the attempts to dilute it—mainly, I am sorry to say—coming from the other body, did not succeed.

Our Founding Fathers said it best when they penned these words in the Declaration of Independence: Government derives its just powers from the consent of the governed. Simply put, in our Nation there can be no consent without unfettered access to the voting booth. A renewed and reenergized Voting Rights Act is exactly the right formula to ensuring equality in the political process for all Americans.

In 1965, when President Johnson signed the bill into law, there were only 300 minorities elected to State, local, or Federal office. North, South, East, and West, people of color were not represented. Today, four decades later, in large part because of this Voting Rights Act, 10,000 minorities serve as elected officials.

I have seen the Voting Rights Act have an effect on my city. New York is one of the most diverse cities in the country. And in our city, the Voting Rights Act has been extremely effective in ensuring that all our citizens are able to participate equally in the political process. However, many of the act's successes in New York—we think we are a modern country and, of course, a modern city—but they have only come since the last time we renewed its provisions. The first and only African-American mayor of New York wasn't elected until May of 1989. The first and only African American wasn't elected to statewide office until 1994. In 2002, the first and only Asian American was elected to the city council. Finally, just last year, a mayoral candidate became the first and only Latino to win his party's nomination.

So while these strides are important, they are too few and too recent to declare that the promise of the Voting Rights Act has been realized. The bottom line is that the Voting Rights Act has worked to remove barriers from countless men and women from all backgrounds to participate in the political process, to run for office, to enter and thrive in the political process, but there is still a lot of work to do. We cannot and thankfully will not let the act expire.

Mr. President, I look forward to casting my vote in favor of H.R. 9 later today, and urge all of my colleagues to do so. I am hopeful that we can have a unanimous vote on the floor of this Senate.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I rise as an original cosponsor and strong supporter of the Voting Rights Act reauthorization.

One of the most fundamental of American values is the right to cast a meaningful vote in a free and fair election. As the Supreme Court stated in 1964, ''Other rights, even the most basic, are illusory if the right to vote is undermined.''

However, just over 40 years ago, in many parts of the American South, it was almost impossible for people of color to even register to vote.

People were turned away from the courthouse when they attempted to register, while others were jailed. We sometimes talk romantically about the Civil Rights era, as if it were 200 or even 100 years ago. But the flagrant injustices that we see captured in black and white video reels were during a time not too long ago.

On March 7, 1965, about 600 people attempted to peacefully march from Selma, AL, to Montgomery, the State capital, to dramatize to the world their desire to register to vote. And the world watched in horror as these peaceful demonstrators, including my good friend and former colleague, Representative JOHN LEWIS, were beaten bloody. That day marked a sad, sad chapter in the history of our Nation.

For some, the tragedy in Selma is simply a footnote in a speech or a timely anecdote during Black History Month. But we must not lose sight of what those brave Americans were fighting for. And we must never forget the price they—and others—paid for their successes: Americans—Black, White, young, old, northern and southern—shed blood and, in some cases, gave the ultimate sacrifice so all Americans could enjoy the basic right to vote.

Five months after what is now known as ''Bloody Sunday,'' the Voting Rights Act of 1965 was signed into law. It granted all American citizens the right to vote in any Federal, State, or local election and in doing so ensured that they had access to the American political process and a voice in determining their future.

The passage of the Voting Rights Act helped expand and open our democracy to let in millions of our citizens.

The Voting Rights Act has empowered thousands of communities to elect candidates of their choice and has ensured that a full spectrum of voices is heard in our national dialogue.

In stark contrast to the days prior to the Voting Rights Act, today it is the

Voting Rights Act that ensures that the elections of people like Senators BARACK OBAMA, DAN INOUYE, MEL MARTINEZ, DANIEL AKAKA, and KEN SALAZAR are no longer electoral anomalies, but reflections of the will of the communities and States they represent.

Today, there are 81 Members of Congress of African American, Hispanic, Asian, Native Hawaiian/Pacific Islander, and Native American descent, and thousands of minorities in elected offices around the country.

If it were not for the Voting Rights Act and its provisions, I very well may not be standing before you today.

In the 21st century, at a time when we are working to bring democracy to both Iraq and Afghanistan, we must ensure that democracy is protected here at home in every circumstance. One citizen unfairly discouraged from voting is one too many. When people are denied the right to vote, they are denied a say in their Government, they are denied a say in the laws they are required to obey, and they are denied a say in the policies their tax dollars support.

It has been said that those who fail to understand history are doomed to repeat it. That is why the annual walk that Congressman LEWIS leads across the Edmund Pettus Bridge in commemoration of the anniversary of the voting rights march is so vitally important.

I was fortunate to visit Selma with him and the Faith and Politics Institute. Nothing brings one closer to a sense of what those young men and women experienced—the hatred and bigotry—than standing on and walking across the Pettus Bridge with Representative LEWIS and learning what happened that day over 41 years ago.

As I listened to JOHN LEWIS and the other heroes of the movement, I was reminded how average citizens committed to an ideal can effect change. I was reminded through this pilgrimage that the journey is still not finished and that our goal must be social justice—not simply social service. I was also touched by those who suffered so much having so much love in their heart. It is a lesson still timely for us today and tomorrow.

The need for the Voting Rights Act has not gone away. In my State of New Jersey, a consent decree was reached after violations of the Voting Rights Act by the Republican National Committee and the New Jersey Republican State Committee that deterred minorities from voting occurred during the 1981 gubernatorial election. This just illustrates voting rights violations can happen anywhere and at anytime, and are unfortunately a part of the historic fabric of our election process. Such violations were so widespread in the 2000 elections that Congress enacted the Help America Vote Act. If anything, need to strengthen and update the Voting Rights Act is demonstrated in new ways every year.

The Voting Rights Act has been effective in eliminating barriers to the ballot box. Yet, several key provisions of the act regarding preclearance, observers, and language assistance are scheduled to expire in 2007. H.R. 9 will reauthorize these important and temporary provisions for an additional 25 years. Personally, I support making these provisions permanent.

H.R. 9 is the product of a thoughtful, thorough, bipartisan, and bicameral effort that carefully weighed the competing concerns and considerations that have been a part of the Voting Rights Act debate since its original passage. As my colleagues well know, the act has been extended on four other occasions, very possibly making it the most carefully reviewed civil rights measure in our Nation's long history.

This legislation we have before us today would renew the Voting Rights Act's temporary provisions for 25 years; restore the ability of the Attorney General, under section 5 of the act, to block implementation of voting changes motivated by a discriminatory purpose; clarify that section 5 is intended to protect the ability of minority citizens to elect their candidates of choice; and authorize recovery of expert witness fees in lawsuits brought to enforce the Voting Rights Act.

The right to vote is so fundamental to our citizenship, so vital, that we as Members of Congress must make every effort to ensure that this right is a reality across the length and breadth of this great Nation. The Voting Rights Act ensures that all American citizens have access to both the ballot box and the American political process, and a voice in determining their future. That is why the Voting Rights Act remains so desperately needed and why Congress must reauthorize the special provisions that are set to expire.

In addressing a joint session of Congress on the very legislation we are debating today, President Lyndon Baines Johnson said:

> In our time we have come to live with the moments of great crisis. Our lives have been marked with debate about great issues—issues of war and peace, issues of prosperity and depression.
>
> But rarely in any time does an issue lay bare the secret heart of America itself. Rarely are we met with a challenge, not to our growth or abundance, or our welfare or our security, but rather to the values, and the purposes, and the meaning of our beloved nation.

We must heed President Johnson's admonition and take inventory of our Nation's values, purposes and meaning. Some members of the House recently argued that the Voting Rights Act is somehow outdated, has outlived its intended usefulness, and that it unfairly punishes those covered jurisdictions for past actions and sins. I have nothing but respect and esteem for that body, and look fondly upon my years of service in that Chamber; but, I wholeheartedly disagree with some of my former colleagues.

In enacting the original Voting Rights Act and its four reauthorizations, past Congresses have declared to the world that America stands for freedom and democracy. But our rhetoric of equality and freedom must be ratified by an authentic pursuit of true freedom, true equality, and true democratic ideals. If we are to be a beacon of democracy and freedom to Baghdad, Beirut and Beijing—then we must first be a beacon of freedom and democracy to Bloomfield, Buffalo, and Birmingham.

Over 40 years ago, Senators stood on the floor of this Chamber to right a monumental wrong inflicted upon millions of Americans. Inspired by the quiet strength and principled courage of JOHN LEWIS and others like him, this body acted out of courage, conviction, and conscience.

I don't know what senators will say 40 years from now. But, if nothing else, it is my prayer that they will say this Senate kept faith with the highest ideals and promises of this great Nation. And that Senators from all corners of America, and of all political stripes, stood up in defense of democracy and freedom here at home.

I urge my colleagues on both sides of the aisle to strongly support this legislation and in doing so protect the voting rights of all Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, in the years before the Voting Rights Act was signed into law by President Johnson, discrimination and brutal force were used to deny African Americans the right to vote as guaranteed by the 15th amendment.

There are stories of local election officials requiring Black residents to pass arbitrary tests, like correctly guessing the number of bubbles that a bar of soap would produce, before being allowed to register to vote. And, of course, there were the more insidious forms of intimidation, which is a very sad chapter in the history of this country, with African Americans being lynched and murdered for attempting to vote or registering others to vote.

In the 41 years since the enactment of the Voting Rights Act, America has inched closer to its promise of an inclusive society, where everyone, regardless of race, regardless of religion, regardless of economic class or regardless of gender, has an equal opportunity to succeed. We are not there yet.

Sadly, I can point to modern day attempts to deny the right to vote to citizens in my own State. During the 2004 election, the Florida Department

of Law Enforcement created a list of 48,000 convicted felons. This list was then sent to the 67 supervisors of election in Florida, who were given the instructions to strike those 48,000 convicted felons from the rolls. The public was denied meaningful access to the lists to verify its accuracy because of a law passed by the legislature in the previous few years.

CNN challenged the constitutionality of the law under the Florida Constitution. This Senator participated in that challenge by filing what is called an amicus curiae brief, or a friend of the court brief. A courageous Florida circuit judge declared the law unconstitutional.

When the Miami Herald got their hands on the list of 48,000 names of convicted felons, guess what they found. First of all, they found the list was overwhelmingly minority; second, they found that the list was overwhelmingly minority African American; and third, they found about 3,000 legitimate registered voters on that list who were not convicted felons.

If not for that lawsuit 3,000 legitimate registered voters with names that were similar to the names of convicted felons would have gone to the polls on Election Day in November of 2004 and been told they were not a registered voter and they could not vote.

It is 41 years since the Voting Rights Act. This just happened 2 years ago. We're getting closer to the ideal, we're just not there yet.

Reauthorizing the Voting Rights Act is going to move us further down the road and, most importantly, it will ensure that we never turn back.

Today, as I cast a vote in favor of reauthorizing the Voting Rights Act, I hope and pray that 25 years from now, at the end of the authorization of this act, our country will have progressed so that we do not have to continue this particular debate.

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.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I join my colleagues today to speak in support of reauthorizing the Voting Rights Act of 1965. No act has done more to change the course of our Nation's history than this. I am pleased to see both sides of the aisle set aside their differences to ensure its passage today.

I first offer my thanks to Senators LEAHY and SPECTER for their work in getting this legislation to the Senate. I also thank Senators REID and FRIST for their efforts in bringing all sides together to renew this historic law.

This act protects and preserves our democracy by ensuring that every citizen is given the same opportunity to participate in the political process. The strength of our democracy, as well as its existence, depends on the fact that the Government is created to perform, to exist, and to excel only when those who are governed participate in it. Without this assurance, this opportunity to participate in that political process, our democracy could not exist. Without the right to participate freely in elections, a citizen's ability to effect change in his or her community is highly limited.

We are given, each of us, many God-given gifts, but our responsibility with those gifts is to give of those gifts to those around us, to our community and to our country, to our fellow man. Without being able to participate in this community, we are not able to fully give back.

I think it is important to remember what we are voting for today. Men and women not much older than I am made great sacrifices to be able to perform that most basic right of free men and free women—the right to vote. It is easy to take for granted. We often do. But we cannot forget that this document represents the pain and hope of millions of Americans. It represents their efforts and their prayers.

The things that we do without giving them much thought, were not so for many of our fellow Americans. When we go to eat lunch, we sit wherever we would like. When we go to the movies, we sit wherever we would like as well. When we ride the bus, we sit wherever we like, and when we get to the polls, we take our ballot and we cast it without thinking about it.

It is easy for us to forget that it has not always been so. By way of example, the mother of one of my staff members became deeply involved in voter registration as a young college student in the early 1960s. She was determined to secure the right to vote for herself and for her community. It was a life-or-death decision. She and her fellow students were told if they tried to encourage African Americans in the community to register, that they would be killed. They had every reason to take that threat seriously, but it didn't matter to them. They knew that this right, the right to vote, was worth the cost, and they continue to encourage people to register and to vote. By the grace of God, no one was killed, but we know that others around the Nation were not so lucky.

These are the stories we must remember. We must ensure that no future generation of Americans will ever have to endure second-class citizenship again. As elected officials, we are charged with representing and protecting the interests of our States and our districts. It is of utmost importance that we are elected by a fair representation of our constituents.

The Voting Rights Act has played an enormous role in making sure that happens. Since becoming law in 1965, the number of African Americans and other minority voters who are registered and able to vote has increased dramatically. As an example, my home State of Arkansas saw an increase of more than 33,000 African-American registrants immediately after the act was passed. Extending the provisions of this legislation will ensure that we continue to build on the gains we have made since it first passed.

We have men and women spread across the globe, fighting for democracy and freedom. They are fighting for the right of citizens to hold free elections in which all, regardless of race, gender or creed, can participate. In many cases, this cannot be achieved without violence, unfortunately. Truth be told, we are not so far removed from our own violent past.

But by the mercy of God, we today will extend the blessings of liberty to all Americans with the recording of a vote and the swipe of a pen. That is a miracle that we dare not forget. Because of what we do tomorrow, the men and women who marched and stood still and sat down and stood up and rejoiced and cried and ultimately overcame, can be proud, proud that their legacy will be carried on.

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. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

Mr. FRIST. Mr. President, briefly, I want to propound a unanimous consent request which has been agreed to by the leadership on the other side. And then people will know the scheduling for today and tonight.

Mr. President, I ask unanimous consent that the vote on the pending bill, H.R. 9, occur at 4:30 today, with Senator REID recognized from 4 to 4:15 and Senator FRIST in control of the time from 4:15 to 4:30; provided further that the remaining time be under the control of the minority.

I ask unanimous consent that following the vote on passage of H.R. 9, the Voting Rights Act, the Senate proceed to the immediate consideration of Calendar No. 379, H.R. 4472. I further ask consent that the Hatch amendment at the desk be agreed to, and there then be 2 hours of debate equally divided between the leaders or their designees, and that following the use or yielding back of time, the bill, as amended, be read a third time, and the bill be temporarily set aside with the vote on passage occurring after consideration of the judges in executive session. I further ask unanimous consent

that following passage of the bill, the title amendment be agreed to; provided further that following the debate on H.R. 4472, the Senate proceed to executive session for consideration of the following executive calendar numbers en bloc, under the designated times: Calendar No. 762, Neil Gorsuch, 5 minutes each for Senators SPECTER, LEAHY, ALLARD, and SALAZAR; Calendar No. 763, Bobby Shepherd, 5 minutes each for Senators SPECTER and LEAHY, and 10 minutes each for Senators PRYOR and LINCOLN; Calendar No. 765, Daniel Jordan III, 5 minutes each for Senators SPECTER, LEAHY, COCHRAN, and LOTT; Calendar No. 766, Gustavo Gelpi, 5 minutes each for Senators SPECTER and LEAHY.

I further ask unanimous consent that following the use or yielding back of the debate times above, the Senate proceed to a vote on passage of H.R. 4472, to be followed by consecutive votes on the confirmation of the above-listed nominations in the order specified, without intervening action or debate, and that following those votes, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. Mr. President, again, very briefly, what that means is that we will be voting at approximately 4:30. We will then move to the John Walsh child predator bill, have debate on that, and have debate on the judges, and then we will have stacked rollcall votes beginning at approximately 7:15 or 7:30 tonight.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, it is with a great sense of pride and privilege that I rise today in strong, strong support of H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.

In my view, of all the values which underpin a democracy, none—none—is more essential than the right of a citizen to participate in the election of those who will govern and represent them.

Voting is the participatory voice of our form of democracy. It is imperative, in my view, that we reaffirm this fundamental principle by expeditiously reauthorizing this fundamental voting rights legislation. It is for this reason that I will vote in favor of the Voting Rights Act extension. America must overcome its legacy of discrimination in voting.

Let me, first of all, applaud our colleagues, if I may, the leaders of the Judiciary Committee, Senator SPECTER, Senator LEAHY, and Senator KENNEDY for their extraordinary efforts to develop a truly bipartisan piece of legislation that has been brought to the floor here today. I feel very strongly about the need to reauthorize this law, and I commend our colleagues for the leadership they have shown in marking up a bill that I gather passed unanimously out of the Judiciary Committee and is before us today.

It was about 40 years ago when I was sitting up in these Galleries, watching the U.S. Senate as it engaged in an impassioned debate among our predecessors in this Chamber about whether to extend to all Americans equal rights at the polling place. I was a college student at the time. I listened to one U.S. Senator say:

> Freedom and the right to vote are indivisible.

That U.S. Senator was my father, Thomas Dodd of Connecticut, speaking about the Voting Rights Act in that year. As I watched my father and his colleagues engage in a very heated debate, I was proud of how many Members of this body, on both sides of the aisle, worked to end discriminatory voting practices, Republicans and Democrats alike coming together.

It was following this debate, in 1965, that Congress took up and passed the Voting Rights Act—the first being the Civil Rights Act—as a response to the pervasive and explicit evidence of disenfranchisement of African-American and other voters in several States in our country.

The Voting Rights Act was designed, of course, as we all know, to protect and preserve the voting rights of all Americans. Since 1965, this act has been the cornerstone of voting rights in our country, and its success is a tribute to those who have labored to create it.

I would be remiss if I did not pay tribute to those that this act is named for: Fannie Lou Hamer, Rosa Parks, and Coretta Scott King. Many may recall, it was Fannie Lou Hamer who once commented that she was ''sick and tired of being sick and tired.'' In 1962, Mrs. Hamer, the youngest of 19 children, daughter of sharecroppers, and granddaughter of slaves, attended a voting registration drive held by the Student Nonviolent Coordinating Committee. There she learned that African Americans indeed had the constitutional right to vote.

She was the first to volunteer for a dangerous mission to the Indianola, MS, courthouse to register to vote. Courageously, she declared:

> [T]he only thing they could do to me was to kill me, and it seemed like they'd been trying to do that a little bit at a time ever since I could remember.

When Mrs. Hamer reached the courthouse, she and her companions were beaten and jailed. But she was not deterred. She went on to travel the country to encourage others to vote and later founded the Mississippi Freedom Democratic Party to challenge the all-white Mississippi delegation at the Democratic Convention—not in the 19th century, not in the early part of the 20th century—but in 1964.

The Voting Rights Act was signed into law a year later. In my view, if Mrs. Hamer had not risked her life and limb in order to register to vote, the plight of minority voters shut out of their own democracy may have continued, unfortunately.

Rosa Parks was another pioneer of the civil rights movement. As a seamstress in Montgomery, AL, she famously challenged the Jim Crow laws of segregation in 1955. Mrs. Parks once recalled that as a young child:

> I'd see the bus pass every day. . . . But to me, that was a way of life; we had no choice but to accept what was the custom. The bus was among the first ways I realized there was a black world and a white world.

Her historic refusal to give up her bus seat to a white passenger led to her arrest, and sparked a citywide boycott of the bus system, which triggered two Supreme Court decisions outlawing segregation on city buses. In my view, her silent protest launched the modernday civil rights movement. And we owe her a great deal of debt for her courage.

In describing this incident, Mrs. Parks later recalled:

> People always say that I didn't give up my seat because I was tired, but that isn't true. I was not tired physically, or no more tired than I usually was at the end of a working day. No, the only tired I was, was tired of giving in.

For more than four decades, Mrs. Parks dedicated herself to the fight for racial equality. I strongly believe that if Mrs. Parks had not refused to give up her seat and had gone to the back of the bus that day we would not be here today considering this historic legislation.

Let me mention the third individual for whom this act is being named today.

Coretta Scott King, of course, the wife of Dr. Martin Luther King, joined her husband and thousands of others to march from Selma to Montgomery, AL, on Sunday, March 7, 1965. That march, of course, galvanized the core political will behind the civil rights movement and served as a catalyst for the Voting Rights Act.

These three women worked for a better life and an inclusive society for not only themselves and their children, but also for future generations of Americans.

They selflessly and nonviolently challenged the laws and customs they believed were wrong. And they were right. Their ability to speak ''truth to power'' became their legacy. All three are iconic in the fight for the right to vote and a better life for all Americans.

Let me go on to point out here—I will not go into the specific sections of this bill. I know others have talked about that, why these sections are necessary to be continued for another 25

years. Let me, if I can, address some of the concerns that were raised in the other body in objections to the Voting Rights Act, if I may—those who question why divisions of a 41-year-old law deserve to be reauthorized. And while I agree, progress has certainly been made—and we are all grateful for that—we still have many obstacles to overcome in the conduct of our elections.

Progress cannot be left to just serendipity. It must be guided by the rule of law. A little more than 5 years ago, we had an election in this country that forced us to confront the harsh reality that millions of Americans continue to be systematically denied their constitutional right to vote.

Every citizen deserves, of course, to have his or her vote counted as well. There are legal barriers, administrative irregularities, and access impediments to the right to vote which adversely and disproportionately impact voters according to their color, economic class, age, gender, disability, language, party, and precinct. That is wrong. It is unacceptable. It is un-American. And it needs to be changed.

It was unacceptable in 1965, and it is reprehensible in the year 2006. Congress must now reauthorize the expiring portions of the Voting Rights Act to continue to protect and preserve the voting rights of all Americans.

I have been closely following the reauthorization process in both Chambers. I was apprehensive when House Republicans attempted to amend the Voting Rights Act to undermine some of its very key provisions—essentially weakening this very important and fundamental law. They tried to repeal the current formula of section 5 in order to exempt States with historically discriminatory voting practices from continued coverage. They wanted to expedite the ''bailout'' process overriding the sensible framework for jurisdictions to demonstrate that they should not be subject to continuing section 5 coverage. They wanted to require us to reauthorize the Voting Rights Act in only 10 short years. Finally, in what I think is the most alarming attempt to weaken this vital law, House Republicans wanted to strike section 203 which ensures that all American citizens, regardless of language ability, are able to participate on a fair and equal basis in elections.

I believe all Americans who are voting should learn to speak the English language. It should be our goal that all American citizens who vote should be able to understand an English language ballot. That is something we are wrestling with all the time. But we also recognize there are many here who are in the process of transition. Many of our citizens speak only one language as they are learning English. That makes them no less deserving, if they are citizens, of the basic rights and liberties which all Americans should expect and are entitled to. Section 203 must be retained or its unique ability to remove barriers to this fundamental right to vote and to help promote meaningful participation among all segments of our society will be in jeopardy.

I am grateful that the civil rights groups, the Leadership Conference on Civil Rights, the NAACP, the National Council of La Raza, the AFL–CIO and others, have worked so closely with Democratic Members of the House of Representatives to prevail over this adversity and were able to defeat every single one of these amendments.

Central to the foundation of our democratic form of government is, of course, the right to vote. The Voting Rights Act today facilitates and ensures that right. In a representative democracy, voting is the best avenue, of course, by which voters can gain access and influence lawmakers in Federal, State, and local governments. Voting gives the people a voice. We must protect their ability to be heard and to speak.

Yesterday, I had the great privilege of meeting with 40 representatives from the Connecticut chapter of the NAACP about this important reauthorization.

Their message was clear: the critical protections offered by the Voting Rights Act must be extended. We are not on the Floor today to reauthorize the right to vote. That right is guaranteed by the Constitution of the United States. Instead, we are here to provide tools to enforce that right for all Americans.

While it is critical that the Senate act to reauthorize these expiring sections of the Voting Rights Act today, it is important to recognize that this action alone will not secure the franchise for all Americans. Much more is needed to be done to ensure that every eligible American voter has an equal opportunity to vote and have their vote counted.

In addition to the obstacles that the Voting Rights Act is designed to address, too many Americans still face impediments to voting. The Presidential elections of 2000 and 2004 are replete with examples of such obstacles, including: too few polling places or too few voting machines to serve the turnout; eligible voters' names not on the registration list; errors in the registration lists; malfunctioning machines and machines that produce no audit trail; eligible voters turned away at the polls; disabled voters unable to cast a secret ballot; voters unable to correct mistakes on ballots or even receive a new ballot if their ballot was spoiled, to name only a few.

Congress addressed some of these impediments in the landmark legislation enacted following the debacle of the presidential election in 2002 in the Help America Vote Act, or HAVA, which I was pleased to author in the Senate. That legislation established Federal minimum requirements that all States must have in place by the Federal elections this year. Those requirements include allowing any voter who is challenged at the polls to cast a provisional ballot, which is set aside and counted after eligibility, is confirmed. States must also meet new Federal minimum standards for voting systems, including providing second-chance voting, ensuring disability access, and providing for a permanent paper record for auditing purposes. And States must implement a statewide, computerized registration list to serve as the official registration list for Federal elections.

Congress has not fully funded HAVA. The States are $724 million short in the promised Federal funds for requirements grants and an additional $74 million short in disability access grants. It is my intent to offer an amendment to the Treasury-Transportation-HUD Appropriations bill for fiscal year 2007 to fully fund the requirement grants to States under HAVA, when that bill comes to the Senate floor for debate. But even the HAVA minimum requirements are only a first step to addressing the continuing impediments faced by voters across this Nation.

To address additional election administration deficiencies, I introduced legislation in January of last year, S. 17, the Voting Opportunity and Technology Enhancement Rights Act of 2005, or the VOTER Act. The Voting Opportunity and Technology Enhancement Rights Act of 2005, or the VOTER Act, builds on the reforms begun by HAVA, and adds to those reforms, by including the following: providing every eligible American, regardless of where they live in the world or where they find themselves on election day, the right to cast a National Federal Write-In Absentee Ballot in Federal elections: requiring States to provide for election day registration; requiring States to provide a minimum required number of voting systems and poll workers for each polling place on election day and during early voting; requiring States to count a provisional ballot for Federal office cast within the State by an otherwise eligible voter, notwithstanding the polling place in which the ballot is cast; requiring that all States provide voters a voter-verified ballot with a choice of at least 4 formats for recording their verification: a paper record; an audio record; a pictorial record; and an electronic record or other means which is fully accessible to the disabled, including the blind and visually impaired; requiring States to provide public notice of any registration list purges not later than 45 days before a Federal election; allowing voters to attest to their citizenship and age on voter registration

forms; and providing additional Federal funds to States to implement these new requirements.

Once Congress has completed its action on the Voting Rights Act, it is imperative that the Senate turn its attention to these further election administration reforms. As the ranking member of the Senate Committee on Rules and Administration, which has jurisdiction over election reform issues, I look forward to that debate and the action of the Senate to ensure that every eligible American voter has an equal opportunity to cast a ballot and have that ballot counted, regardless of color or class, gender or age, disability or native language, party or precinct, or the resources of the community in which they live.

I am very grateful to the Leadership Conference on Civil Rights and the NAACP. They were such strong supporters of the Help America Vote Act. That bill passed the Senate by a vote of 92 to 2 after a lengthy debate. We authorized close to $4 billion to the States to allow them to improve voting systems.

It is not a perfect bill, but it is a major step forward. In the coming weeks, when we will have appropriations matters before us, and as I said, I will be offering amendments to fully fund the HAVA bill and other such changes as I have offered in separate legislation to strengthen that particular effort. But it was important on this bill that we not complicate this important piece of legislation with modifications to the HAVA bill or additional ideas to improve voting access in this country. But we need to continue to work at it. It is unfortunate that in our country in too many of our elections the right to vote and have your vote counted depends upon the economic circumstances of the county in which you reside. That must change when it comes to Federal elections. My hope is we made a major step forward with the HAVA bill, and we continue to work at this on a bipartisan basis.

As was said many years ago by Thomas Paine, the right to vote is the right upon which all other rights depend. If we don't get this one right, then all the other rights we depend upon as American citizens are in jeopardy. The Voting Rights Act speaks to that claim more than two centuries ago, that the right to vote is the right upon which all other rights depend. What a great message that would be to the American public that we still understand this Nation has yet to achieve the perfection that its Founders designed, but each generation strives to make it a more perfect union. Passage of this bill today will be a step in that direction.

I urge my colleagues to join me in achieving a unanimous vote to reauthorize the expiring provisions of the Voting Rights Act for another 25 years. In 1965, a bipartisan coalition of Senators came together to pass this historic bill for the first time. Today, passage of this act is vital to bring about the day for America envisioned by those for which it is named. Coretta Scott King, Fannie Lou Hamer, Rosa Parks, and countless others worked tirelessly to guarantee the ability of all Americans to exercise their right to vote. Mr. President, we honor their work today by passing this important legislation. Thank you. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I commend the very able Senator from Connecticut, not only for the very eloquent statement he made but for the leadership which he has shown with respect to this critically important issue of the right to vote. The Senator from Connecticut has framed and crafted and brought to the floor of the Senate in recent years extremely important legislation designed to assure all Americans their right to the ballot, thereby strengthening the very fundamentals of our democracy. I would be remiss if I did not take advantage of this opportunity to express the gratitude we all feel to him for his leadership in this area.

Mr. DODD. I thank my colleague from Maryland for those kind words.

Mr. SARBANES. The legislation we have before us is as significant as any this Congress will consider. The Voting Rights Act was first signed into law on August 6, 1965, by President Lyndon Baines Johnson. The fundamental importance of this law cannot be overstated. It is no exaggeration to say that it both changed the nature of American society and changed the course of American history. More than a quarter of a century before the Voting Rights Act was passed, the great scholar Gunnar Myrdal had written in his landmark study ''An American Dilemma,'' his study of race in this country, that ''the American Negro problem,'' as it was then known, was by no means a problem only for African Americans. Rather, he wrote, it is a problem ''in the heart of the American.''

Myrdal set out what he called the American creed, the abiding principles on which this Nation is founded. The American creed, he said, ''is the cement in the structure of this great and disparate nation . . . encompassing our ideals of the essential dignity of the individual human being, of the fundamental equality of all men [and women], and of certain inalienable rights to freedom, justice, and a fair opportunity.'' These ideals are ''written into the Declaration of Independence, the Preamble to the Constitution, the Bill of Rights, and into the constitutions of the several states.''

Regrettably for much of our history, our Nation failed to live up to its most cherished principles. Our great challenge, as one observer has put it, has always been ''to live up to the ideals of the American Creed or face a deterioration of the values and visions that unite and make it great.''

Myrdal's study was, in effect, the 20th century equivalent of Thomas Jefferson's ''fire bell in the night.'' Yet more than a generation passed between the publication of Myrdal's study and the passage of the Voting Rights Act. As we debate this legislation and recall the tremendous sacrifices of Fannie Lou Hamer, Rosa Parks, and Coretta Scott King, after whom the legislation is named, I also call to my colleagues' attention the riveting autobiography of our House colleague Congressman JOHN LEWIS who for 20 years has represented Georgia's ninth district with such great distinction.

On March 7, 1965, JOHN LEWIS was in Selma, AL, his home State, preparing with hundreds of others to march from Selma to Montgomery to assert the right to vote which at that time was granted or denied solely at the discretion of the State governments. ''Many of the men and women gathered on that ballfield,'' remembers Congressman LEWIS, ''had come straight from church. They were still wearing their summer outfits. Some of the women had on high heels.'' Some 600 marchers set out, two abreast. All were prepared, quite literally, to die for the right to vote. And in the police assault that followed, many of them, including Congressman LEWIS, nearly did.

President Johnson's response the following Saturday was very clear. He said:

> The events of last Sunday cannot and will not be repeated, but the demonstrations in Selma have a much larger meaning. They are a protest against a deep and very unjust flaw in American democracy itself.
>
> Ninety-five years ago our Constitution was amended to require that no American be denied the right to vote because of race or color. Almost a century later, many Americans are kept from voting simply because they are Negroes.
>
> Therefore, this Monday I will send to the Congress a request for legislation to carry out the amendment of the Constitution.

In signing the Voting Rights Act, President Johnson said:

> The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.

Indeed, the act marked a decisive turning point in the long and arduous road we know as the civil rights movement. Since its enactment, the Voting Rights Act has been extended and amended four times to address problems of bigotry and discrimination that may take subtler forms than those confronting the Selma marchers in 1965, but that are no less insidious in undermining the constitutional principles by which we aspire to live. As

our able colleague, the distinguished Senator from Vermont, Mr. LEAHY, the ranking member on the Judiciary Committee, has noted, in reauthorizing and extending the act, we are, in fact, revitalizing it. We do so not only to honor the courageous men and women who, such as Congressman LEWIS and Fannie Lou Hamer and Rosa Parks and Coretta Scott King and so many others, risked and in some cases sacrificed their lives to uphold American principles, but to build a stronger foundation for the Nation we will leave to our children and grandchildren.

The committee brought this bill to the Senate floor having constructed a compelling record that shows we have made progress but that entrenched discriminatory practices—some obvious and some hidden—remain. In uniting to support H.R. 9 and enacting this legislation, we will be acting in a spirit true to our better selves, to our Nation, and to the generations yet to come.

Mr. LEVIN. Mr. President, I strongly and enthusiastically support the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization of 2006, S. 2703. The right to vote is the foundation of our democracy, and the Voting Rights Act provides the legal basis to protect this right. Ensuring that all citizens can vote and that every vote counts is surely one of our highest national priorities, and the passage of time has not diminished the need for such protections. Hearings held in the Senate and in the House in 2005 and 2006 revealed a new generation of tactics, including at-large elections, annexations, last-minute poll place changes, and redistricting, which have had a discriminatory impact on voters, especially racial and ethnic minority American voters.

The Voting Rights Act of 1965 was enacted to insure that no Federal, State, or local government may in any way impede people from registering to vote or voting because of their race or ethnicity. Most provisions in the Voting Rights Act, and specifically the portions that guarantee that no one may be denied the right to vote because of his or her race or color, are permanent. There are, however, three enforcement-related provisions of the act that will expire in August 2007. The first is section 5, which requires certain jurisdictions to obtain approval or ''preclearance'' from the U.S. Department of Justice or the U.S. District Court in Washington, DC, before they can make any changes to voting practices or procedures. The second provision that will expire is section 203, which requires certain jurisdictions to provide bilingual language assistance to voters in communities where there is a concentration of citizens who are limited to English proficient. The third are those provisions in sections 6 to 9 which authorize the Federal Government to send Federal election examiners and observers to certain jurisdictions covered by section 5 where there is evidence of attempts to intimidate minority voters at the polls. The legislation before the Senate today reauthorizes the portions of the Voting Rights Act that will expire next year and will allow the Federal Government to address new challenges.

Today we are mindful of the fact that nearly 41 years ago, thousands of individuals risked their lives and some died in the challenge of systems that prevented millions of Americans from exercising their right to vote. For a hundred years after the Civil War, millions of African Americans were denied this fundamental right, despite the 15th amendment to the Constitution that prohibited the denial of the right to vote on the basis of race. Poll taxes, literacy tests, and grandfather clauses—as well as violence—were used to deny African-American citizens the right to vote in many Southern States. During the 1960s, to secure this most basic right, the cost was high: church burnings, bombings, shootings, and beatings. It required the ultimate sacrifice of ordinary Americans: James Chaney, Andrew Goodman, and Michael Schwerner, who simply sought to register voters in Mississippi; Jimmie Lee Jackson, whose death precipitated the famous march from Selma to Montgomery; Viola Liuzzo, a White Detroit homemaker and mother of five who was killed by a Ku Klux Klansmen's bullet after she participated in the Selma to Montgomery march; and the four little Black girls killed in the Birmingham church bombing—Denise McNair, Carole Robertson, Addie Mae Collins, and Cynthia Wesley; Medgar Evers, who had organized voter registration in Mississippi for the NAACP and was gunned down in his driveway; the horrible beatings of John Lewis and of Fannie Lou Hamer and Aaron Henry of Mississippi. Like Dr. Martin Luther King, Jr., and Rosa Parks, their names are forever etched in this Nation's history.

The impact of these tragic revelations and the subsequent enactment of the Voting Rights Act is stark. In Alabama, Black voter registration increased from 0.4 percent in 1940 to 23 percent in 1964 and more than doubled from 1954 to 1968, to 56.7 percent. Mississippi's Black voter registration went from 6.7 percent in 1964 to 54.4 percent in 1968. And the increase was reflected in many other cities and States nationwide.

Let us do what we must do. Our democracy depends on protecting the right of every American citizen to vote in every election. Let us resoundingly reauthorize the Voting Rights Act.

Ms. MIKULSKI. Mr. President, I rise today to give my strong support of the Voting Rights Reauthorization Act. I am a proud cosponsor of this important and needed legislation.

In 2006, there are still places in America where voters are intimidated and turned away from the polls. Americans are being denied the most basic and fundamental right as an American the right to vote. That is why this bill is needed more than ever.

I am proud to be here to speak as the Senator from Maryland. From the dark days of slavery to the civil rights movement, Marylanders have led the way to end discrimination. The brilliant Frederick Douglass, who was the voice of the voiceless in the struggle against slavery; the courageous Harriet Tubman, who delivered 300 slaves to freedom on her Underground Railroad; and the great Thurgood Marshall, from arguing Brown v. Board of Education to serving as a Supreme Court Justice—all were Marylanders.

Not just Marylanders but civil rights leaders and activists from all over this country fought hard to get the right to vote. Over 600 people marched from Selma to Montgomery they were stopped, beaten, but not defeated. These brave men and women continued to march, continued to fight until they got the right to vote.

They had to challenge the establishment and to say ''now'' when others told them to ''wait.'' Holding dear to their hearts the words of Frederick Douglass:

> If there is no struggle, there is no progress. Those who profess to favor freedom, yet deprecate agitation are men who don't want crops without plowing the ground. They want rain without thunder and lightning. The struggle may be a moral one, or it may be a physical one, but it must be a struggle. Power concedes nothing without demand. It never did, and it never will.

Their fight, their struggle resulted in the Voting Rights Act being passed. This legislation guarantees one of the most important civil rights that every citizen may vote. It is the very foundation of our democracy. It has eliminated discriminatory practices such as poll taxes and literacy tests. It has made it possible for African Americans to vote and hold elective office.

We have come a long way since the original Voting Rights Act was passed in 1965. Yet we have a long way to go. As recent as 2004, we have seen voters disenfranchised, broken election machines, and problems with people casting their ballots on election day. We saw this in the 2000 Presidential elections, too.

In 2000, we all learned that many ballots, many peoples' votes, were thrown out, lost, misplaced or miscounted. We saw election officials who did not know the rules and some who appeared to ignore the rules. And where did much of this happen? In minority neighborhoods, in cities, economically distressed areas across the Nation. I ask myself, is this just a coincidence? Those communities don't think so. It is critical that we let them know we take their concerns seriously.

This legislation recognizes that election reform is still needed. Voters are scared to come forward and cast their vote in some parts of this country. There are places where voters are not getting assistance at the polls whether it is language access or access to accurate information. This is unacceptable. It is un-American.

Reauthorizing the Voting Rights Act will help guarantee the right to vote for all Americans. The bill does four important things. First, it requires States with a history of racial discrimination to have their voting laws precleared by the Department of Justice. This extra layer of oversight is still necessary to protect minority voters. Second, it prohibits all States from imposing any requirements that would deny a U.S. citizen the right to vote based on race, color, or language ability. Third, it requires language assistance at the polls if a U.S. citizen has difficulty speaking or reading English. Finally, it authorizes the Federal Government to send Federal election monitors to minority voter districts to prevent voter intimidation.

This is not a Republican or a Democratic issue. Ensuring that every registered voter who wants to vote can vote is not a partisan issue. It is what America stands for.

We must stand up for what America stands for: opportunity, equality, and empowerment. We must make sure there is no discrimination of any kind, anywhere in America whether it is the old-fashioned kind or the new-fashioned kind. I urge my colleagues to support reauthorizing the Voting Rights Act today.

Mr. AKAKA. Mr. President, I rise today in strong support of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, VRA. The right to vote is the cornerstone of our democracy, and it is central that every American have the right to vote. I am a proud original cosponsor of this bill, and I hope that the reauthorization of the VRA will continue to protect our country's democratic promise.

The VRA is one of the most significant pieces of civil rights legislation to ever become law. The act reaffirms the 15th amendment of the Constitution, which promised that the ''right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.'' In 1965, Congress recognized that this promise remained unfulfilled, and that barriers such as literacy tests and poll taxes prevented many American citizens from exercising their right to vote. The VRA has addressed these problems by prohibiting discrimination and providing language assistance to those who needed it.

As an Asian American, this bill is of personal importance to me. I know of many Asian Americans who have experienced difficulty in the polls over the years, particularly due to language barriers. According to the 2000 Census, 77 percent of Asian Americans speak a language other than English in their homes. Asian Americans who came as refugees are the most likely to face language barriers. For example, 67 percent of Vietnamese Americans over 18 are limited English proficient. They follow the news closely, but often by accessing newspapers and other media in their native languages. Section 5 of the VRA will help provide Asian Americans with equal access to the polls, ensuring that they are able to participate in the political process and empowering them to make a difference in their communities.

Over the years, our country has come a long way. But unfortunately, barriers to equal political participation remain. Some minority voters still face obstacles to making their political voice heard. There is evidence of attempts to mute the strength of minority voters via unfair redistricting. Further, the lack of bilingual ballots prevents some voters from even casting their vote. This type of ongoing discrimination proves why we still need the VRA.

Over the years, Congress has reauthorized the VRA four times. The bill before us today would reauthorize three key enforcement provisions of the VRA which would otherwise expire in 2007: Section 5, which requires jurisdictions with a history of discrimination to obtain Federal clearance before introducing new voting practices or procedures; Section 203, which requires communities with large populations of non-English speakers to provide language assistance; and Section 8, which authorizes the Attorney General to appoint Federal election observers to ensure that minority citizens will have full access to the ballot box.

There is no question that all of these provisions are important and necessary, and I commend the members of the Judiciary Committee for their strong bipartisan work on this issue. I hope my colleagues will join me in supporting this critical piece of legislation, and I look forward to the President signing it into law.

Mr. REED. Mr. President, as a cosponsor of the Senate bill, I am pleased the Senate is considering the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Reauthorization and Amendments Act, H.R. 9.

The Voting Rights Act was signed into law 41 years ago as a direct reaction to the vicious attacks against civil rights demonstrators crossing the Edmund Pettus Bridge in Selma, AL. After these attacks, President Johnson was able to end a long deadlock with certain Members of Congress attempting to weaken the legislation. The act passed in August 1965 and successfully prohibited measures that localities had developed to disenfranchise racial and ethnic minorities, such as literacy tests, ''grandfather clauses,'' character assessments, poll taxes, and intimidation techniques, often violent. It was also drafted to prevent the racial gerrymandering, at-large election systems, staggered terms, and runoff requirements certain jurisdictions were using to dilute the effect of the minority vote.

Since then, sections 2 and 4 of the law, prohibiting the use of tests and devices intended to dissuade minority voting, have made obvious attempts to disenfranchise minorities a thing of the past. By requiring district court or attorney general determination of whether a proposed election change would abridge voting rights, section 5 has deterred measures frequently used before 1965 to weaken minority votes.

Thanks to the original law and the reauthorizations that followed, an increasing number of African Americans, Latinos, and Native Americans have been voting, decreasing the gap between white and minority turnout. Minorities report fewer attempts to curtail their rights and minority districts have allowed a greater number of African Americans, Asian Americans, and Hispanic Americans to be elected to office. The Voting Rights Act, then, has been successful in helping to carry out the promise of the 15th amendment.

Since 1965, Congress has responded to continuing or new evidence of disenfranchisement and vote dilution through the Voting Rights Act reauthorization process. And this reauthorization is no different.

The nonpartisan Lawyer's Committee for Civil Rights, which President John F. Kennedy created to promote voting equality, established a commission to conduct an investigation into vote discrimination in preparation for this most recent reauthorization proposal. The conclusions of the Commission, echoed in the many congressional hearings held on the law, was that, while the Voting Rights Act has successfully eliminated systematic efforts to disenfranchise voters, restrictions to ballot access and weakening of the minority vote are still occurring. In fact, the Commission reported that attempts to repress the minority vote, ''are still encountered in every election cycle across the country,'' citing deterrents against English-language minorities, unduly burdensome requirements for registration and voting, and election laws that result in vote dilution. Unfortunately, the 41 years this law has been in effect have not yet overcome centuries of discriminatory practice.

Since the last reauthorization, the Supreme Court, in Reno v. Bossier Parish II and Georgia v. Ashcroft, has also curtailed the intent of section 5 of the Voting Rights Act, deciding that the act does not prohibit redistricting with

the purpose or effect of weakening minority votes. Many of the changes in the bill before us were drafted as a direct response to these cases. This act not only renews the expiring provisions, it restores the original intent of section 5 by prohibiting the approval of any proposed election law change having the effect of diluting a minority voting population.

As my courageous colleague, John Lewis, has said, ''The sad truth is discrimination still exists. We must not go back to the dark past.''

This reauthorization will provide the tools we need to honor our constitutional commitment to allow all of our citizens to vote. It reinvigorates the guarantee that is the foundation of our democracy the right to vote and it is a pledge not to return to a time when, as Martin Luther King said, ''The denial of this sacred right [was] a tragic betrayal of the highest mandates of our democratic tradition.''

I am honored to support this bill and would like to thank my colleagues, Senators SPECTER and LEAHY, for their work and leadership in bringing it to the floor.

Mr. KOHL. Mr. President, today the Senate will debate and consider the Voting Rights Act Reauthorization and Amendments Act of 2006. We can all agree that the Voting Rights Act was one of the most significant civil rights laws ever enacted in this country. Yesterday, the Judiciary Committee unanimously supported this bill, and today we hope the full Senate will pass it as soon as possible.

This landmark law reversed nearly 100 years of African-American disenfranchisement. It took years for Congress to devise a law that could not be circumvented or ignored through lengthy litigation or creative interpretation. After numerous failures, a stronger remedy free of litigation was needed to break the 95-year-old obstacle to Black voter participation.

The Voting Rights Act of 1965 provided the solution. That law was and remains unique by enforcing the law before a new State voting statute goes into effect rather than fighting it out after the fact for years in court. The section 5 ''pre-clearance'' procedure—along with the banning of literacy texts, poll taxes, and the like—finally worked. Soon, African-American voters did not face an unequal burden to simply exercise their constitutional right to vote.

Yet our work was far from over in 1965. Arguably, the great successes of the act we speak of today would not have been realized had Congress not amended and extended the act in 1970, 1975, 1982 and 1992. Important improvements were made to the Act during that time, including the addition of bilingual voter assistance in certain jurisdictions with a substantial number of non-native English speakers. Accordingly, our bill includes amendments which address recent Supreme Court decisions that have made enforcement of some parts of the act unclear.

As we all know, key provisions of the Voting Rights Act are set to expire next year. We have made enormous gains for voting rights since 1965, but we should not assume that the vigorous protections of the act have outlived their use. To the contrary, extending the act for another 25 years will ensure that these hard-fought rights will remain in place.

Evidence supports this sentiment when one considers that the Department of Justice deemed 626 proposed election law changes discriminatory since the last extension of the act in 1982. Past experience teaches us that we cannot rely upon the courts alone to protect the constitutional right to vote. Quite simply, the Voting Rights Act, and specifically section 5, has worked. The record demonstrates that it continues to be needed to enforce the guarantees of the 14th and 15th Amendments.

We commend Chairman SPECTER for holding this series of hearings on the Voting Rights Act. Furthermore, we note the House passed its reauthorization of the Voting Rights Act last week without amendment, and I trust we can and will do the same here in the Senate. Most of us believe the record demonstrates that the act should remain in force, and I strongly urge my colleagues to support is extension.

MS. LANDRIEU. Mr. President, the Voting Rights Act of 1965 was written to prevent both direct and indirect assaults on the right to vote. It outlawed the poll taxes and literacy tests and established a system of Federal marshals to help African Americans in the South vote. It also required covered jurisdictions to get Federal preapproval before changing their election laws or any other voting procedure.

These changes have made our political system more representative and more just. The Voting Rights Act protects basic constitutional rights. Millions of African Americans have been added to the voting rolls since the act was passed. In 1965, there were only 300 African American elected officials in our country. Today, there are more than 9,100 African Americans who serve in elected public offices and nearly 6,000 Latino elected officials.

There are those who say that, while this act may have once been needed, it is no longer required today. I understand their argument but do not agree with it. I do believe, however, that their argument is entitled to an answer.

My answer is this: Renewing expiring provisions of the Voting Rights Act will ensure that the battle for fairness in our political system is carried on with the full force of law behind it. We certainly still need these protections today. While many of the more obvious and widespread abuses have been eliminated, isolated cases of voting discrimination and intimidation remain. They may be subtle, but they are nonetheless unfair and intolerable, and they extend to not only African Americans but to others as well. A recent court case described nearly two decades of voting rights abuses against Native Americans in South Dakota. We have heard about people videotaping the license plates of Mexican Americans as they went to vote in Dona Ana County, NM, in 2004. As recently as 2001, local officials in Kilmichael, MS, canceled elections out of fear that an African-American mayor might be elected. The Voting Rights Act allowed the Justice Department to intervene, ensuring that the right to vote was protected, and 2 years late Kilmichael elected its first African-American mayor.

Mr. President, history tells us that the justification for the continuance of this law is compellingf. It also tells us that full and fair enforcement of this law is essential, too. That is why I cast my vote for justice. That is why I cast my vote for the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Reauthorization Act.

Mr. LIEBERMAN. Mr. President, I rise today to speak in support of the vital need to reauthorize key provisions of the Voting Rights Act of 1965, among the most significant pieces of civil rights legislation Congress has ever passed.

As we are approaching the 41st anniversary of the act, perhaps it is important to remember the words of President Lyndon Johnson who signed this bill into law on August 6, 1965, as Dr. Martin Luther King, Jr. looked on.

Johnson's words spoke to all Americans—then and now—about the importance of the right to vote. He said:

> The central fact of American civilization—one so hard for others to understand—is that freedom and justice and the dignity of man are not just words to us. We believe in them.
>
> . . . Every family across this great, entire, searching land will live stronger in liberty, will live more splendid in expectation, and will be prouder to be American because of the Act you have passed and that I will sign today.

Now is the time to renew that pledge for freedom by reauthorizing the Voting Rights Act, and I am proud to cosponsor this legislation.

I thank Chairman SPECTER and Ranking Member LEAHY for their efforts to report this legislation out of their committee with unanimous support yesterday. I hope the full Senate will show the same level of support when the bill is voted on this afternoon.

The importance of renewing this act was driven home to me yesterday when, like many of my colleagues, I met with a delegation from my State's

chapter of the NAACP—here for the annual NAACP meeting and to visit with their congressional delegation.

The meeting was not only a wonderful opportunity to see about 40 old friends, it was a demonstration of the fundamental constitutional principle that powers our Republic—the right to petition the government about the issues that matter most.

Of course, it strikes me that 40 years ago, while Senators on the floor of this very Chamber debated the original Voting Rights Act, some of those constituents' own parents and grandparents could not even cast a vote without fear for their own lives. And that was for one reason—because they were Black. Those were tragic times for America.

I remember my own trip to Mississippi in 1963, as a senior in college when I joined with friends on a trip to Mississippi to draw attention to the cause of enfranchising African-American voters. Our goal, like others who made similar journeys, was to support the fight of the young heroes of the civil rights movement—Black men and women who. sat at lunch counters, who refused to move to the back of the buses, who peacefully but powerfully demanded the most basic rights every American deserves—including the right to cast a vote.

I like to believe our trip to Mississippi was a small step in the march toward equality that Dr. King and other civil rights leaders, like Representative JOHN LEWIS from Georgia, who sat at those lunch counters, pressed upon the American conscience in those heavy days.

But my meeting with the Connecticut chapter of the NAACP reminded me the march toward equal rights is not over.

In my meeting, one woman asked, ''Why does Congress even have to extend the Voting Rights Act? Why is the law not permanent?''

I explained that Congress passes legislation that automatically expires because it is important to assess whether a law is working as intended, whether it needs changing to address new concerns, or whether it is needed at all.

Thanks to the Voting Rights Act of 1965, every American now has the opportunity to vote and any American can come to Washington to meet with his or her Senators, and I am grateful so many people do. Across the country, the number of African-American elected officials has increased from just 300 in 1964 to more than 9,000 today, including 43 Members of Congress.

But with some regret, we must conclude that the Voting Rights Act is as necessary today as it has ever been. For as long as the law continues to be violated, we still need that law.

Since 1982, when the act was last extended, there have been more than 1,000 complaints of violations of the Voting Rights Act all across the country. Just last month, the Supreme Court struck down parts of the redistricting plan in Texas because the court ruled that the plan disenfranchised large numbers of Hispanic voters.

As long as there are efforts to dilute the votes of some or to make it more difficult for any of our fellow citizens to vote, we need the Voting Rights Act and the provisions that are set to expire next year.

I urge my colleagues to pass this legislation today because the march toward equality must continue. But I look forward to the day when it is no longer needed because we have achieved the ideal where each and every vote cast in this great democracy of ours has the same voice and carries the same weight and that everyone who wants to vote can do so with ease and without fear of discrimination.

I urge my colleagues to pass this legislation today because the civil rights march must continue because we cannot confuse progress with victory.

As Martin Luther King said on the front steps of the Lincoln Memorial, a speech I heard in person, we can never be satisfied until every citizen can vote and every citizen has something to vote for.

And when that day comes, when we have achieved full voting rights and civil rights for all Americans, Dr. King can look down from Heaven, his mission finally fulfilled, and call out:

''Free at last! Free at last! Thank God almighty, they are free at last.''

Mr. BIDEN. Mr. President, I would like to spend just a few minutes talking about why I support this Voting Rights Act reauthorization.

The Supreme Court has said voting rights are so important because they are ''preservative of all rights'' (Yick Wo v. Hopkins (1886)). I couldn't agree more, and that is why the Voting Rights Act was and is so centrally important to our country.

Martin Luther King, Jr., called President Johnson's support of the Voting Rights Act ''a shining moment in the conscience of man.'' That moment must continue.

The act began a true transformation of our country. In 1964, there were only 300 African Americans in public office, including just three in Congress. There were exceptionally few anywhere in the South. Today, there are more than 9,100 Black elected officials, including 43 Members of Congress, the largest number ever.

The act helped open the way for the 6,000 Latino public officials elected and appointed nationwide, including 263 at the State or Federal level, 27 of whom serve in Congress.

One of the leaders of the civil rights movement, Congressman JOHN LEWIS, has characterized the impact of the Voting Rights Act this way: ''It not only transformed Southern politics, it transformed the nation.'' I couldn't agree more.

But we shouldn't just rest on the successes of the recent past. We must remain vigilant. For hundreds of years, our country struggled with slavery and the fact that nothing more than a person's skin color could determine his or her prospects in life. Even after we enacted the 15th amendment, our country struggled with Jim Crow laws and persistent discrimination.

We have now had the Voting Rights Act for 40 years, which may seem like a long time, but compared against our long and shameful history of race discrimination, 40 years seems pretty short.

Thankfully, we have come a long way since signs emblazoned windows read: ''colored need not apply'' and ''Whites only.'' But let's not be lulled into a false sense of security: racism—though much more subtle—still exists. African Americans can apply for a job all right but they might not get it because ''they're not the right type,'' or ''they just wouldn't fit in.'' New words for old sins.

Our recent history still finds sophisticated discrimination occurring when it comes to voting; and we must be especially vigilant here because voting is such a cornerstone of our democracy. We must continue to ensure diversity in our democracy and protect the rights of all Americans irrespective of race, gender, or national origin.

That is why I strongly support this reauthorization of the Voting Rights Act and am a cosponsor.

Authorizing the Voting Rights Act will be one of the most important things we can do this year, and I look forward to helping in any way that I can.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I grew up in Danville, VA. The town of Danville, a town of about 30,000 people right on the North Carolina border, was famous for three things when I was growing up there. It was the home of the Dan River cotton mills, it was famous for being the world's biggest tobacco market, and it was famous for being the last capital of the Confederacy. I remember as a child riding back and forth to Danville, VA from our home outside of town and riding in the front of the bus, knowing that other people of color would ride in the back of the bus. I remember visiting downtown and going to restaurants, knowing if you were white you could eat there, and if you were not white, you could not. I remember seeing the water fountains, whites only, colored only.

I remember going to the Rialto theater with my sister, watching three movies on a Saturday afternoon for 25 cents. If you were white, you got to sit

on the first floor. If you were not, you sat up in the balcony. I remember going to catch the bus across the street from my house and going about 10 miles on a bus to high school and knowing that the kids of color, about 100 yards further away from us, would get on their bus and head out to go to their school, driving by mine and going another 10 miles to their own school.

The PRESIDING OFFICER. Under the order that was agreed to by unanimous consent, the Democratic leader has the floor at 4 o'clock.

Mr. REID. Will the Senator from Delaware indicate how much more time he needs?

Mr. CARPER. If I could have 3 minutes.

Mr. REID. I yield the Senator 3 minutes.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. In addition to not being able to drink water at fountains with us, eat in the same restaurants, go to movies, ride on the bus or go to school with the rest of us, the other thing that folks of color couldn't do in my hometown was vote. They couldn't vote because they didn't pay a poll tax. They couldn't vote because they weren't smart enough allegedly to pass the test they had to take in order to become voters.

I came here in 1965, barely out of high school, 18 years old. I went to the Rayburn Building and happened to walk into a hearing in 1965 by the House Judiciary Committee on this legislation, the Voting Rights Act of 1965. The enactment of that legislation did more to change things in my town of Danville, VA, and a lot of towns in this country, especially in the South, than any one thing I can think of.

Yesterday, as several of us in the Senate rolled out something we called the Restoring the American Dream Initiative, we started off by trying to make sure that everybody who wanted to go to college had the ability to get to college. If we are going to be successful as a nation in the 21st century, we need a world class workforce. We can't have that unless we have well-educated, college-educated people. In order to have those kinds of opportunities, before we ever get to college we have to make sure kids have a decent chance to go to good elementary, middle, and high schools. And in order for anybody to have the American dream, it is important to have a chance to get a decent job, have a chance to be a home owner, raise a family, work hard, and live in a community and practice your faith.

The one best way to ensure that people of all walks of life have those opportunities is to make sure that they have the opportunity every November, or whenever, to go into the voting booth, be registered to vote, and exercise their constitutional right. By the passage of this legislation today, we reaffirm our commitment to that sacred right.

As one who came here 41 years ago, when my very first experience in the Capitol as an 18-year-old teenager was the debate on this legislation, to be back here today as a Member of the Senate, something I never thought possible, is an uplifting experience for me. I hope it serves as an inspiration to young men and women of whatever race or background they might be. I thank the leader.

I yield back my time.

Mr. REID. Mr. President, how much time did the Senator from Delaware use?

The PRESIDING OFFICER. Three minutes.

Mr. REID. Mr. President, I yield to the Senator from Vermont, Mr. LEAHY.

Mr. LEAHY. Mr. President, earlier this afternoon when I was not on the Senate floor, a few Republican Senators gave statements that reflected their individual views of what the legislation we are considering today will do to address the Supreme Court's interpretation of legislative intent in the Georgia v. Ashcroft and Reno v. Bossier Parish cases. While I am not fully informed of their positions, I certainly disagree with what I heard.

In the Senate Judiciary Committee we received extensive testimony about these two provisions over the course of several hearings that informed our Committee vote yesterday. I ask unanimous consent to have printed in the RECORD a full explanation of the testimony we received that informed our vote yesterday and my understanding of the purpose and scope of these two provisions as an original and lead sponsor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GEORGIA V. ASHCROFT FIX

The first of these provisions is commonly referred to as the "Georgia vs. Ashcroft fix."

In the Judiciary Committee we received evidence that the Voting Rights Act had been significantly weakened by the Supreme Court's decision in Georgia v. Ashcroft because it narrowed the protections afforded by Section 5. Prior to the Ashcroft decision, an objection would be raised by the Department of Justice if the voting change made the position of minority voters worse off in terms of their ability to elect candidates of their choice. In Ashcroft, the Supreme Court replaced the clear and administrable "ability to elect" standard with an unworkable "totality of the circumstances" standard that appears to permit the trading away of districts in which minority voters have the opportunity to elect candidates of their choice for districts in which minority voters may (or may not) have an "influence" over who is elected.

It is my understanding that the bill we are considering here today clarifies congressional intent after the Georgia v. Ashcroft decision by re-establishing that Section 5 requires that there be no retrogression of minority voters' ability to elect the candidate of their choice—the standard described in Beer v. United States that governed Section 5 preclearance decisions prior to the Supreme Court's decision in Ashcroft.

The drafters of this legislation concluded that "ability to elect" was the proper standard because it preserves the gains made in minority voting power and provides a more manageable standard to guide covered jurisdictions, the Department of Justice, and the federal courts as they review voting changes pursuant to Section 5.

The bill we are considering today re-establishes the "ability to elect" standard because the "totality of the circumstances" test articulated in the Ashcroft decision undermines Section 5's ability to protect against discrimination and maintain the progress made in minority political participation, and it creates an amorphous standard that will be difficult for covered jurisdictions to follow and for the Justice Department to administer.

We in Congress who are supporting this bill determined that we must address this standard for the same reasons as the dissent in Ashcroft noted, that is because the "totality of the circumstances" test adopted by the Supreme Court majority "unmoors §5 from any practical and administrable conception of minority influence" by abandoning the "anchoring reference to electing a candidate of choice" that had previously guided Section 5 preclearance.

In the Judiciary Committee we received extensive testimony about the harm that the Ashcroft decision has had on the power of Section 5 to protect minority voters. Political science professor Theodore Arrington, who has served as an expert witness in over 30 voting rights cases, testified at the Committee's hearings that the Ashcroft case created an "unworkable standard" because there is "no way to know how to comply with the Court's mandate." The legislation we are considering today would add needed clarity.

The difficulty of measuring minority "influence" was well-illustrated by the results in Georgia v. Ashcroft itself, as was pointed out in the Committee by Professor Pamela Karlan. The Supreme Court noted that most of the districts in which African-Americans make up more than 20% of the electorate are majority-Democrat, which the Court concluded "make it more likely as a matter of fact that African-American voters will constitute an effective voting bloc, even if they cannot always elect the candidate of their choice." However, in the three districts where African-American voters supposedly retained an "influence" on their elected representatives, the elected white representatives switched from the Democratic to the Republican party in the two-week period between their election and the inauguration, which resulted in the Democrats losing control of the Georgia State Senate. This result undermined the Supreme Court's view that representatives elected in a minority "influence district" would listen and respond to their sizable minority constituents despite not being these voters' preferred candidates.

The aftermath of Georgia's elections supports the dissenting justices' views that it is impossible for a court to measure minority influence, and thus a state should not be granted preclearance for redistricting plans that trade away districts in which minority voters have the ability to elect their preferred candidates for ones in which they might have the ability to influence candidates elected by others. As Ashcroft itself demonstrated, the appearance of influence might far exceed the reality.

The impact of ''influence districts'' is particularly ephemeral where the existence of racially polarized voting means that elected officials do not need minority voters to retain their seats. As Laughlin McDonald, Director of ACLU's Voting Rights Project, testified, racially polarized voting means that African-Americans may have little or no influence in majority white districts. In the 1970s and 1980s, only about 1% of majority white districts in the South elected an African-American to a state legislature. As late as 1988, no African-American had been elected from a majority white district in Alabama, Arkansas, Louisiana, Mississippi, or South Carolina. The ACLU's Voting Rights Project Report described the pervasiveness of racial bloc voting in covered jurisdictions. For example, in Smith v. Beasley, decided in 1992, a three-judge court found that ''[i]n South Carolina, voting has been, and still is, polarized by race. This voting pattern is general throughout the state.'' Ten years later, in 2002, another three-judge court made a similar finding: ''Voting in South Carolina continues to be racially polarized to a very high degree in all regions of the state and in both primary and general elections.'' As recently as 2004, the Fourth Circuit affirmed the findings of a South Carolina district court that ''voting in Charleston County Council elections is severely and characteristically polarized along racial lines.''

After Ashcroft, states can redistrict in ways that diminish minority voters' political power. As Professor Nathaniel Persily testified, the ''danger that Ashcroft seemed to invite and that this legislation intends to fix is the possibility that under the cloak of 'influence districts' a jurisdiction might dilute the minority vote by splitting large minority communities among several districts in which they really have no influence at all.'' Professor Persily explained that under the Ashcroft precedent, the Department of Justice could preclear a state redistricting plan that split a 60% minority district into two 30% minority influence districts, even though such a plan would severely diminish minority voters' ability to elect their preferred candidates. Moreover, combined with the Supreme Court's holding in Bossier II, a state legislature could enact these kinds of voting changes for the express purpose of discriminating against minority voters, and yet they nonetheless might be precleared under Section 5.

The VRARA restores Section 5 to its original intended meaning so that it prohibits voting changes that undermine racial minorities' ability to elect candidates of their choice. The VRARA provides that ''[t]he purpose of subsection (b) of this section is to protect the ability of such [minority] citizens to elect their preferred candidates of choice.'' This change to Section 5 makes clear that Congress rejects the Supreme Court's Ashcroft decision and reestablishes that a covered state's redistricting plan cannot eliminate ''ability to elect'' districts and replace them with ''influence districts.''

The amendment to Section 5 does not, however, freeze into place the current minority voter percentages in any given district. As stated by the dissenters in Georgia v. Ashcroft, as well as by Professor Arrington and Professor Persily at the Committee hearings, reducing the number of minorities in a district is perfectly consistent with the pre-Ashcroft understanding of Section 5 as long as other factors demonstrate that minorities retain their ability to elect their preferred candidates. The amendment is intended to make clear that the addition of districts in which minorities might have an influence on the political process cannot compensate for the elimination of districts in which minorities have the ability to elect a preferred candidate. But there is no ''magic number'' that every district must maintain to satisfy the ''ability to elect'' standard; the percentages will vary depending on such variables as the extent of racially polarized voting and white crossover voting, registration rates, citizenship variables, and the degree of voter turnout. As both Professor Arrington and Professor Persily stated in their testimony, all of these considerations should come into play, making the ''ability to elect'' standard one that turns on the context of the districts at issue, as was the case under the Beer standard.

The ''ability to elect'' standard does not lock in districts that meet any particular threshold. Determinations about whether a district provides the minority community the ability to elect must be made on a case-by-case basis. Indeed, prior to Georgia v. Ashcroft, the Department of Justice utilized case-by-case analysis to determine whether a voting change impacted the minority community's ''ability to elect.'' Specifically, DOJ performed an intensely jurisdiction-specific review of election results, demographic data, maps and other information in order to compare the minority community's ability to elect under benchmark and proposed plans. Other information considered by DOJ, outlined in the Procedures for the Administration of Section 5 of the Voting Rights Act,'' 28 C.F.R., Part 51, include the extent to which a reasonable and legitimate justification for the change exists, the extent to which the jurisdiction followed objective guidelines and fair and conventional procedures in adopting the change, the extent to which the jurisdiction afforded members of racial and language minority groups an opportunity to participate in the decision to make the change, and the extent to which the jurisdiction took the concerns of members of racial and language minority groups into account in making the change. This analysis allows jurisdictions a degree of flexibility in the adoption of their voting changes.

In sum, to avoid violating Section 5's nonretrogression standard, a covered state's redistricting must ensure that it has not diminished minority voters' ability to elect their candidates of choice. The ''ability to elect'' standard that is being reestablished through the VRARA prevents all types of retrogressive changes, whether they come from the dispersion of a minority community among too many districts (cracking) or the overconcentration of minorities among too few (packing).

BOSSIER FIX

The second of these provisions is usually referred to as the ''Bossier Fix.''

We have acted in this reauthorization to restore the VRA's original standing and effectiveness. After hearing extensive testimony and carefully reviewing the record created in the Senate and in the House of Representatives, we concluded that the Supreme Court's holding in a case called Reno v. Bossier Parish (''Bossier II''), went against both the original intent of Congress and established Department of Justice and judicial precedent. Section 5 of the VRA requires that all changes in covered jurisdictions ''not have the purpose and . . . not have the effect of denying or abridging the right to vote on account of race or color.'' Accordingly, the process for preclearing changes consists of two prongs. First, it consists of an inquiry as to the purpose of the change in question. Then, it requires a separate examination into the effect of the change. A plan may not receive preclearance without satisfying requirements under both prongs. Traditionally, the purpose prong has been a common basis for Department of Justice objections to plans submitted by covered jurisdictions. However, since ''Bossier II'' the scope and effectiveness of the purpose prong has been dramatically limited.

That is why we are amending the VRA to make clear that a covered jurisdiction does not have to disprove the existence of any Section 2 violation to obtain Section 5 preclearance. Rather, contrary to the suggestions of a handful of my colleagues who wish to undermine what we accomplish today, this bill amends the VRA to make clear that it prohibits all voting changes enacted with a discriminatory purpose.

THE HOLDING IN BOSSIER II

The controversy in Bossier II arose when the school board (''the Board'') of Bossier Parish, Louisiana sought to redraw the districts that elected its members. At the time of the 1990s redistricting, African-Americans made up approximately 20% of the parish's population. They did not, however, comprise a majority in any of the twelve school board districts in the parish. In 1992, the Board adopted a new redistricting plan that did not create any new majority-African-American districts, rejecting an alternate plan that would have created two majority-African-American districts.

In January of the following year, the Board submitted its redistricting plan for preclearance to the Department of Justice; upon objection by the Attorney General, the Board filed suit for a declaratory judgment in the federal district court to obtain preclearance. At trial, the Attorney General argued that the plan should not be approved under Section 5 for two reasons. First, the plan diluted the voting strength of African-American voters, in violation of a separate provision of the VRA, Section 2. Second, the plan was enacted with a discriminatory purpose.

At trial, DOJ presented extensive evidence that the plan was, in fact, enacted with a discriminatory motive. The Board's refusal to draw a single African-American majority district stood in stark contrast to its own admission that creation of a majority-African-American district was clearly feasible, and in contrast to expert testimony that African-Americans would only be able to elect their chosen candidate in such a district. Moreover, the manner in which the districts were drawn suggested—in the Board cartographer's own opinion—that traditionally African-American populations were purposefully divided into adjoining white districts, a process known as ''fracturing.'' Most alarming, however, was testimony suggesting that certain Board members were openly hostile to African-American representation or African-American-majority districts.

In spite of this evidence, the trial court precleared the plan. The case twice reached the Supreme Court on separate appeals. The first time, the Court agreed with the trial court that a voting change cannot be denied preclearance under Section 5 solely because the change violated Section 2. The second time—Bossier II—the Court addressed a more contentious question: whether Section 5 prohibited all voting changes enacted with a discriminatory purpose. The Court answered this question in the negative, holding that Section 5 does not bar electoral changes enacted with a discriminatory purpose if those

changes were designed only to maintain, and not worsen, the current electoral strength of a protected minority group.

Bossier II was premised on the holding in an earlier Section 5 case, Beer v. United States. In Beer, the Supreme Court interpreted the effects prong to prohibit only those changes that had a ''retrogressive'' impact on the voting strength of minorities in a covered jurisdiction. The question of retrogression—whether or not a proposed plan decreased voting strength as compared to the previous plan—thus became the critical measure of success or failure under the effects prong. In Bossier II, Justice Scalia argued that since ''purpose'' and ''effect'' both modify the same object in the text of the statute—''denying or abridging the right to vote on account of race or color''—they must prohibit the same activity. If Beer held that the effects prong only prohibited ''retrogression,'' the Court's majority reasoned that Section 5 would only prohibit retrogressive intent. The end result of this argument was aptly summarized by Debo Adegbile, who testified: ''Since [Bossier II], non-retrogressive voting changes motivated by racial animus, no matter how clearly demonstrated . . . are insulated from Section 5 objection under the purpose prong.'' Justice Souter, dissenting from the majority opinion, came to the same conclusion: ''Now executive and judicial officers of the United States will be forced to preclear illegal and unconstitutional voting schemes patently intended to perpetuate discrimination.''

PROBLEMS WITH THE PURPOSE PRONG UNDER BOSSIER II

The holding in Bossier II is at odds with congressional intent and established judicial and Department of Justice precedent. It effectively eviscerates the purpose prong of Section 5 and compromises the overall ability of Section 5 to combat innovative discriminatory practices, which it was originally designed to prohibit. Committee reports from the 89th Congress uniformly suggest that the Senate and House of Representatives designed Section 5 as a broad protection against increasingly innovative discriminatory practices. This is reflected in the fact that the language of the provision closely parallels that of the 15th Amendment, which prohibits intentional discrimination. This is not a coincidence; members of both the Senate Judiciary Committee and the House of Representatives Judiciary Committee explicitly cited the VRA as a bill primarily intended to enforce the 15th Amendment.

In 1966, when the Supreme Court heard the first constitutional challenge to the VRA, it reaffirmed the broad scope envisioned by Congress. In South Carolina v. Katzenbach, the Court explained that the VRA was designed ''to rid the country of racial discrimination in voting,'' and described Section 5 as ''the heart of the Act.'' Six years later, in Perkins v. Matthews, the Court stated that there was ''little question'' that Congress intended Section 5 to ensure that covered jurisdictions ''not institute new laws with respect to voting that might have a racially discriminatory purpose or effect.'' In 1975, far from repudiating earlier Committee reports or the statements in Katzenbach and Perkins, this Committee further emphasized a broad role for Section 5, one that went beyond the mere preservation of minority voting strength.

The purpose prong established by Bossier II is far narrower than Congress intended. While the retrogression standard defines prohibited effects, the same standard limits the purpose prong to the point of insignificance. After Bossier II, the only occasion in which the purpose prong would be the sole basis for a Department of Justice objection would be when the covered jurisdiction intended to decrease minority voting strength, but somehow failed in this effort.

More incongruously, however, as conceived by Bossier II, the purpose prong would actually reward those covered jurisdictions with the most extensive histories of minority vote dilution; this is what Professor Anita Earls described in hearings before the Judiciary Committee as the ''discrimination dividend.'' Where a jurisdiction has traditionally structured its election methods and voting practices so that minority voters have no voting strength, and no ability to elect candidates of their choice to begin with, it is impossible for new voting practices to be retrogressive. When no retrogression is possible, it is also impossible to prove retrogressive intent. The Bossier II interpretation of the purpose prong would freeze voter discrimination at existing levels, to the benefit of the most discriminatory of jurisdictions.

I find no evidence to suggest that the 94th Congress enacted Section 5 with such a limited—and indeed, paradoxical—scope in mind. To the contrary, Section 5 was designed to target precisely those areas with the most entrenched histories of discrimination. The Supreme Court long recognized this. I agree with the findings of the House Committee on the Judiciary, which concluded that the purpose prong was designed to prevent all voting changes with a discriminatory intent. We reported VRARA and will pass it today to restore the original understanding of that provision.

In addition to contravening congressional intent, Bossier II is also in conflict with more than three decades of judicial and Department of Justice precedent. Prior to Bossier II, the Department of Justice interpreted the purpose prong of Section 5 to block all changes enacted with a discriminatory intent, regardless of retrogressive effect. This was not a limited practice. Prior to Bossier II, a large percentage of all Department objections were based on discriminatory purpose alone.

The Supreme Court reached the same conclusion, consistently construing Section 5 as barring implementation of electoral changes if and when they were adopted with a discriminatory purpose. In City of Richmond v. United States, for example, the Court held that a proposed annexation had no discriminatory effect under Section 5. However, the Court nevertheless remanded the case to the District Court to determine if the change was adopted for a discriminatory purpose. As the Court stated in City of Richmond: ''An official action, whether an annexation or otherwise, taken for the purpose of discriminating against Negroes on account of their race has no legitimacy at all under our Constitution or under the statute.'' Likewise, in City of Pleasant Grove v. United States, a covered jurisdiction was denied preclearance for a proposed annexation, even though retrogressive effect was impossible, because of clear evidence that the annexation was enacted with a racially discriminatory purpose. The Court explained that ''[t]o hold otherwise would make appellant's extraordinary success in resisting integration thus far a shield for further resistance.'' Even in Beer, the purported foundation for Bossier II, the Court provided that changes that actually improved the voting strength of minorities could still be denied preclearance if they were intentionally discriminatory. The District Court for the District of Columbia—the body charged with exclusive jurisdiction over Section 5 suits—also consistently held (before Bossier II) that Section 5 prohibits changes enacted with a discriminatory intent.

For thirty-five years, Congress reviewed and renewed the Voting Rights Act and amended Section 2 in response to another Supreme Court precedent, Mobile v. Bolden, but Congress did not change or raise any objection to the judicial or Justice Department interpretations of the Section 5 purpose prong. Instead, Congress reauthorized Section 5 unamended on three separate occasions. Until Bossier II, all three branches of government—the courts, the executive, and the legislature—appeared to be in agreement that the purpose prong prohibited all changes enacted with a discriminatory intent.

BOSSIER II UNDERMINES THE EFFECTIVENESS OF SECTION 5

Bossier II has had a striking impact on the Section 5 purpose prong, minimizing the number of purpose-based objections and undermining the overall ability of Section 5 to block discriminatory electoral practices in covered jurisdictions. The record of preclearance objections after Bossier II suggests that the purpose prong under Bossier II has become inconsequential and has no meaning apart from retrogressive effect. After Bossier II, there was a steep drop in the number of Department of Justice objections based on purpose alone. In the 1980s, 25% of DOJ objections—83 objections in total—were based on intent alone; in the 1990s, this number increased to 43%, with 151 objections solely based on discriminatory intent. In the five years following Bossier II, only two out of a total of forty-three objections (4%) have been interposed because of retrogressive intent, the only purpose prohibited by Bossier II. In the words of one House Judiciary Committee witness, Mark Posner, the purpose prong ''has effectively been read almost entirely out of Section 5.''

According to Mr. Posner's testimony, the impact of Bossier II on Section 5 enforcement is evident from the recent history of decennial redistricting. After the 1980 Census, the Department of Justice objected to 7% of redistricting plans filed by covered jurisdictions; this rate increased to 8% after the 1990 Census. In contrast, DOJ objected to only 1% of redistricting plans filed after the 2000 Census. There is strong evidence that the drop is significantly attributable to the absence of purpose-based objections.

The inability of Section 5 to block changes enacted with a discriminatory intent is highly troubling. At its core, the Voting Rights Act was designed to fight discrimination in American politics; the VRA is a vehicle to enforce the 14th and 15th Amendments, which themselves prohibit intentional discrimination in various settings. Section 5 was the centerpiece of this effort, effectively shifting the burden of fighting racial discrimination from the victims to the state. Allowing expressly discriminatory plans to attain preclearance solely because the voting strength of a minority group is too weak to be further worsened undermines the original impetus of the VRA in general, and Section 5 in particular. Furthermore, it shifts the burden of fighting voting discrimination back to its victims.

RESTORING SECTION 5 PURPOSE INQUIRY

For the reasons I have described, we find it necessary to amend Section 5 to restore the purpose prong to its original scope, enabling

the Attorney General and the District Court of the District of Columbia to object to any voting changes enacted with a discriminatory intent. The VRARA accomplishes this by adding subsections (b) and (c) to Section 5, which state that, ''(b) Any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting that has the purpose of or will have the effect of diminishing the ability of any citizens of the United States on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2), to elect their preferred candidates of choice denies or abridges the right to vote within the meaning of subsection (a) of this section,'' and ''(c) The term ''purpose'' in subsections (a) and (b) of this section shall include any discriminatory purpose.''

These sections reject the holding in Bossier II and clarify Congress' original intent that Section 5 prohibit all voting changes enacted with a discriminatory purpose. This would also realign the purpose prong with constitutional standards, allowing Section 5 to prohibit intentional discrimination that would otherwise be unconstitutional under the 15th Amendment. I reject any reading of Section 5 that would allow explicitly discriminatory voting changes to be precleared, solely because the voting strength of the minority group in question cannot be further diminished. I believe that the VRARA remedies this problem and restores the purpose prong of Section 5 to prevent purposeful discrimination.

Mr. LEAHY. Mr. President, as the Senate stands poised to conclude this debate and reauthorize the Voting Rights Act, we recall the words of Martin Luther King, Jr., in his famous ''I have a Dream'' speech, where he noted: ''When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir.'' The Voting Rights Act is one of the most important methods of enforcing this promise and upholding the Constitution's guarantee of equal rights and equal protection of the law. We owe it those who struggled so long and hard to transform the landscape and make America a place of political inclusion to reauthorize this important Act. We all enjoy these protections and take them for granted. No Senator would ever be denied the right to vote, but the same cannot be said about millions of others. We act so that all Americans can enjoy America's bounty, its blessings and its promise.

On May 2, our congressional leadership stood together on the steps of the Capitol—an historic announcement in an era of intense partisanship. We came together in recognition that there are few things as critical to our Nation, and to American citizenship, as voting. In sharp contrast to the tremendous resistance and bitter politics which met the initial enactment of the Voting Rights Act, our efforts this year have overcome objections through discussions, the hearing process and by developing an overwhelming record of justification for extension of the expiring provisions. Last week, the House of Representatives, after a month of delay, passed H.R. 9 by a vote of 390–33, rejecting all efforts to reduce the sweep and effect of the Voting Rights Act. Yesterday in the Senate Judiciary Committee, we did the same after almost as long a delay in considering the companion Senate bill. We acted unanimously to report the Senate bill. Now it is up to the full Senate to complete our work.

As Congressman JOHN LEWIS said, ''When historians pick up their pens and write about this period, let it be said that those of us in the Congress in 2006, we did the right thing. And our forefathers and our foremothers would be very proud of us. Let us pass a clean bill without any amendments.'' I am encouraged that we are so close to accomplishing this today.

The path that my good friend JOHN LEWIS has taken from Selma, AL, to Congress, from ''Bloody Sunday'' in 1965 on the Edmund Pettis Bridge to leading the fight in 2006 to reauthorize the Voting Rights Act, is a lesson to us all. The events of Bloody Sunday, were caught on television cameras, and those powerful images laid bare for all Americans the violence encountered by many African Americans trying to exercise their civil rights. It was a crucial turning point in securing the right to vote. A few days after the violence of Bloody Sunday, President Lyndon Johnson outlined the proposed Voting Rights Act of 1965, before a joint session of Congress. Later that year, Congress passed it so that the Constitution's guarantees of equal access to the electoral process, regardless of race, would not be undermined by discriminatory practices.

Like the rights guaranteed by the First Amendment, the right to vote is foundational because it secures the effective exercise of all other rights. As people are able to register, vote, and elect candidates of their choice, their interests and rights get attention. The very legitimacy of our democratic Government is dependent on the access all Americans have to the electoral process.

Today we are poised to reaffirm a cornerstone of our civil rights laws. As we do, we recall the great historic struggle for civil rights led by American heroes of vision and strength, such as Fannie Lou Hamer, Rosa Parks, and Coretta Scott King, who passed away just months ago. We honor their legacy by reaffirming our commitment to protect the right to vote for all Americans.

The pervasive discriminatory tactics that led to the original Voting Rights Act were deeply rooted. As a Nation, this effort to ensure equal protection dates back more than 135 years to the ratification of the 15th Amendment in 1870, the last of the post-Civil War Reconstruction amendments. It took the passage of the Voting Rights Act of 1965 for people of all races in many parts of our country to begin the effective exercise of rights granted 95 years earlier by the 15th Amendment. Despite the additional gains we have made in enabling racial minorities to participate in the political life of the Nation, the work of the Voting Rights Act is not yet done.

In fact, in the recent LULAC decision, the Supreme Court—finding that 100,000 Latino Americans were illegally disenfranchised in Texas—affirmed that racial discrimination against our Nation's minorities persists today. It proves that the protections of the Voting Rights Act are still needed. We have this year undertaken an extensive process of congressional fact-finding. What it establishes is that we are right to extend the protections of the Voting Rights Act.

In the Senate Judiciary Committee, we held nine hearings on the Voting Rights Act. We received thousands of pages of testimony, reports, articles, letters, statistics, and other relevant material from a wide variety of sources to inform our consideration. The evidence gathered, together with the record developed in a dozen hearings in the House provide us with an adequate basis for Congress to determine that the protections of the Voting Rights Act are still needed both to maintain the gains already achieved and to continue to enforce the guarantees of equality enshrined in the 14th and 15th Amendments.

Much of the testimony we received focused on the continuing need for Sections 5 and 203 of the Voting Rights Act as essential safeguards to the rights and interests of Americans of all races and our language minorities.

The record we have assembled and consider justifies the renewal of Section 5. This section requires certain jurisdictions with a history of discrimination to ''pre-clear'' all voting changes with either the Justice Department or the U.S. District Court for the District of Columbia. In doing so, Section 5 combats the practice of those jurisdictions of shifting from one invalidated discriminatory tactic to another, which had undermined earlier efforts to enforce the 15th Amendment. After ''enduring nearly a century of systematic resistance to the Fifteenth Amendment,'' Congress found, it was imperative to ''shift the advantage of time and inertia from the perpetrators of the evil to its victims.''

Section 5 continues to be a tremendous tool for protecting minority voting rights and a necessary one. For example, in 1992, the Attorney General used Section 5 to stop Wrightsville, GA, from relocating its polling place from the county courthouse to a private all-white club with a history of refusing membership to black applicants and a then-current practice of hosting

functions to which blacks were not welcome. Even more recently, in 2001, Kilmichael, Mississippi's white mayor and all-white Board of Aldermen abruptly cancelled an election after Census data revealed that African Americans had become the majority in the town and an unprecedented number of African-American candidates were running for office. The Justice Department objected under Section 5. Only after the Justice Department forced Kilmichael to hold an election in 2003 did it elect its first African-American mayor, along with three African-American aldermen.

These are just a couple of examples that are representative of the barriers to political participation that all too many American citizens still face today, in 2006. In addition to finding extensive evidence that covered jurisdictions have continued to engage in discriminatory tactics, we also found that the Section 5 preclearance requirement has served a vital prophylactic purpose in protecting against discriminatory voting practices before they go into place and securing the gains made in minority political participation.

The record also supports renewal of Sections 203 and 4(f)(4), which require bilingual voting assistance for certain language minority groups, to ensure that all Americans are able to exercise their fundamental right as citizens to vote. According to the most recent information from the Census, more than 70 percent of citizens who use language assistance are native born, including Native Americans, Alaska natives and Puerto Ricans. Many of those who benefit from Sections 203 and 4(f)(4) suffer from inadequate educational opportunities to learn English.

These Americans are trying to vote but many of them are struggling with the English language due to disparities in education and the incremental process of learning. We can and we must reauthorize these provisions to make sure there is no literacy test at the polling place. We endured a time in our Nation's history when such tests disenfranchised many voters. Renewing the expiring language provisions will help enable all Americans to participate fully in our Nation's democracy.

The record also supports the need to amend the VRA to restore its original purpose in response to two Supreme Court decisions that have limited its effectiveness. The bill remedies the Supreme Court's holding in Reno v. Bossier Parish, by making clear that a voting rule change motivated by any discriminatory purpose violates Section 5. Under the holding in Reno v. Bossier Parish, certain voting rule changes passed with the intent to discriminate against minorities could pass Section 5 muster. Because such an interpretation is inconsistent with congressional intent and the purpose of the Voting Rights Act to eliminate discriminatory tactics that undermine the guarantees of the 15th Amendment, our bill fixes this inconsistency by clarifying that a voting rule change motivated by any discriminatory purpose also cannot be pre-cleared.

The bill also remedies the Supreme Court's holding in Georgia v. Ashcroft. In this case, the Supreme Court provided an unclear and unworkable test for assessing a jurisdiction's challenge to denial of Section 5 pre-clearance. Congressional intent was to protect the ability of a minority community to elect a candidate of its choice. This legislation clarifies our congressional intent by setting forth defined factors to restore the original understanding of the Voting Rights Act to protect the minority community's ability to elect their preferred candidates of choice.

It has often been said that those who cannot remember the past are condemned to repeat it. We must make certain that the significant gains in voting rights over the past four decades do not suffer the same fate as the voting rights provided during Reconstruction. After the Civil War, the Reconstruction Act promised that the guarantees of the 15th Amendment would be realized. Between 1870 and 1900, 22 African-Americans served in the United States Congress. In 1868, Louisiana elected an African-American Lieutenant Governor, Oscar Dunn, and 87 African Americans held seats in the South Carolina legislature. However, these Reconstruction-era gains in African-American voting and representation proved to be short-lived. Following the end of Reconstruction, the rights of African-Americans to vote and to hold office were virtually eliminated in many areas through discriminatory legal barriers, intimidation, and violence. The changes were swift, systematic and severe. By 1896, Representative George White of North Carolina was the only African American remaining in the U.S. Congress, and it would take 72 years after Representative White left Congress for African-American voters in the South to elect another candidate of their choice to Congress.

In Mississippi, the percentage of African-American voting-age men registered to vote fell from over 90 percent during the Reconstruction period to less than 6 percent in 1892. Between 1896 and 1900, the number of African-American voters in Louisiana was reduced from 130,000 to a mere 5,000. Unlike the short-lived gains made by African-American voters during Reconstruction, their exclusion from the ballot box was persistent. Only 3 percent of voting-age African-American men and women in the South were registered to vote in 1940, only 1 percent in Mississippi. These numbers provide a lesson we cannot not ignore.

The passage of the Voting Rights Act in 1965 was a turning point. We have made progress toward a more inclusive democracy since then but I fear that if we fail to reauthorize the expiring provisions of the Voting Rights Act, we are likely to backslide. In his testimony before the Senate Judiciary Committee, civil rights lawyer Robert McDuff warned:

> No place more than Mississippi has been torn by slavery, by the lost promise of emancipation after the Reconstruction period, by the resurgence of racist power in the latter part of the 19th century and most of the 20th, and by the legacy of poverty and racial separation that still exists. While people's behavior and people's hearts can change over time, vigilance is required to ensure that laws and structures remain in place to prevent us as a society from turning back to the worst impulses of the past. Occasional flashes of those impulses illustrate the need for that vigilance. Important changes have come to pass in Mississippi in the last 40 years—changes due in large part to the mechanisms of the Voting Rights Act, particularly the preclearance provision of Section 5. But, like the gains that were washed away after the nation abandoned the goals of Reconstruction in 1876, the progress of the last 40 years is not assured for the future.

When we have such legal protections that are proven effective when enforced, we should not abandon them prematurely simply in the hope equality will come. Reauthorizing and restoring the Voting Rights Act is the right thing to do, not only for those who came before—the brave people who fought for equality—but also for those who come after us, our children and our grandchildren. No one's right to vote should be abridged, suppressed or denied in the United States of America.

The Voting Rights Act of 1965 is one of the most important laws Congress has ever passed. It helped to usher the country out of a history of discrimination into the greater inclusion of more Americans in the decisions about our Nation's future. Our democracy and our Nation are better and richer for it. We cannot relent in our fight for the fundamental civil rights of all Americans. Congress has reauthorized and revitalized the Act four times pursuant to its constitutional powers. This is no time for backsliding, this is the time to move forward together.

As the Senate completes consideration of this important legislation—the culmination of many months of legislative activity to reauthorize the Voting Rights Act—I welcome the President's statement of support today. It was a long time in coming, and the long way round, but he got there. The President is right to have spoken of racial discrimination as a wound not fully healed. We all want our revitalization of the Voting Rights Act we consider today to help in that healing process and in guaranteeing the fundamental right to vote.

I was reminded today of when the President spoke dramatically last September from New Orleans' Jackson Square and pledged to confront poverty

with bold action. I look forward to that bold action. He spoke then of helping our people overcome what he called ''deep, persistent poverty,'' ''poverty with roots in a history of racial discrimination, which cut off generations from the opportunity of America.'' I agree with him. We must, as the President said that night, ''rise above the legacy of inequality.'' That is a shameful legacy that still exists and still needs to be overcome. The President is right that ''the wounds'' of racial discrimination need to be fully healed.

In my judgment, based on the record before this Senate, the reauthorization of the Voting Rights Act is needed to ensure that healing.

We heard so often during the civil rights movement ''we shall overcome.'' But it is not just a case of we shall overcome, it is ''we must overcome.''

I also welcome the support of others who have come recently to this cause and struggle. I welcome our Senate bill cosponsors who joined us after the companion House bill had already won 390 votes and even those who joined after the Senate bill was successfully voted out of our Committee, 18–0. It is never too late to join a good cause, and protecting the fundamental right to vote and have Americans' votes count is just such a cause.

Someone who was not late to the struggle but who has been at its forefront since his election to the Senate in 1962 is the senior Senator from Massachusetts. He worked to pass the original landmark Voting Rights Act in 1965. On this issue he is the Senate's leader. It has been an honor to work beside him in this important effort. And work he did. To assemble the record required work. He came to our hearings, helped organize them, helped assemble the witnesses, and when Senators from the majority were unavailable, he and I proceeded with the permission of our chairman to chair those hearings. We would not be passing this bill without the overwhelming support that it will have if it had not been for Senator KENNEDY.

Of course, we also honor the senior Senator from Hawaii who likewise voted for the Voting Rights Act of 1965 and each of its reauthorizations. His leadership in these matters is greatly appreciated by this Senator and, I believe, by the Senate.

I also thank the Democratic leader for his help. Senator REID stayed focused on making sure this essential legislative objective was achieved. He worked with us and the Republican leader throughout. He is a lead sponsor of the legislation and was a key participant at our bicameral announcement on the steps of the Capitol on May 2.

Throughout the process of developing the bill, developing the legislative record and considering the bill, he has never failed to go the extra mile to ensure the success of this effort.

I thank our Chairman and lead Senate sponsor. As I pushed and cajoled and urged action he heard me out. Together with the other active members of the Judiciary Committee, we worked to assemble the necessary record and consider it so that our bill is on a solid factual, legal and constitutional foundation. I thank each of our cosponsors and, in particular, those who joined us early on, those on the Judiciary Committee, and the Republican leader.

There are too many others who deserve thanks. They include Senator SALAZAR for his contributions throughout and for his thoughtful initiative to broaden those for whom this bill is named by including Cesar Chavez. I look forward to working with him to make that a reality. To all who have supported this effort I say thank you and know that your real thanks will be in the fulfillment of the promise of equality for all Americans in the years ahead.

I wholeheartedly thank the members of the civil rights community.

Led by Wade Henderson and Nancy Zirkin at the Leadership Conference on Civil Rights and by Bruce Gordon and Hilary Shelton of the NAACP and by lawyers like Ted Shaw and Leslie Proll and all the voting rights attorneys who have made the cause of equal justice their lives' work, they have been indispensable to this effort and relentless in their commitment to what is best about America.

I thank my own staff, led by Bruce Cohen, backed by a wonderful staff of Kristine Lucius, Jeremy Paris, Kathryn Neal, Leila George-Wheeler, Margaret Edmonds, and our legal clerks Robynn Sturm, Arline Duffy and Peter Jewett.

I express my appreciation and admiration for all they do to make Congress and America measure up to the promise of our Constitution and the vision that Fannie Lou Hamer, Rosa Parks, Coretta Scott King and Cesar Chavez had for America.

As I said earlier today, all 100 Senators have no problem voting. They can walk into a voting booth in their home State, and nobody is going to say no. We have to make sure that everybody else is treated the same as we 100 Senators are. This is for us, this is for our children, and on a personal level, this is also for our grandchildren.

I yield the floor.

Mr. FEINGOLD. Mr. President, Section 5 of the bill, which deals with Georgia v. Ashcroft and the Bossier II case, is extremely important. As ranking member of the Judiciary Committee's Subcommittee on the Constitution, Civil Rights, and Property Rights, I concur with the discussion of this provision by the Senator from Vermont.

Mr. REID. Mr. President, how much time remains?

The PRESIDING OFFICER. Six-and-a-half minutes.

Mr. REID. Does the Senator from Massachusetts need time?

Mr. KENNEDY. Just 2 minutes.

Mr. REID. Mr. President, I yield 2 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank our leader, Senator REID, for his constancy in support of this legislative effort and for his encouragement to all of us on the Judiciary Committee. I thank my friend from Vermont for his kind words.

Earlier today, there have been comments by my friend—and he is my friend—in the Judiciary Committee, Senator CORNYN, and also with regard to particular provisions in section 5, and later there were comments from Senator CORNYN and Senator KYL about an amendment offered by Congressman NORWOOD over in the House of Representatives. I think it is important that the RECORD reflect the results of the extensive hearings that we had on these different issues because it is extensive, exhaustive, and it is presented by the floor managers, Senators SPECTER and LEAHY.

Senator CORNYN suggested in his remarks that he wishes we had taken more time to debate fully some of the issues raised by the reauthorization. In particular, he said he wished more time had been taken to consider the trigger formula for section 5. As an initial matter, the Senate began its consideration of renewing the Voting Rights Act with the very substantial record that had been assembled by the House, which contained over 10,000 pages that were the result of by over 8 months of House Judiciary Committee hearings.

From our very first Senate hearing, Chairman SPECTER stressed the need to build a strong record in anticipation of challenges to the act's constitutionality. That's exactly what we did. We heard from legal scholars and voting rights practitioners. We held 9 hearings, heard from 41 witnesses, and received well over ten thousand pages of documentary evidence. That evidence showed, unequivocally that discrimination, including intentional discrimination, persists in the covered jurisdictions, and that the trigger is effective in identifying jurisdictions for section 5 coverage. Senator CORNYN joined a unanimous committee in voting for the committee bill, which retains the act's trigger formula.

Senator CORNYN also held up a map of the United States depicting jurisdictions that would be covered if the amendment offered last week in the House by Representative NORWOOD had been adopted, which would base coverage on voter registration and turnout during the last three Presidential elections. Representative NORWOOD had a full airing of his proposal and many rose in opposition, including Chairman SENSENBRENNER. The opponents of the amendment overwhelmingly carried the day.

Senator CORNYN said that the Norwood trigger would not appear to gut section 5. However, under The Norwood formula, the State of Louisiana essentially wouldn't be covered. Yet, there is substantial evidence in our record of ongoing and recent voting discrimination in Louisiana. Yet the so-called updated trigger formula would exclude this sort of jurisdiction from coverage.

Finally, Senator CORNYN and Senator KYL discussed the provision of the bill known as the Georgia v. Ashcroft fix, which clarifies the retrogression standard in the wake of the Supreme Court's decision in Georgia v. Ashcroft. The bill restores section 5's ''ability-to-elect standard,'' which was set forth in the Beer case. Under the Beer standard, ''ability-to-elect'' districts include majority-minority districts where minority voters demonstrate an ability to elect the candidates of their choice. Contrary to the suggestions of Senator CORNYN and Senator KYL on the floor, while the standard rejects the notion that ''ability-to-elect'' districts can be traded for ''influence'' districts, it also recognizes that minority voters may be able to elect candidates of their choice with reliable crossover support and, thus, does not mandate the creation and maintenance of majority-minority districts in all circumstances. The test is fact-specific, and turns on the particular circumstances of each case. As both Senator CORNYN and Senator KYL noted, the Voting Rights Act is not about electing candidates of particular parties. It's about enabling minority voters to participate effectively and equally in the political process.

I thank the Senator and yield back whatever time remains.

Mr. SPECTER. Mr. President, I seek recognition to elaborate upon views expressed earlier today by several of my colleagues. Senators MCCONNELL, HATCH, KYL, and CORNYN engaged in a colloquy regarding the meaning of section 5 of the Voting Rights Act reauthorization bill presently before this body. I wish to express my agreement with those comments and add a few thoughts of my own.

Section 5 of the proposed bill overturns two Supreme Court cases: Reno v. Bossier Parish, or Bossier Parish II, and Georgia v. Ashcroft. The goal of the bill is to protect districts that contain a majority of minority voters. We are well aware of efforts in the past to disenfranchise minority voters. As a consequence, this language prohibits legislators from acting purposely, with the intention of harming minority voters, to ''unpack'' majority-minority districts and to disperse those minority voters to other districts.

First, the bill overturns Bossier Parish II by prohibiting voting changes enacted with ''any discriminatory purpose.'' This language bans a government official from discriminating against minority voters. If a government official could create a district that would benefit minorities, but purposely chooses not to do so because it will be majority-minority then that government official will have violated this bill.

Although this is an important requirement, I have heard concerns that the Justice Department may abuse the new language designed to overturn Bossier Parish II and require States to maximize the number of majority-minority districts—or to create so-called coalition or influence districts. In cases such as *Miller v. Johnson*, 515 U.S. 900, 921, 1995; *Bush v. Vera*, 517 U.S. 952, 1996; and *Hunt v. Cromartie*, 526 U.S. 541, 1999, however, the Supreme Court has held that the Justice Department's one time policy of requiring States to maximize majority-minority districts violated the Constitution. I want to make it clear that this bill does not allow such behavior, much less require it.

As I understand it, the new language we are adding allows the Justice Department to stop purposeful, unconstitutional behavior. It does not grant the Justice Department license to violate the Constitution. It does not authorize the Justice Department to define for itself what is a ''discriminatory purpose.'' And it does not give the Justice Department a blank check to require States to maximize influence or coalition districts.

Second, the bill overturns Georgia v. Ashcroft by protecting the ability of minorities to ''elect their preferred candidates of choice.'' Some commentators have read Georgia v. Ashcroft as allowing States to break up naturally occurring majority-minority districts to create other districts where minorities have less voting power but still exercise important influence in elections. The bill's new language protects districts in which minority citizens select their ''preferred candidate of choice'' with their own voting power. In short, it provides additional protection for naturally occurring majority-minority districts. The bill does not demand that such districts be disbanded to create influence districts.

I hope this language is now clear. I also thank my colleagues—Senators MCCONNELL, HATCH, KYL, and CORNYN—for their lucid explanations earlier.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. There is a definitive set of books written about this time period by Taylor Branch. When I read the first volume, I went over to the office of Congressman JOHN LEWIS because his name was mentioned in that book so often that a number years ago when the book was published, I talked to JOHN LEWIS about his valiant efforts to allow us to be in the place we are today. I mention that because after having read the third volume of Taylor Branch's book, ''At Canaan's Edge,'' which I completed a week ago, I was stunned by many references to Senator TED KENNEDY.

One full page talks about a time that Senator KENNEDY made his first trip to Mississippi. His brother had been assassinated. He went with Dr. King to Mississippi for the first time. There were 150 pounds of nails, an inch and three-quarters long, dumped in the pathway, three police cars with nails in their tires and were unable to continue. There were threats made on Senator KENNEDY's life. I was so stunned by reading that that I called Senator KENNEDY and read that to him and asked if this brought back memories of his first trip to Mississippi.

I mention JOHN LEWIS and Senator KENNEDY because they are only two of the many who made significant sacrifices to get us to the point where we are today. On March 15, 1965, Lyndon Johnson came to the Capitol to address a joint session of Congress. He spoke to a House, a Senate, and a nation that had been rocked by recent violence, especially in Selma, AL. President Johnson's purpose that night was to spur Congress to finally move forward on the Voting Rights Act, the legislation whose authorization we are going to vote on today. That Congress, in 1965, like this Congress in 2006, was slow to pass voting rights legislation. So President Johnson came to the Hill to remind everybody what was at stake. Here is what he said:

> This time, on this issue, there must be no delay, no hesitation, and no compromise with our purpose. We cannot and we must not refuse to protect the right of every American to vote in every election that he may desire to participate in. And we ought not, and we cannot, and we must not wait another 8 months before we get a bill. We have already waited a hundred years or more, and the time for waiting is gone.

Mr. President, once again, in our country, at this time, the time for waiting is gone. The Senate cannot and we must not go another day without sending the Voting Rights Act to the President. We have already waited too long. I, like many others, expected this legislation to be passed months ago. I remember months ago standing on the Capitol steps with Senator FRIST, House leaders, chairmen and ranking members of the Judiciary Committees from both bodies, and civil rights leaders, to announce the bipartisan-bicameral introduction of this bill. It seemed that this act would move forward in swift bipartisan fashion. But it has not.

How long must we wait? How wrong that perception proved to be. In the House, consideration was delayed for weeks and weeks. It was only recently passed over the objections of conservative opponents. In the Senate, we saw similar delay. In fact, as recently as last week, the majority leader was not sure he would even bring this bill to the floor before the August recess.

In the House, consideration was delayed for weeks. It recently passed over the objections of conservative opponents.

Thankfully, he listened to Democrats. Thankfully, everyone listened to what we had to say, including our distinguished majority leader. Obviously, from last Friday to today, he had a change of heart and brought this bill before the Senate.

The Voting Rights Act is too important to fall by the wayside like so many other issues that have fallen by the wayside, I am sorry to say, in this Republican Senate. Remember, the Voting Rights Act isn't just another bill. It is paramount to the preservation of our democracy, literally. As we have seen in recent elections, we remain a nation far from perfect. The fact is, we still have a lot of work to do, but in the last 40 years, thanks to the Voting Rights Act, we have come a long way.

Before this Voting Rights Act became law, African-Americans who tried to register to vote were subject to beatings, literacy tests, poll taxes, and death.

Before the Voting Rights Act, over 90 percent of eligible African-American voters in Mississippi didn't and couldn't register to vote, not because they didn't want to, they simply were unable to, they were not permitted to.

Before the Voting Rights Act, it would have been unheard of to have 43 African-American Members of Congress as we have today.

In the Senate, we cast a lot of votes, but not all of them are for causes for which Americans just a few decades ago were willing to risk their lives. It is a sad fact of American history that blood was spilled and violence erupted before the Nation opened its eyes to justice and the need to guarantee in law everyone's right to vote.

It is important that all of us remember the sacrifice of those Americans, and to make sure we do, after this bill becomes law, I will seek to add the name of JOHN LEWIS to this bill. I already talked about his being one of my personal heroes. I understand Senators LEAHY and SALAZAR are doing something similar with Cesar Chavez. I support that. Heroic actions of men such as JOHN LEWIS and Cesar Chavez are shining examples of the heroic actions of so many during the fight for equal rights.

Congressman LEWIS is a civil rights icon. He has given his entire life to the causes of justice and liberty. As I have said, he was a key organizer of so many things, not the least of which was the 1963 march in Washington. I was here. I saw it. He was in Selma when the billy clubs, police dogs, and fire hoses were used on that bloody Sunday, and he had his body beaten on many occasions. But he hasn't given up the fight, even to this day.

Similarly, during his life, Cesar Chavez was a champion of the American principles of justice, equality, and freedom. He fearlessly fought to right the wrongs literally of those injustices inflicted on American farm workers and brought national attention to the causes of labor and injustice.

America is a better place because of JOHN LEWIS and Cesar Chavez. By placing their names on this landmark legislation, we can be sure Americans will always remember the sacrifices made in the name of equality.

I began by quoting Lyndon Johnson's speech in 1965. There is another excerpt from that speech which I will read, and it is as follows:

> In our time we have come to live with moments of great crisis. Our lives have been marked with debate about great issues; issues of war and peace, issues of prosperity and depression. But rarely in any time does an issue lay bear the secret heart of America itself. Rarely are we met with a challenge, not to our growth or abundance, our welfare or our security, but rather to the values and the purposes and the meaning of our beloved Nation.

This same challenge—a challenge to the values and the purposes and the meaning of our Nation—is now before the Senate. In just a few minutes, we are going to pass overwhelmingly the Voting Rights Act of 2006. It is a challenge which this body has met. We have done it purposefully and rightfully, and history books will indicate that we have made a significant step forward. There is more to do, but this is a big step forward.

I yield the floor.

Mr. LEAHY. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER (Mr. CHAFEE). They have not.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, the majority leader should be here momentarily. I suggest the absence of a quorum.

Mr. LEAHY. Mr. President, if the Senator will withhold.

Mr. REID. I withhold, of course.

Mr. LEAHY. Mr. President, I want to make sure—I was not trying to force it to a vote. I know the distinguished Republican leader will speak next, but many of us spent a lot of time on this, and we want to make sure it will be—as one of the managers of the bill—we want to make absolutely sure there will be a rollcall vote.

If nobody is seeking recognition, 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. FRIST. 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.

Mr. FRIST. Mr. President, 41 years—that is how long it has been since the Voting Rights Act was first enacted in 1965, and we have come a long way in those 41 years. That much was made clear to me on a recent visit to the National Civil Rights Museum in Memphis, TN, just about 3 weeks ago with President Bush and Dr. Ben Hooks, a renowned civil rights leader, a former executive director of the NAACP for 14 or 15 years a personal friend of myself and my distinguished colleague from Tennessee who is with me on the floor, LAMAR ALEXANDER.

Together we visited the site of the assassination of Martin Luther King, Jr., at the Lorraine Motel, which over the past several decades has developed into a wonderful, inspiring civil rights museum. As we walked through that museum with Dr. Hooks, in his voice could one capture that sensitivity, that inspiration, some sadness as we walked through, and he recounted the events surrounding that time, but history came alive.

It was an ugly moment in our collective history and certainly not America's finest hour, but the museum reinforced the impressions I had. It strikes your conscience. It reminds you of the lessons learned, lessons I saw once again on a pilgrimage I took with Congressman JOHN LEWIS and about 10 of our colleagues a little over 2 years ago when we visited the civil rights sites in Tennessee and Alabama, and together we crossed Selma's Edmund Pettus Bridge where, over four decades ago now, Congressman LEWIS led those peaceful marchers in the name of voting rights for all.

What struck me most during that pilgrimage a couple of years ago and then 3 weeks ago during that museum visit with Dr. Hooks is how we as a nation pushed through that time, as we persevered to correct injustice, just as we have at other points in American history. It reminded me of our ability to change; that when our laws become destructive to our unalienable rights, such as liberty and pursuit of happiness, it is the right of the people to alter or abolish them. And it reminded me of the importance, the absolute necessity of ensuring the permanence of the changes we made, the permanence of correction to injustice.

So I am very pleased that in just a few minutes, we will act as a body to reauthorize the Voting Rights Act. We owe it to the memories of those who fought before us—and we owe it to our future, a future when equality is a reality in our hearts and minds and not just the law—to reauthorize the Voting Rights Act.

I hope my colleagues will join me in voting for this critical legislation because in the 41 years since it became law, we have seen tremendous progress,

and now it is time to ensure that the progress continues, that we protect the civil liberties of each and every American.

Mr. President, I yield back all our time.

Mr. LEAHY. Mr. President, is there still time available on this side?

The PRESIDING OFFICER. All time has expired.

Mr. LEAHY. The yeas and nays have been ordered.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill (H.R. 9) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? On this question, 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 Idaho (Mr. CRAPO) and the Senator from Wyoming (Mr. ENZI).

Further, if present and voting, the Senator from Idaho (Mr. CRAPO) would have voted ''yea.''

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—98

Akaka	Domenici	McConnell
Alexander	Dorgan	Menendez
Allard	Durbin	Mikulski
Allen	Ensign	Murkowski
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (FL)
Bennett	Frist	Nelson (NE)
Biden	Graham	Obama
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagel	Reid
Brownback	Harkin	Roberts
Bunning	Hatch	Rockefeller
Burns	Hutchison	Salazar
Burr	Inhofe	Santorum
Byrd	Inouye	Sarbanes
Cantwell	Isakson	Schumer
Carper	Jeffords	Sessions
Chafee	Johnson	Shelby
Chambliss	Kennedy	Smith
Clinton	Kerry	Snowe
Coburn	Kohl	Specter
Cochran	Kyl	Stabenow
Coleman	Landrieu	Stevens
Collins	Lautenberg	Sununu
Conrad	Leahy	Talent
Cornyn	Levin	Thomas
Craig	Lieberman	Thune
Dayton	Lincoln	Vitter
DeMint	Lott	Voinovich
DeWine	Lugar	Warner
Dodd	Martinez	Wyden
Dole	McCain	

NOT VOTING—2

Crapo	Enzi

The bill (H.R. 9) was passed.

Mr. FRIST. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. FRIST. For the information of our colleagues, the Democratic leader and I have been in discussion. Let me briefly outline what the plans for tonight will be and tomorrow. Most importantly for my colleagues, there will be no more rollcall votes tonight or tomorrow. We will probably see a lot of Members leave the room.

We will turn within a couple of minutes to the Adam Walsh Child Protection and Safety Act, a very important bill that we will spend approximately 2 hours on tonight. Following that, we will have debate on two circuit judges and two district judges. We will be voting on the Adam Walsh Child Protection and Safety Act tonight by voice vote and all four of those judges by voice tonight.

We will be in tomorrow. We will have no rollcall votes tomorrow. I will have an announcement later tonight or possibly tomorrow on what the schedule will be on Monday in terms of votes on Monday, if we will have a vote or not. Debate tomorrow will be, in all likelihood, on the Child Custody Protection Act, plus we will have a period of morning business for other matters.

With that, we will be able to turn to the Adam Walsh Child Protection and Safety Act which we will be passing in about 2 hours.

CHILDREN'S SAFETY AND VIOLENT CRIME REDUCTION ACT OF 2006

The PRESIDING OFFICER. The Senate will now proceed to the consideration of H.R. 4472, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4472) to protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes.

AMENDMENT NO. 4686

(Purpose: In the Nature of a substitute)

The PRESIDING OFFICER (Mr. CORNYN). Under the previous order, the Hatch amendment at the desk is agreed to.

The amendment (No. 4686) was agreed to, as follows:

(The amendment is printed in today's RECORD under ''Text of Amendments'')

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I thank my colleagues for granting unanimous consent to pass the most comprehensive child crimes and protection bill in our Nation's history—H.R. 4472, the Adam Walsh Child Protection and Safety Act of 2006.

This bill started in the House of Representatives by a courageous and ambitious Congressman from Florida, MARK FOLEY. MARK is with us in the Senate Chamber today, and I want to thank him, again, for getting this ball rolling and for fighting like a champion on behalf of our children. I appreciate his tenacity and enthusiasm—we would not be here without his devotion and hard work.

I also thank Senator BIDEN, who joined me in sponsoring the original Senate version of this bill. Senator BIDEN and I have worked together on so many bills, none more important than what we are accomplishing today for our children. Senators FRIST, SPECTER, and REID thank you for making this bill priority and for getting this bill through.

The bill we are about to pass, the Adam Walsh Child Safety and Protection Act, represents a collaboration between the House and Senate to include the strong provisions of S. 1086, the Sex Offender Registration and Notification Act, and H.R. 4472, The Child Safety Act. It creates a National Sex Offender Registry with uniform standards for the registration of sex offenders, including a lifetime registration requirement for the most serious offenders. This is critical to sew together the patch-work quilt of 50 different State attempts to identity and keep track of sex offenders.

The Adam Walsh Act establishes strong Federal penalties for sex offenders who fail to register, or fail to update their information, including up to 10 years in prison for non-compliance.

The Adam Walsh Act imposes tough penalties for the most serious crimes against children, including a 30 year mandatory penalty for raping a child and no less than 10 years in prison for a sex trafficking offense. In fact, this bill creates a series of assured penalties for crimes of violence against children, including penalties for murder, kidnapping, maiming, and using a dangerous weapon against a child. And the bill allows for the death penalty in the most serious cases of child abuse, including the murder of a child in sexual exploitation and kidnapping offenses.

The bottom line here is that sex offenders have run rampant in this country and now Congress and the people are ready to respond with legislation that will curtail the ability of sex offenders to operate freely. It is our hope that programs like NBC Dateline's ''To Catch a Predator'' series will no longer have enough material to fill an hour or even a minute. Now, it seems, they can go to any city in this country and catch dozens of predators willing to go on-line to hunt children.

Laws regarding registration for sex offenders have not been consistent from State to State now all States will lock arms and present a unified front in the battle to protect children. Web sites that have been weak in the past, due to weak laws and haphazard updating and based on inaccurate information, will now be accurate, updated and useful for finding sex offenders.

There are more than a half-million registered sex offenders in the United States. Those are the ones we know. Undoubtedly there are more. That number is going to go up. Over 100,000 of those sex offenders are registered but missing. That number is going to go down. We are going to get tough on these people. Some estimate it is as high as 150,000 sex offenders who are not complying. That is killing our children.

Another important part of this bill will help prevent the sexual exploitation of children through the production of sexually explicit material. Every day we hear new stories about how pornographers and predators take advantage of new technology to exploit children in new ways. It is very difficult for legislatures even to keep up, and when we do pass new legislation, it is often stymied in the courts.

Federal law requires producers of some sexually explicit material to keep records regarding the identity and age of performers and to make those records available for inspection. The current statute, however, was enacted before the Internet existed and covers only some sexually explicit material. The provisions in the act before us brings key definitions in the law up to date, extends the record keeping requirement to more sexually explicit material, and makes refusal to permit inspection of these records a crime.

I want to thank John Walsh, host of ''America's Most Wanted,'' and his wife, Reve—who have waited nearly 25 years for this day. Next Thursday, July 27, 2006, marks 25 years since the abduction and subsequent murder of their son Adam—for whom this bill is named. And on that 25th anniversary the President will sign into law legislation that will help law enforcement do what John has been doing all along—hunt down predators and criminals. I want to thank the National Center for Missing and Exploited Children for their tireless work and for their assistance with crafting this legislation.

This is smart legislation and I am very proud of the Adam Walsh Act. I am determined that Congress will play its part in protecting the children of my home state of Utah and America. I have never been more excited to see a bill signed into law.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I begin speaking to this legislation by thanking my buddy. And I know that is a colloquial expression in this formal place we work when I say ''my buddy,'' but Senator HATCH and I have worked together for a long time. It is hard for me to believe we have been here as long as we have. I have actually been here a couple years longer than he has. We have our differences in philosophy. We have never had any differences personally. We have never had any differences in terms of our relationship.

The two things I am proudest of that we have both done is we have both—and I say this somewhat self-serving, I acknowledge—we both always hired staff that is respected. I do not think there has ever been a time that ORRIN has not had a staff and staff members who my staff completely, totally trusted. I think it is fair to say that is the case on ORRIN'S side as well.

That makes a gigantic difference because I think the work that Ken Valentine, the fellow sitting to ORRIN'S right, did—a loner, Secret Service guy from the administration, from the executive branch—and a fellow I am very proud of, whom I will mention in a moment—the work they did with John Walsh and others, to overcome the hurdles that get thrown in the way of good legislation because everybody has their own agenda.

Everybody knows that for ORRIN and me—and I would add my friend from North Dakota—that some of us have had this as sort of a—I have been accused of this being a hobbyhorse for me, this, all the work we have done for so long on dealing with child predators and abused women and abused children. But what happens sometimes is that good legislation gets stuck because other Senators, who do not have that as the same priority—although they are for it—attach a lot of extraneous things because there is something they feel is even more critical than the legislation, and they see it, to use the Senate jargon, as a vehicle to get their views heard and their legislation passed.

Well, as to the work that Dave Turk of my staff did and Ken Valentine did in order to sort of clear the way for this, I think everyone who has worked on this, including John Walsh, would acknowledge is extraordinary.

So I want to personally—there are others, I am sure. There are others. I do not mean, by mentioning these two individuals, to in any way denigrate the incredible work done by so many others. But I think sometimes the public wonders why we pay staff members—all of whom can make a lot more money if they did something else—the kind of salaries they get paid, in relative terms. It is because they are so good. They are so dedicated. They are so talented.

In my experience of being here 33 years, I have found that when a staff member, no less than a Senator, has an intellectual as well as an emotional commitment to what they are doing, it is even more effective.

I know for my friend and staff member, Dave Turk, who is a father, and for Ken Valentine, whom I have only gotten to know personally recently, this is more than legislation, this is more than passing this piece of legislation. This is the stuff of which your life's work is viewed as being worthwhile.

I remember Jerry Brown, when he used to be the Governor of California, once said when he was cutting pay—I am not making a judgment of whether he should have or should not have—when cutting the pay of State employees, he made a statement only Jerry Brown could make, 20 years ago: Well, they have the psychic remuneration of living in California. I do not know about that. But I can tell you that the psychic remuneration for ORRIN HATCH and JOE BIDEN and Ken Valentine and Dave Turk, and many others who worked on this, makes this job worthwhile.

The two things of which I am most proud that I have done in 33 years are dealing with this issue in particular and culminating in this legislation, the Adam Walsh Child Protection Safety Act, and the Violence Against Women Act—which, I might add, one of only seven guys who jumped out front in 1994 to get that done was also ORRIN HATCH.

So, Senator HATCH, I thank you. We have been in the minority, the majority, the minority; we have switched places back and forth, but it has never changed our relationship, never changed how we have worked with each other, and never changed the good work I think we and many others can say we are proud to have participated in.

Mr. President, I wish to talk a few minutes about the actual act. Congress has done a good deal over the last 25 years—and I might add, starting with, God love him, our old and deceased friend, Senator Thurmond from South Carolina—to protect kids. We created the National Center for Missing and Exploited Children in 1984. We enacted the crime bill in 1994. We enacted the Amber Alert system in 2003.

But every time we have done something significant, the bad guys have figured out a way to take advantage of it, to find a loophole, to find an opening. And that is what this is about—and I wish he had floor privileges because he could speak to it better than any of us—but this is about, to paraphrase John Walsh, with whom I had dinner the other night—this is about closing the door. This is about uniting 50 States in common purpose and in league with one another to prevent these lowlifes from slipping through the cracks. So we recognize that what we have done in the past did not do all we wanted to do.

I might add one more thing. JOE BIDEN and ORRIN HATCH come from different sides of the political spectrum on a lot of things. But I can assure you, not only is this tough, but the civil liberties of Americans are not in jeopardy with this. This is not—this is not—a case where in order to get bad guys we have had to in any way lessen the constitutional protections made available to good guys. So I think it is a proud piece of work.

The National Center for Missing and Exploited Children, as Senator HATCH

has indicated, estimates there are over 550,000 sex offenders nationwide, and more than 20 percent of them are unaccounted for. I would argue that there are a whole lot more than 550,000, who never get caught up in the criminal web for a thousand different reasons that I do not have time to explain. But at a minimum, this means there are as many as 150,000 of these dangerous sex offenders out there, individuals who have already committed crimes and may, unless we do something, continue to jeopardize the most vulnerable among us.

The Adam Walsh Child Protection and Safety Act takes direct aim at this problem. Plain and simple, this legislation, I can say with certainty, will save children's lives.

Sexual predators must be tracked, and our cops and our parents have a right to know when these criminals are in their neighborhoods. That is what we do here.

First—an important point—let's start at the beginning. This legislation requires sex offenders to register prior to their release from prison, to make sure we give them absolutely no opportunity to do what happens now: fall through the cracks between the moment the prison door opens and before they set up a residence.

We also make sure we are keeping tabs on everyone who poses a threat to our kids. Advances in technology are a great thing, but many times there is a dark side. The Internet, for example, puts the knowledge of the world at a child's fingertips, but it can also be and is abused by sexual predators causing kids harm. To steal a phrase from my son, who is a Federal prosecutor, he told me: Dad, it used to be you could lock your door or hold your child's hand at the mall and keep them out of harm's way.

But today, in my son's words, with a click of a mouse, a predator can enter your child's bedroom in a locked home and begin the pernicious road to violating that child. That is why this legislation adds the ''use of the Internet to facilitate or commit a crime against a minor'' as an offense that could trigger registration.

And once someone is on a sex offender registry, we make sure they can't go back into hiding in the shadows. Under this bill, child predators would be required to periodically and in person check in with the authorities.

They also would be required to update their photographs so law enforcement and parents will know where these folks are and what they look like now and not solely what they looked like years ago that is unrecognizable now.

And if a registered offender fails to comply with any of these requirements, he or she faces a felony of up to 10 years in prison. If an unregistered sex offender commits a crime of violence, the offender will face a 5-year mandatory prison sentence in addition to any other sentence imposed.

A noncompliant sex offender will also face U.S. Marshals who have been brought in under this bill to lend their expertise and manpower to help track down these dangerous individuals.

John and I were talking about it at dinner. These guys saddle up, to use his phrase. They are the most underrated, underestimated part of American law enforcement. They do the job incredibly well. They want to get in on this, and they are now part of this. We now have designated their expertise and manpower to track down these individuals.

One of the biggest problems in our current sex offender registry system happens when registered sex offenders travel from one State to another.

Delaware has worked hard to keep track of the 3,123 sex offenders registered to my State. But there are other States that are not so advanced and whose systems are not so sophisticated.

This bill fully integrates and expands the State systems so that communities nationwide will be warned when high-risk offenders come to live among them. And we target resources under this bill at the worst of the worst and provide Federal dollars to make sure States aren't left holding the bag.

We also require the U.S. Department of Justice to create software to share with States in order to allow for information to be shared instantly and seamlessly among them. When a sex offender moves from New Jersey to Delaware, for example, we have to be absolutely sure that Delaware authorities know about it.

This bill also mandates a national sex offender Web site so that parents can find out who is living in their neighborhoods. Parents will now be able to search for information on sex offenders by geographic radius and ZIP Code.

Do we have a silver bullet, a foolproof system here? I have been around too long to know the answer to that question is no. What we do have is a slew of commonsense ways for fixing our current problem.

As I mentioned earlier, it has taken us months and years to get to the point of enacting this important bill into law. Again, I give credit where credit is due, as has already been mentioned, to John and Reve Walsh. I know we are not supposed to—and I will not—violate Senate rules by pointing out who is where. But the fact is, if I were sitting next to them in the gallery now, I suspect if I put my hand on his arm, I would feel the tension in his arm.

This has to be a very bittersweet moment for John Walsh. For what are we doing here today? We are naming a bill that will save the lives of hopefully thousands of other young people after a beautiful young boy who was victimized and killed.

The thing I find most amazing about John and Reve is, I don't know how anybody who has lost a child can have the courage to do what they have done. I know from my own experience, which I will not speak to, there are certain circumstances I cannot walk into because it reminds me of one of my children I lost.

I could never do what John and Reve did. I could never do what they did. And we could have never done today what we are doing without them. That is not hyperbole; that is the God's truth. We could never have gotten this done without John and Reve Walsh.

It has to be one god-awful bitter moment, for the 27th of this month, if I am not mistaken, will be the 25th anniversary.

A lot of people on this floor, including one of my colleagues I am sitting with, have lost children. It doesn't matter whether it is 2 years past, 10 years, 25 years, or 50 years past. That part never passes. I thank John and Reve for their courage, courage way beyond anything I could possess.

I have known John for many years. We go way back to 1984, working together to create the National Center for Missing and Exploited Children along with Senator HATCH. He has been at it year after year, pushing the Congress to do more.

John, you have been an inspiration. You continue to be. Don't underestimate it. You have been doing it so long, don't underestimate how many thousands of people take solace from what you do and what you have done.

It has not been my style in 33 years to take the floor to speak in such personal terms, but this is ultimately personal. It is the ultimate, ultimate personal thing, your child.

Earlier this week I had a chance to sit down with Ed Smart whose daughter Elizabeth—what a magnificently beautiful, poised, gracious young woman—then 14 years, was abducted at gunpoint from her family in Salt Lake City while her parents and four brothers slept. She was found 9 months later. The strength of that family's character, its resilience is remarkable.

I have taken too much of the Senate's time. Let me again thank my colleague from Utah. I also thank our committee chairman and all the members of our committee. They also deserve a great deal of credit.

Other Senators, including my colleague on the floor, who has been relentless, absolutely relentless, Senator DORGAN; he added a major, important piece to this legislation. I thank him for that. Senator BILL NELSON, CHUCK GRASSLEY, all contributed important parts to this bill. They each took tragedies that happened in their States and used them as a call to action.

Senators FRIST and REID—our majority and minority leaders—also deserve all our thanks by ensuring that this important bill was treated with the priority it deserved.

Congressman FOLEY has worked tirelessly on this bill in the House for years, and Congressman POMEROY was by his side. And Chairman SENSENBRENNER guided this bill through the House of Representatives.

I don't think there is one of us on this floor who wouldn't trade away this bill for being able to bring back to life all those innocent lives that were lost that allowed us, in a bizarre way, to produce this legislation.

We cannot redeem the dead, but we can, in fact, protect the living. I think this bill, with the many parts I didn't mention, including DNA testing and a whole range of other things, is fair, decent, and honorable. Most important, there is not a single thing we can do that is more worthy of our effort than protecting our children. That is what all of us on this floor—and many who are not—today are playing a part in doing.

Again, I close by thanking John Walsh.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. DORGAN. Is there an order of speaking this evening, if I might inquire of the manager.

Mr. HATCH. Mr. President, I ask unanimous consent that we go back and forth so long as we have people on both sides. So the distinguished Senator from North Dakota will be allowed to speak next and then the distinguished Senator from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I will pick up where the Senator from Delaware left off and the Senator from Utah, also thanking John Walsh and his wife Reve for their tremendous contribution to our society but in particular for this piece of legislation. We all have to deal in life with tragedies, struggles. It is the measure of a person to see how that individual responds.

Given the nature of the tragedy they experience, it could have easily destroyed them. They took this horrific incident and turned it into a tremendous good. As Senator BIDEN says, who knows personally, I can't think of anything worse than losing a child. Losing a child in such an incredibly tragic situation has to be more than you can possibly bear. To take that emotion and channel it into a positive course for the benefit of other children is an incredible legacy for Adam. I know John and Reve do it for that reason, to build this incredible legacy. This legacy is added to today by naming this bill the Adam Walsh Child Protection and Safety Act.

Not only is this a great thing they are doing for society, they are a great model for so many who experience tragedies every single day. People can look at them and see how something that I am sure brought them to their knees can be turned around to do so much good for so many. So they are not only helping the children, helping those who are victims of crime, but they are helping those who are victims of life's tragedies that befall us all and giving them an inspiration to move forward and turn tragedy into triumph. This is another triumph. It may not even be the biggest triumph they have experienced, but it is certainly a triumph and a positive thing to add to that legacy.

I rise to talk about two pieces of this bill I have been working on and of which I am the author. One is called Project Safe Childhood. The second is called the Schools SAFE Act. I introduced Project Safe Childhood a couple months ago after learning of a program at the Justice Department called Project Safe Childhood.

The Justice Department, in reviewing and seeing the incredible proliferation of child exploitation crimes, basically being proliferated through the Internet, took on a new program within the Department. This new program was in response to what we see of sexual predators on the Internet and with other types of sexual trafficking, again, as a result of the Internet and other places. They developed a program which is a very good program. It has five main purposes:

First, it seeks to integrate Federal, State, and local efforts and investigate and prosecute child exploitation cases.

Second, the project allows major case coordination between the Department of Justice and other appropriate Federal agencies.

Third, it increases Federal involvement in child exploitation cases by providing additional investigative tools and additional penalties that are available under Federal law that State and local governments may not have.

Four, the project provides increased training for Federal, State, and local law enforcement regarding the investigation and prosecution of computer-facilitated crimes against children.

Finally, it promotes community and educational programs to raise national awareness about the threat of online sexual predators and to provide information to families on how to report violations.

As the father of six children, I can tell you that what Senator BIDEN said about what parents used to feel they could do to protect children—locking doors and being with them—has gotten a lot more complex, with that fiber optic tube that runs into your house that allows the entire world to come crashing into your home and allows sick people to be able to prey on members of your family. We need to do more to educate parents. This is like pointing a loaded gun at your child, in many cases, and asking them to get on and play. This is a dangerous tool.

Yes, there are wonderful things on the Internet. There is a tremendous world of knowledge and adventure on the Internet. But as we know, too often the major traffic on the Internet is not those wonderful and informative sites. They are sites that prey on our failings and weaknesses, prey on the unsuspecting, on the innocent, in many cases. We as parents have to be better armed to deal with these people who want to reach into our homes and corrupt members of our families, corrupt everything that we are trying to teach them not to do and, worse yet, potentially could opt them into behavior that could risk, ultimately, their lives.

So this program is very important that the Justice Department is engaged in. I contacted the Department and worked with them to develop an authorization bill so we could provide a stable stream of funding for Project Safe Childhood and expand the program in a way that the Department on its own could not do.

For example, increasing penalties for registered sex offenders, child sex trafficking and sexual abuse, and other child exploitation crimes, which this does. It creates a children's safety online awareness campaign and authorizes grants for child safety programs. So in addition to what the Justice Department program does, we add those provisions to help with better coordination between State, local, and Federal prosecutors and investigators.

I had a meeting in the western district of Pennsylvania with our U.S. attorney, Mary Beth Buchanan, and State and local officials. They were talking about it—just the practical difficulties of assigning police and investigators and detectives and prosecutors on a local level and the support they need and the overlapping jurisdictional issues. So this will help them be able to create seamless teams of people to go after these child abusers, as well as to project into the community information that is important to prevent these crimes from happening.

So I am grateful that Senators SPECTER, HATCH, and LEAHY have worked to include that provision in the bill. I think it will take us a step forward in protecting our children from these predators and from exploitation.

The second piece of legislation is called the Schools SAFE Act. We spend a lot of time on the Senate floor talking about how we can improve the quality of education. But it almost goes without saying that when you drop your child off at school, at a bare minimum, you expect that the people who interact with them at school will not harm them. You would think that

would be almost a given. But, unfortunately, in our country today we actually have a very poor system of checking as to whether people who are hired in schools are, in fact, safe for the children with whom they interact.

Obviously, the vast majority of teachers and people who work in schools are good and decent people and are there because they want to help children, not because they want to harm children. But like anything else, if you are someone who is a sexual predator, and you are looking to harm children, what better place to go than a place where there are children every single day you could possibly exploit. So it is important that we have sufficient checks in place to make sure that these predators are not in educational settings where they can harm and corrupt our children.

The current state of play is basically a mishmash of different State laws and different participation in a system created to help schools access information about criminal background checks. Some States require, for example, only a State background check, while other States require an FBI background check. With these disparities, individuals continue to find opportunities to evade safeguards that have been put into place.

In Pennsylvania, an FBI background check is only required for individuals applying to schools for work and have lived in the Commonwealth for less than 2 years. So if you lived in the Commonwealth for several years and you committed a crime someplace else, Pennsylvania would not have the ability to check that out.

Beginning in 2007, Pennsylvania will require applicants who have lived in the Commonwealth for more than 2 years to also undergo FBI background checks.

So we are addressing that issue in Pennsylvania.

I think it just goes to show you that there is no good system out there. What we need to do is allow States to access a database that was established by Congress in 1998 in the National Crime Prevention and Privacy Compact. This compact allows States to share background information on individuals seeking employment in a school district. This is an important thing to have all the States participating in. I will not go through all of the problems, but there are all sorts of memoranda and agreements and data-sharing information. As a result of that, only roughly half of the States—26 States—participate in the compact. Even States that have joined the compact don't always get access to the information they need. This is a problem.

You could have a man from Pennsylvania who committed sex crimes in Pennsylvania and moved to Nevada. Nevada is a compact State. Nevada could do the compact based check of whether this person has committed crimes against children and find nothing, because Pennsylvania does not participate in the compact. So they could be hired in Nevada schools without any knowledge of the individual's problems in Pennsylvania.

This is obviously a great threat to our children. So what this bill does is give schools across our Nation an essential resource when making hiring decisions. They will be able to access this database and conduct fingerprint-based background checks on individuals who are seeking work with or around children in schools. So this is another important step in protecting our children, in addition to all of the other provisions in this bill—protecting our children in this case in our schools.

I thank, again, the chairman and ranking member for their tremendous assistance to me in getting this legislation in the final package. Again, I congratulate all who have been involved in this very important legislation.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that 3 minutes be yielded to the Senator from Georgia, and then we go back to the Senator from North Dakota, and then to Senator ALLEN, and that would be it for now.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I thank the Senators for their courtesy. I thank Senator HATCH from Utah and his committee for incorporating in this very important bill provisions known as Masha's law. I was privileged to join, as an original cosponsor, with Senator KERRY on Masha's law.

Masha is a young lady who, at an early age in Russia, was adopted by an American citizen who became her custodian. He brought her to the United States and, systematically and over a protracted period of time, abused her and put her photographs over the Internet in enormous numbers. Masha, fortunately, after a sustained period of time, was able to escape his custody. A case was filed against him. He was indicted and convicted and today is incarcerated in Massachusetts.

Masha is, fortunately, now living in a loving home in Georgia and has a wonderful mother who is truly an angel of adoption in every way.

In researching this case, we found that young Masha, and many others like her who have been abused in their lives, could not even recover under the laws as they existed. What Masha's law does, and what is incorporated in here, is it changes ''any minor'' to ''any person,'' so that if a minor is depicted in photographs pornographically that are distributed over the Internet, but by the time the abuser is caught, the minor is an adult, they can still recover. They cannot now, and that is ridiculous. It makes sure that recovery on the part of a minor can take place when they become an adult, whether or not the guilty person is incarcerated. It raises from $50,000 to $150,000 the penalty for which that individual can be recompensated if, in fact, someone who depicts that picture and puts it on the Internet and uses them is caught and convicted. That compensation is to be paid to the individual.

Although I don't think there is any price too high to cost an individual who would take advantage of a minor, I think it is only appropriate to triple that penalty and make sure that reaching the age of adulthood does not exempt someone from recovery. It is a tribute to continuing to do what this bill does, and that is look after the protection of minors and ensure that those who violate them are caught and punished and have to pay to the maximum extent.

I thank the Senator from Utah for allowing me the time, and I thank the Senators from North Dakota and Virginia as well.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. First, let me say to the Senator from Utah, as well as to my colleague, the Senator from Delaware, that their leadership has been very important on this legislation. They will not know the names of those whose lives are saved, but lives will be saved because this legislation has passed. I very much appreciate their diligence and hard work.

This is a piece of legislation about protecting children. I don't know what is second place in the lives of many people, but I know what is in first place, and that is the protection of children. They cannot protect themselves. It is our responsibility as parents; it is our responsibility in this country to do the things necessary to protect our children. There are so many stories that it is almost hard to begin, and you don't know where to stop.

My interest in this goes back some long ways. My colleagues have described John Walsh and the tragic loss of his son Adam Walsh. Those of us who have lost children understand that pain, but it must be enormously compounded by the pain of someone who loses a child who has been abducted.

My experience, especially with respect to North Dakota, a couple of years ago was to learn one day that a wonderful young woman had been abducted in a parking lot of a shopping center in Grand Forks, ND, a young woman named Dru Sjodin, and, we later found, murdered.

There is a trial underway for someone charged with murder in that case, but that case is like so many cases, it

seems to me. It is the case of Adam Walsh, it is the case of 9-year-old Jessica Lunsford, it is the case of a 12-year-old girl named Polly Klaas. It is the case of Sarah Michelle Lunde, age 13.

Pull back the curtain and then ask the question: Who is it abducting these children? Who are the sexual predators killing these children?

This is not some mystery. We know the answer to this. The answer is, in most cases, that these murders and these abductions are done by those who have been in our criminal justice system and who have abducted and murdered before.

I held a meeting in Fargo, ND, following the abduction of Dru Sjodin and the introduction of legislation I call Dru's law. What brings me to the floor of the Senate today is the components of Dru's law have been included in this legislation. So, finally, it will become law.

The Senate has passed Dru's law twice on its own. We have not gotten it through the U.S. House. Now it will be through the U.S. House and Senate as a part of this Adam Walsh Child Protection and Safety Act, and it will become law.

A meeting I held in Fargo, ND, to discuss Dru's law is a meeting at which I showed this poster. This meeting was just over a year and a quarter ago now. I held the meeting at the city hall in Fargo, ND.

Prior to the meeting, I searched the computer for a registry of sex offenders to find out who was living within 1 mile of where we were meeting at city hall in Fargo, ND, who had previously been convicted as a sexual predator—who were they? I would share the names with the folks who came to that meeting to say: Here is a registry in North Dakota of sexual predators. There is no national registry; this is North Dakota's registry.

This is a poster that I showed the folks who came to Fargo that day as an example of someone who lived within a mile of where we were having the meeting. His name is Joseph Duncan, first-degree rape. He raped a 14-year-old boy at gunpoint, burned the victim with a cigarette, made the victim believe he was going to be killed by firing the gun twice on empty chambers; terminated from treatment; served a lengthy prison sentence; paroled, then absconded; had a long history of sexual aggression as a youth.

That is his sheet from the registry in North Dakota.

What I didn't know that day was that 1 month before the meeting I was having in Fargo, this same man had been charged with molesting a 6-year-old boy at a playground in Detroit Lakes, MN, just across the border. Someone in Minnesota checking the registry of sexual predators would not have found his name. He was just miles away living in Fargo, ND, but, in fact, he went over to Detroit Lakes, MN, and was charged with molesting a 6-year-old boy.

That is why we need a national registry. Strangely enough, in April of last year, he appeared on those charges, and a county judge set the bail at $15,000, and he was released after posting cash, promising to stay in touch, and he absconded and that is it. The judge said he didn't know he had this record.

Then 2 months later, this man we know now from intense media coverage was arrested in Idaho for kidnaping 8-year-old Shasta Groene and her brother, 9-year-old Dylan. The children had been missing for well over a month—2 months actually—when the bound and bludgeoned bodies of their mother, their older brother and their mother's boyfriend were found at their rural home. This man is now charged with three additional murders and the kidnaping of two children that he held and sexually abused for a number of months.

Dylan's remains were later located, and Shasta Groene, the young girl, was spotted in a Denny's restaurant by a sharp-eyed waitress who called the police, and she was saved.

This case is an example of why there must be a national registry.

Dru's law, which I introduced, has three components. One is the creation of a national registry of sex offenders. The underlying legislation improves on that by not only requiring the national registry but also standardizing the information that will be in the national registry.

Second, Dru's law requires that when a violent, high-risk sex offender is about to be released from incarceration, the local authorities must be notified, the local States attorney must be notified. There is such a high risk to the population of this high-risk offender being released that perhaps there is cause to seek additional civil incarceration, civil commitment, but they can't do that if they don't know about the impending release.

In fact, when a high-risk offender is released from prison, they can't just say: So long, good luck. That is exactly what happens in too many cases.

Martha Stewart is thrown in jail. They put Martha in jail for 6 months, and when she gets out of Federal prison, she gets out of Federal prison wearing an ankle bracelet, an electronic bracelet that allows law enforcement to track her whereabouts.

I can give you an example of a very violent sex offender let out of prison with no maintenance, no monitoring, no electronic bracelet, just: So long, see you later; you served your time. Yes, we will see them again when they create another violent crime, another rape, another murder, another abduction. That is why I support passing this kind of legislation.

This legislation is going to save lives. Again I ask the question, and it is so fundamental: If we send Martha Stewart home with an electronic bracelet on her ankle, we can't do that to violent sex offenders when the psychiatrists at the institute of incarceration have said, ''We believe this person to be at high risk for real offending''?

Nearly three-quarters of the violent sex offenders are going to repeat that offense when released from prison. We know that from statistics. Do we have an obligation to protect children? The answer is, you bet we do, and it is long past the time. That is why this legislation is so very important.

As I said when I started, there is so much here that is partisan in this Chamber and the other Chamber, and there is so much that swirls around all of us in politics that we don't like very much about today. But there are times when we do things that will make a difference, and we do things working together, Republicans and Democrats. This is one of those moments of which we can be proud.

Senator HATCH and Senator BIDEN did a wonderful job. They mentioned their staffs, and that is important. It is always the case that politicians take the bows, but it is important to understand that staff plays a very significant role in helping us write legislation, do the research to get it correct and get it passed.

I thank my colleagues, and I especially say to the parents of Dru Sjodin: I believe that in honor of her memory we have, in this legislation, done something significant. Section 120 is the Dru Sjodin national sex offender public Web site. We create the three elements in Dru's law in this legislation, and I believe, in her memory, we will save other lives.

There are many parents out there today who have lost children, some to the horror of abduction by sexual predators. If this legislation will—and I believe it will—prevent others from experiencing that horror, and if this legislation will—and I believe it will—save children, then we will have done significant work here tonight. It is perhaps little noticed by some. We don't have on legislation of this type perhaps filled Chambers and substantial attention to it, but while it is perhaps little known publicly, what transpires here in the Senate tonight will have a significant influence on the future of children in this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that the distinguished Senator from Virginia speak next, but also after him, the distinguished Senator from Texas and then the distinguished Senator from Washington, Ms. CANTWELL.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia.

Mr. ALLEN. Mr. President, I rise this evening in strong support of the Adam Walsh Child Protection and Safety Act of 2006. I commend Senator HATCH for his steadfast leadership, his wisdom, and perseverance in finally getting this measure to the floor for a vote. It is long overdue.

I have always believed that one of the very top, most important responsibilities of government at the Federal, State, or, for that matter, the local level is the safety and security of our people, particularly the most vulnerable people in our society—our children.

When I was Governor of the Commonwealth of Virginia, I made the protection of the people of Virginia, including our children, our top priority. We worked with the legislature to abolish the lenient, dishonest parole system in Virginia that was releasing criminals after serving as little as one-fifth of their sentence. We instituted truth in sentencing in Virginia, and by doing that, when you read in the newspaper or see in the news that a felon has gotten a 20-year sentence, he is serving 20 years, not 4 or 5 years to come back out and prey upon innocent law-abiding citizens again.

Clearly, the abolition of parole, truth in sentencing, and longer sentences for felons has made Virginia safer. The crime rates are down, and there are tens of thousands of people who will not be victims of crime.

I am going to talk about Adam Walsh, but there are a lot of other victims of crimes. I remember when we were trying to get the legislature and people behind the abolition of parole and truth in sentencing, listening to the stories of loved ones, of parents who would tell their stories, of people released early and where they have preyed upon, killed, or raped again.

I will always remember a lady talking about being raped, and then right after her, another woman was talking about being raped again, a second time, by that same person. That rapist was released early.

I remember talking about a police officer with young children. The police officer was killed on Father's Day in Richmond by someone released early. The story of a young person working in the bakery in Richmond who was killed by someone released early. The story of a mother talking about a violent assault and then the smothering with a pillow of her daughter, and then having to go back to the parole board to recount why that criminal, that murderer, should not be released once again.

Before I became Governor in Virginia, pedophiles were serving an average of 3½ years in prison. Now, with the abolition of parole, and truth in sentencing, their sentences are 26 years rather than 3½ years. Not surprisingly, there are now fewer victims of crime in the Commonwealth of Virginia. However, there continue to be child predators who lurk in the shadows of our society.

Studies show that there are more than 550,000 registered sex offenders in the United States, and there are an estimated 100,000 sex offenders who are missing from the system. Loopholes in this current system have allowed some sexual predators to evade law enforcement and place our children at risk. That is why the national registry aspect of this bill is so important.

Some may wonder, why is there such a focus on sex offenders? Why is there such a focus on pedophiles and sex offenders and rapists? The reason is, if you look at the statistics—and it is not unique to Virginia; it is the way it is across this country—the highest recidivist rate, or the highest repeat offender rate of any crime—even higher than murderers, even higher than armed robbers—is sex offenders. That is why it is so important we have the registry. When someone is caught, first, they are getting a long sentence, and the best way to protect people is having these sex offenders behind bars rather than lurking in a parking garage or trying to lure young children. That is why the focus on sexual predators is so important, in that they have the highest repeat offender rate.

Now, these days, child predators have increased their ability to inflict harm on our children by exploiting new communications technologies, including the Internet. Please understand: I believe the Internet is the greatest invention since the Gutenberg press for the dissemination of information and ideas. It is a wonderful tool. And ever since I have been in the Senate, I have been working to make sure that avaricious State and local tax commissars don't impose 18-percent taxes on the Internet in monthly charges. We don't want the Internet monthly bills to look like a telephone bill. Ron Wyden from Oregon has been a good ally on this.

But the Internet also can create new opportunities for criminals, especially child predators. It is vitally important that we as parents and as elected leaders take the necessary steps to make the Internet as safe as possible for our children, as safe as possible for our children when they are at home, as safe as possible for them at schools, as well as in libraries.

I recently introduced a bill called the Internet Tax Nondiscrimination Act. This bill makes permanent the Internet tax moratorium, which is scheduled to expire next year. This measure also increases the ability of parents to protect their children from Internet predators. In fact, this is still law today. We want to keep this going.

In our bill, we impose a responsibility on Internet service providers to offer customers filtering technology. The ISPs, or Internet service providers, need to limit access to material that would be harmful to minors. This feature will create a powerful, and does create a powerful, financial incentive for ISPs to provide the filtering technology that parents need. Once parents are empowered with this technology, I guarantee you they will use it to protect their young sons and daughters. I am pleased the Senate Commerce Committee approved this bill as part of the telecom reform bill on a vote of 19 to 3.

However, we as a legislative body have much more work to do, especially when it comes to increasing penalties on Internet predators, by giving law enforcement officials the tools they need to catch Internet predators and convict them. This is a key reason I have signed on as a cosponsor of the Adam Walsh Act. This legislation is vitally needed. As I said, it should have been passed many years ago. This legislation honors the memory of a 6-year-old boy named Adam Walsh who was kidnapped and murdered nearly 25 years ago. This bill also recognizes the tireless efforts of his parents, John and Reve Walsh, who have been outstanding advocates for children all across America, in making sure we have some common sense when we are combating violent criminals.

The Adam Walsh Act—and I want to focus on one title—this bill in title 7 includes what is called the Internet Safety Act, sets out several provisions that will dramatically increase Internet safety, including tough new penalties for child exploitation enterprises and repeat sex offenders. This title also creates a new crime—and this is important—a new crime for embedding words or digital images on to the source code of a Web site with the intent to deceive a person into viewing this obscenity. This is vitally important for all people. I tell you, it is important for families and children. This section is going to help stop pornographers from tricking children into visiting their sites with words that are designed to attract innocent young people.

The Internet safety provisions in this measure also fund Federal prosecution resources, including 200 new Assistant U.S. Attorney positions to help prosecute persons for offenses related to sexual exploitation of children, and 45 more computer forensic examiners. These are the experts who will be helpful within the regional computer forensic laboratories in the Department of Justice. They include 10 more Internet Crimes Against Children task forces. These are also important. There is some good work being done in Bedford County, Virginia, in between Lynchburg and Roanoke. The sheriff, Mike Brown, in Bedford County has instituted Operation Blue Ridge Thunder which works on this, but the State and local folks can certainly use the assistance and help of the forensic experts

and U.S. attorneys. After all, a lot of this is across State lines. All of these resources are absolutely necessary for the investigation and the prosecution of child sex offenses.

The Internet safety provisions in this bill also expand the civil remedy available to children who have been sexually abused and exploited.

This is vitally important, commonsense legislation that is going to protect and, indeed, it is going to save lives. It is perfect that we pass a bill named after Adam Walsh, a child who lost his life at age 6 to a child predator. It can be Adam Walsh, but to all the parents who are out there who lost a young child to a sexual predator, it can be their name put in here as well. The parents of Adam Walsh have dedicated their lives to making sure there are not other parents grieving with the loss of their son or their daughter. Adam's spirit lives on and the inspiration for action is in this measure, action that will save lives. More children will be able to grow up with the innocence they deserve and the safety they deserve, thanks to the efforts of Adam Walsh's parents and also the wisdom, on a bipartisan basis, of the Senate not to dawdle, but to act. I commend the Senate for acting, particularly those in the committee. I am honored to be a cosponsor, and I look forward to the passage of this act, the signing by the President, and the protection of children all across America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I too rise to support the Adam Walsh Child Protection and Safety Act of 2006. This act represents landmark, bipartisan legislation to protect the most vulnerable among us: our children. Over the last several months, the House and the Senate met, negotiated, and finally reached agreement on this important measure.

I want to note and, in doing so, commend the tremendous leadership Chairman SPECTER and Senator HATCH, our immediate past chairman of the Senate Judiciary Committee, and their respective staffs, as well as the House Judiciary Committee chairman, JIM SENSENBRENNER and his staff, for all their tireless dedication to this legislation. Many people have devoted time and effort to see this bill through, ensuring that we do everything within our power to protect our children.

The crimes of child abuse and child exploitation are astounding but, unfortunately, all too prevalent. The recent wave of child abductions in this country demonstrates the need for this type of response from the Congress. There is only one way to deal with those who prey on children: They must be caught sooner, punished longer, and watched closer than they are today.

Before I came to the Senate, I was honored to serve as the chief law enforcement officer of the State of Texas as Texas attorney general. There, I instituted a new specialized unit known as the Texas Internet Bureau which was designed to coordinate and direct efforts to fight Internet crimes such as fraud, child pornography, and address privacy concerns, among others. As others here have noted, the Internet is a remarkable tool which has revolutionized the way we live, the way we communicate, and the way we receive information. The problem is, though, there is a dark underbelly to the Internet, and the Texas Internet Bureau was designed to specifically identify Internet predators who were then caught, prosecuted, convicted, and taken off the streets. I am grateful to have had the opportunity to work with my colleagues in the Senate to help continue on this important initiative and to make it available to more and more of our children and, thus, to make America a safer place for our children to grow up.

I want to take a moment to highlight another very important participant in these negotiations who has been noted and praised for his efforts, but I think we can't say enough to recognize his contribution. John Walsh has a longstanding commitment to fighting for child victims and measures to protect children across this country. As has been recounted, his son Adam Walsh was kidnapped from a mall in Florida and murdered in 1981. Since that day, John Walsh has dedicated his life to helping victims of crime, and he has been enormously successful and influential in doing so. It is only appropriate that this bill honors the inspiration he has given to us all in the life of his son Adam Walsh in the process.

As many of you know, John Walsh is the host of ''America's Most Wanted'' and has spent a lot of time and effort working on this bill. This is not the first time he has invested his efforts and expertise in helping Congress address child crime legislation. In the previous Congress, we passed legislation that included the Code Adam Act, which required Federal buildings to establish procedures for locating a child who is missing in Federal buildings.

The title of this current bill appropriately honors Mr. Walsh's efforts, and I am told the President will sign the bill, if we pass it, on July 27, marking the 25th year since the day Adam was abducted.

I do not pretend to understand the pain and trauma the Walsh family or others have had to endure as a result of these terrible crimes against children. But I am eternally grateful for the way John Walsh has used this pain and this trauma to improve the lives of other people and to ensure we take every step within our power to protect our children against like crimes committed against Adam Walsh.

I wish to take a second to highlight other important measures contained in the bill which will enhance existing laws, enhance investigative tools, criminal penalties, and child crime resources in a variety of ways. This bill requires sex offenders to register and, in the case of the most serious offenders, to do so for up to the length of their entire lives. It requires them to report in person at least once each year to update personal information and to take a new photograph. It requires public posting for public access on the Internet of information about sex offenders so it is widely available, and so parents can take steps necessary to protect their children. It forces States to comply with this program or, I should say, persuades them to comply with the program by linking participation to Byrne grant funding, and it punishes with imprisonment up to 10 years those who fail to register, and if they commit a violent crime while unregistered, they can be punished for up to 30 years consecutive to any underlying conviction. It requires the Attorney General of the United States to create Project Safe Childhood, which will integrate Federal, State, and local efforts to prosecute the crime of child exploitation. It increases punishments for any crime of violence against a child, and authorizes grants to States to implement these important programs, and provides them grants to do so.

It also includes many of the provisions of the Internet Safety Act which I cosponsored with Senator JON KYL and others which, among other things, creates a new crime outlawing child exploitation enterprises, and would imprison for a mandatory minimum sentence of 20 years those who act in concert to commit at least three separate violations of Federal child pornography, sex trafficking, or sexual abuse laws against multiple child victims. It also enacts various other important provisions, including making the failure to register as a sex offender a deportable offense for aliens and preventing sex offenders from taking advantage of our immigration laws.

This is one of those fine times in the U.S. Congress where we have come together on a bipartisan basis to do something that rises above partisanship and is enormously significant in terms of improving our quality of life and protecting those who are most vulnerable among us. This Congress continues to act on measures that benefit our Nation and protect our children. It has long been said that societies are ultimately judged on how they treat their elderly and their young. This bill is an important step toward improving the safety of those who are our youngest and most vulnerable.

Finally, Mr. President, I would like to specifically express my gratitude to the many dedicated staff who worked tirelessly on this bill for some time, including Matthew Johnson and Lynden

Melmed from my own staff. Additionally, I would like to thank the following staff:

Allen Hicks, Mike O'Neill, Matt Miner, Todd Braunstein, Brett Tolman, Lisa Owings, Bruce Artim, Ken Valentine, Tom Jipping, Dave Turk, Bradley Hayes, Joe Matal, Nicole Gustafson, James Galyean, Amy Blankenship, Jane Treat, Sharon Beth Kristal, Julie Katzman, Noah Bookbinder, Christine Leonard, Lara Flint, Marianne Upton, Preet Baharara, Melanie Looney, Anna Mitchell, Gabriel Adler, Alea Brown, Bradley Schreiber, Mike Volkov, Sean McLaughlin, Bobby Vassar, and Greg Barnes.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I rise to speak about the Adam Walsh Child Protection and Safety Act. I thank the Senator from Utah for his leadership on this legislation over the last several years, and I thank his staff for their hard work and perseverance in pushing this legislation to the Senate floor tonight.

Last June, the entire Nation was horrified by the kidnapping and murders of the Groene family and the tragic crimes upon little Shasta Groene.

Joseph Duncan was a convicted sex offender who beat Brenda Groene; her 13-year-old son, Slade; and her boyfriend, Mark McKenzie to death. Their bodies were found in their home in Idaho on May 16, 2005. The killings captured the national headlines and prompted a massive search for the two Groene children, 8-year-old Shasta and her 9-year-old brother, Dylan.

Six weeks later, on July 2, restaurant workers in Idaho recognized Shasta and called the police. Dylan's remains were found later in western Montana.

This did not have to happen.

In 1980, Duncan was convicted of rape in Washington State. He was sentenced to 20 years in prison and began his sentence in a treatment program. After he was terminated from the program, he served his sentence in prison until he was released on parole in 1994.

In 2000, he moved to Fargo, where he registered with the North Dakota Sex Offender Registry, but before long he had moved again and both the North Dakota and Washington State registries lost track of him.

In April of 2005, a Minnesota judge released Duncan on bail after he had been charged with child molestation.

Duncan promptly skipped town.

Minnesota issued a warrant for his arrest that May because he had not registered as a sex offender in that State, but by that time it was too late.

On May 16, the Groene family was found dead and it wasn't until July 2 that Shasta was recovered.

Joseph Duncan was essentially lost by three States. He moved from State to State to avoid capture.

No one knew where he was nor even how to look for him.

I say again, this did not have to happen.

There is no worse crime than a crime against a child, and one crime against a child is too many. That is why I have cosponsored the Child Protection Safety Act, because we need better information. We need a better system to keep that information accurate, and we need better standards to keep that system from breaking down when we need it most. The Senate must pass this bipartisan legislation to improve the national sex offender database, to link State tracking systems, and to prevent sex offenders from escaping and moving to other States.

Today there is far too much disparity among State registration requirements and notification obligations for sex offenders. Yes, there is already a National Registry, but it is based on often outdated listings from all 50 States. Worse, there are currently no incentives for offenders to provide accurate information, which helps to undermine the system.

Child sex offenders have exploited this stunning lack of uniformity, and the consequences have been tragic. Twenty percent of the Nation's 560,000 sex offenders are ''lost'' because State offender registry programs are not coordinated well enough.

We take these numbers very seriously in Washington State. In Washington State we have over 19,000 registered sex offenders and kidnaping offenders; more than 2,900 Washingtonians are currently incarcerated for these sex crimes. But we must be tough on these criminals because the national statistics are staggering.

One in five girls is estimated to be a victim of sexual assault. One in ten boys is estimated to be a victim. Only 35 percent of these cases are ever reported to the police. That is why this spring, Washington State passed a tough law that is new in mandating that sex offenders from other States must register with authorities within 3 days upon moving to Washington State. The previous law had been 30 days.

We also established a minimum sentence for certain sex crimes and tougher registration rules. Back in 1990 we were the first State to enact a sexual predator involuntary commitment law that ensures predators who are about to be released after serving their time can be prevented from being released if mental health officials believe that they will endanger the community.

This law has become a national model for other States to follow. Today, these sexual predators are housed on McNeil Island where they cannot hurt our children.

Here is what I know. Local law enforcement needs the tools and information that this legislation will give them to defend our children. It will help us close the gap between Federal and State sex offender registration and notification programs. Every State needs to update one another and the national registry in real time, and we need to recognize that tough punishment today will prevent terrible costs tomorrow.

We must keep our communities safe, and I know that is why the Senate is going to act on this legislation tonight. The Adam Walsh Protection and Safety Act creates this registry on a national level that is so long overdue. It provides strong, practical tools for law enforcement The new registry will expand the scope and duration of sex offender registration and notification requirements. It will keep track of all sex offender information—addresses, employment, vehicle, and other related information. And, as my colleague from North Dakota talked about, with his hard work, it also has a national sex offender Web site registry, the new Dru Sjodin National Sex Offender Web site, so that every American can stay informed.

Now the public will be able to search for sex offender information by geographic radius and zip code, and the bill also, as my colleague from Texas just mentioned, increases the penalties for violent sex crimes against America's children.

It requires that the sex offenders register prior to their release from prison or supervised programs.

America needs this legislation. I am so proud of my colleagues in joining in a bipartisan effort to give law enforcement the tools they need to protect our families and our communities. Let's give them the information and the resources they need to get tough with sex offenders. Let's pass the Adam Walsh Child Protection Safety Act to not only honor John Walsh and his family, but also for all those who have been victims of this hideous crime, and to show that we are willing to work together to be aggressive in taking action and helping to make America safe for our children.

I will yield the floor.

Mr. PRYOR. Mr. President, I rise today to support the Adam Walsh Child Protection Safety Act of 2006, H.R. 4472. I say that as an Arkansan because I know people in Arkansas want to protect our children. I say that as a former attorney general because I know we worked with John Walsh and other people who dealt with missing and exploited children all over the country. We tried to be as active as possible in the attorney general's office in Arkansas. Thirdly, and most important, I say it as a father because I want my children protected like everybody else here and everybody around the country who wants their children protected.

Senator FRIST made a statement a few moments ago about child predators on the Internet. It is a real problem. It is something we in the Congress are trying to deal with in this legislation.

It is something we need to keep focused on even though we passed this legislation. We need to keep focused on it so we can make sure that what we have on the books works. I am very proud of the Senate tonight for considering this. I am very proud of the Congress for the way they have handled this and moved this through the process.

I also wish to say another word. There is a program around the country called Code Adam. Actually, an Arkansas company started this—Wal-Mart—several years ago, where they have a little blue sticker on the door of every Wal-Mart. They do a Code Adam procedure in the store if a child is reported missing in the store. I cannot tell you how many children have been saved in Wal-Marts but also in other retail stores that use Code Adam. Wal-Mart has given this idea to anybody who wants to do it. It has worked and it has probably saved dozens, if not hundreds, of children. It is named after Adam Walsh because he was abducted and murdered several years ago.

Lastly, my friend, Colleen Nick, whom I met through my time in the attorney general's office in Arkansas—her daughter Morgan Nick was abducted from a ballfield in Alma, AR, several years ago when Morgan was about 5 years old. Colleen has devoted her life to missing children issues. So I am proud that this passed tonight for Morgan and Colleen and the Nick family because I have talked to them and spent a lot of time with the Nicks. I know the void it creates in a parent's life and in a family's life when one of their children is missing and never found.

Mr. President, I am very proud to support this legislation. I believe it makes America better, stronger, and it puts some teeth in the law that we need. It is something of which we can all be proud.

Mr. GRASSLEY. Mr. President, I rise today in strong support of the Adam Walsh Child Protection and Safety Act. I am proud to be a cosponsor of this bill and am even prouder that we have been able to work across party lines and in both Houses to come up with a bill that we all can support and that will genuinely help protect our children from sexual predators.

My commendations and heartfelt sympathy go out to John and Révé Walsh, Mark Lunsford, and all the other parents and loved ones of children who were taken so violently from those who loved them so dearly. Without the tireless efforts of these folks, this bill might not be on the floor here today, as we near the 25-year mark of the disappearance and murder of Adam Walsh.

The urgency of passing this legislation is clear. The murders of Jessica Lunsford, Sara Lunde, Tiffany Souers, and Jetseta Gage, who was from my home State of Iowa, have been thoroughly covered in the news in recent times. Each of these murders was committed by a repeat sex offender. These cases should open our eyes to the necessity of passing a bill that will protect children from monsters who commit these crimes and ensure that those who do commit the crimes will receive tougher penalties.

As I mentioned, Jetseta Marrie Gage was from my home State of Iowa. I would like to take a moment to talk about the beautiful 10-year-old girl who was sexually assaulted and murdered last year.

On March 24, 2005, Jetseta went missing from her home. Within 12 hours of her disappearance, even before a body had been found, law enforcement officials took Roger Bentley into custody.

Bentley had been previously convicted for committing lascivious acts with a minor. Unfortunately, this man only served a little over 1 year in prison for his previous sex crime conviction. Two days later, due to a tip received by a woman responding to the Amber Alert, Jetseta's body was found stuffed in a cabinet in an abandoned mobile home. She had been sexually molested and suffocated with a plastic bag. I can't help but wonder whether Jetseta would still be alive today had her killer received stricter penalties for his first offense. It breaks my heart to hear about cases like this, but it is even more disheartening when you know that it might have been prevented with adequate sentencing and that hers is just one tragic story in a long list of horrific crimes committed every year.

Child sex offenders are the most heinous of all criminals. I can honestly tell you that I would just as soon lock up all the child molesters and child pornography makers and murderers in this country and throw away the key. As it should all of us, the thought of what these predators do to our innocent children literally makes me sick to my stomach. The thought that we might not do what we could to deter them but also to prevent the same people from committing the same crimes against other children is unacceptable. According to a study funded by the Department of Justice, 5.3 percent of sex offenders were rearrested within 3 years following their release for another sex crime. Also, compared to non-sex offenders released from State prisons, released sex offenders were four times more likely to be rearrested for a sex crime. Even more troubling, according to several federally funded studies, child molesters have an even higher rate of rearrest than rapists.

Three years ago, we passed the PROTECT Act, a bill I worked on with my colleagues to provide the judiciary with the necessary tools to ensure that our children and grandchildren grow up in a safe community, free from child predators. This bill complements the process we started with the PROTECT Act, and adds much needed additional protections for children and for our communities.

The bill before us today includes parts of the Jetseta Gage Prevention and Deterrence of Crimes Against Children Act, a bill that I introduced last year to strengthen penalties for criminals who commit sex offenses against children. It ensures that those who commit heinous crimes against our children are appropriately punished and that anyone thinking of committing similar crimes will think twice about the repercussions. The bill increases penalties for sexual offenses against children, including sexual abuse, murder, kidnapping, sex trafficking, and various activities relating to the production and dissemination of child pornography.

This bill goes far beyond these penalty increases, however. It establishes sex offender registration and notification requirements, essential to aid parents in monitoring their children's environments. It strengthens child pornography prevention laws and sets up grants, studies, and other programs for the safety of children and communities. It delves into Internet crimes, an area that is becoming increasingly important in light of the dangers posed to children and the lack of knowledge on the part of parents, which hampers their ability to protect their children. My good friend from Arizona, Mr. KYL, introduced the bill this section is based on and which I cosponsored.

As the elected representatives of the American people, our foremost duty is to protect those who cannot protect themselves. Child rapes and murders are now being reported on our news programs on a regular basis. We have the power to prevent so many of these crimes by creating stronger deterrents and letting parents know where these sex offenders lurk after they are released. When crimes are committed, the least we can do is ensure that the rapists and murderers won't get the opportunity to hurt another child.

It is a tragedy that it took so many stories like those of Adam Walsh, Jetseta Gage, and Jessica Lunsford for a law of this nature to be proposed. I strongly believe that a vote for this bill can save the lives of children in the future. We have an obligation as legislators to protect our citizenry. We have an obligation as adults to protect our youth. We have an obligation as parents to protect our children. I urge my colleagues to join me in doing just that by voting in favor of this bill.

Mr. NELSON of Florida. Mr. President, the Congress will soon pass important legislation that will better protect children around the country from those who seek them harm. The Adam Walsh Child Protection and Safety Act, H.R. 4472, named after the son of John and Revé Walsh who was killed in Florida almost 25 years ago, is the toughest

and most comprehensive sex offender bill in recent years.

This legislation includes a number of changes to safeguard children, including tougher sentences for crimes committed against children, a publicly accessible national database of sex offenders, and a Federal requirement for convicted sex offenders to register their locations with law enforcement officials. The bill also includes a provision, which I authored, to track released sex offenders.

Sadly, events of the recent past highlight the need for us to know the location of convicted sexual offenders if they are released back into our communities.

In my State of Florida, two young girls, Jessica Lunsford and Sarah Lunde, were both murdered by convicted sex offenders within weeks of each other in 2005.

Jessica Lunsford of Homosassa, FL, was a 9-year-old girl who was abducted from her home, raped, and then buried alive by a convicted sex offender who lived 150 feet from her home. Law enforcement had lost track of him and they did not know that he worked at the school that Jessica attended, despite his being a registered sex offender. A few weeks later, 13-year-old Sarah Lunde of Ruskin, FL, was murdered by her mother's ex-boyfriend. He is also a convicted sex offender.

In response to these tragic events, Florida enacted a law that provides tougher sentences for child sex offenders and aids law enforcement in effectively monitoring those sex offenders. The law requires sex offenders, released back into our communities, to wear a device to allow authorities to track them via a global positioning system.

My provision in the Adam Walsh Act provides Jessica Lunsford and Sarah Lunde grants to aid States and local government in purchasing electronic monitoring systems, such as global positioning systems, that will provide law enforcement with real time information on the whereabouts of sex offenders released from prison to within 10 feet of their location. Law enforcement will be able to restrict the movements of sex offenders by programming these systems to alert authorities if a sex offender goes to a park, amusement park, elementary school or other areas determined to be off limits. The ankle bracelets used to monitor their movements are tamperproof and will alert law enforcement in the event that an offender has removed it so law enforcement can immediately act to apprehend the offender.

The grants will provide a total of $15 million to State and local government to help implement laws in order to get tougher on sex offenders released back into their communities with electronic monitoring technology. The bill will provide for $5 million in grants for fiscal years 2007 through 2009. The bill then directs the Attorney General to provide a report to Congress assessing the effectiveness of the program and making recommendations as to future funding levels.

In the United States, there are an estimated 380,000 registered sex offenders, although thousands have disappeared, according to authorities. We have over 30,000 of these sex offenders in the State of Florida. Laws, such as the one in Florida, and the Adam Walsh Act, which will be passed by Congress, are necessary to protect our children. I believe it is important that the Federal Government be appropriately supportive of State and local governments that are addressing this problem. To be effective, tough laws on sexual predators of children must be properly funded, and I believe these tough laws being passed by Federal and State legislatures are worth properly funding when they will protect our children.

Children are our most important treasure and protecting them is one of our most sacred responsibilities. I hope this bill will serve as a living memorial to all the children and serve as some comfort to their families. I hope the Jessica Lunsford and Sarah Lunde grants provided in this bill will allow law enforcement to help prevent other families from suffering similar tragedies.

Mr. KERRY. Mr. President, today the Senate passed the Adam Walsh Child Protection and Safety Act of 2006, which will help prevent the child exploitation by, among other things, creating a national system for the registration of sex offenders. Included in this legislation is a very important provision that I authored with Senator ISAKSON called Masha's Law. Masha's Law is named after a very brave 13-year-old girl—a Russian orphan who was adopted by a Pennsylvania man at the age of 5 and sexually exploited from the moment she was placed in his care. Masha suffered unspeakable atrocities in the hands of her abusive father, a man with a history of child exploitation. She continues to suffer as photographs of this abuse, taken by her father and posted on the Internet, are downloaded every day. Yet Masha does not cower in fear. She is taking a stand. She is using her experiences to demonstrate why the law must change. And it is because of her that we are now closing unacceptable loopholes in our child exploitation laws.

Masha's photographs are among the most commonly downloaded images of child pornography. Law enforcement estimates that 80 percent of child pornography collections contain at least one of her photographs. In fact, it was the high volume of images being distributed by this one individual that raised suspicions and led law enforcement officials to the home of Masha's adopted father. While he is currently in jail accused of sexual abuse and facing Federal charges, the damage to Masha continues every day as her pictures continue to be downloaded. Masha has sought compensation through a little used provision in the Child Abuse Victims' Rights Act of 1986 that provides statutory damages for the victims of sexual exploitation. Nothing will ever compensate Masha for the horrific experiences she has had, but the penalties provided in current law are embarrassingly low—they are one-third of the penalty for downloading music illegally.

According to the Center for Missing and Exploited Children, child pornography has become a multibillion dollar Internet business. With the increasingly sophisticated technology of digital media, child pornography has become easier to produce, transfer, and purchase. We are not doing enough to deter those who post and download child pornography.

Masha's Law would do two things; first it would increase the civil statutory damages available to a victim of child exploitation; and second, it would ensure that victims of child pornography whose images remain in circulation after they have turned 18 can still recover when those images are downloaded. The injuries do not cease to exist simply because the victim has turned 18. They continue and so should the penalties.

These changes are long overdue. I am proud that the Senate has passed this important legislation, and I am grateful to Masha for having the courage to stand up and make her voice heard.

Mr. DEWINE. Mr. President, I am proud to be a cosponsor of the Adam Walsh Child Protection and Safety Act of 2006, which provides law enforcement officers with several important tools to protect our children. In the past three decades, we have all seen and heard about the many tragic cases of children being assaulted and killed by sex offenders. These are absolutely horrifying events, and as legislators, we have an obligation to do all we can to prevent such crimes in the future. We need to improve and enhance sex offender registration and tracking laws and increase penalties for those who violate them, which this act will accomplish.

There are several prongs to this act, which is what will make it successful. The core of this bill establishes a national sex offender registry. Although each State has a registry, there are no uniform standards. There is no easy way to access information from different jurisdictions. This act creates a uniform Federal standard which divides offenders into tiers, depending upon the offense for which they were convicted. It establishes registration guidelines for each tier, including how long a person would need to be registered and how often he or she must come in for a personal verification of

the registration information. The act also creates community notification requirements and will make it a felony for sex offenders to fail to register and update their information on a regular basis. The Dru Sjodin National Sex Offender Public Web site will allow the public to search for information on sex offenders by ZIP Code and geographic radius.

All of these changes will help make our tracking laws more effective and will allow parents and members of the local community to be vigilant about the potential dangers of sex offenders in their neighborhoods.

But before we can put a predator can appear on the registry, he needs to be caught and prosecuted. The Adam Walsh Act includes urgently needed resources to assist law enforcement in these endeavors. This act establishes 10 new task forces dealing with Internet crimes against children, 45 new computer forensic examiners to deal exclusively with child sexual exploitation, and 200 new Federal prosecutors—all designated to combat child sexual exploitation.

This act also tries to protect children from being victimized in the first place. It provides grant money for educating parents and children about those who use the Internet to prey upon children. It funds Big Brothers and Big Sisters and includes my bill for the reauthorization of the Police Athletic Leagues. These two programs provide kids with supervision and role models and mentors who can help protect them from predators. In addition, it mandates that potential foster and adoptive parents go through a thorough criminal background check before a child can be placed with them.

Also incorporated in this bill are aspects of the Internet Safety Act which I proudly cosponsored. These include establishing new criminal penalties to keep up with the constantly increasing level of depravity among pedophiles—for example, the child exploitation enterprises provision to prosecute the ''molestation on demand'' child pornographic industry that has sprung up in recent years. Sexual predators of children are among the worst kind of offenders, and it is only right that there are sentencing enhancements for registered sex offenders who reoffend.

This is a good piece of legislation. I am pleased so many of my colleagues support it, and I look forward to its pending passage.

Mr. KENNEDY. Mr. President, in May, the Senate passed the Sex Offender Registration and Notification Act to standardize and strengthen registration and monitoring of sex offenders nationwide. Since its passage, the House and Senate have worked closely to resolve their differences and to improve the overall quality of the legislation. The bill before us today contains difficult compromises, but it has achieved that goal.

This legislation is critically important to safeguard victims of sexual abuse from harm. It will help protect innocent people from violent offenses. It recognizes the victims and all the suffering both they and their families have endured.

With this legislation, we are recognizing the loss of Molly Bish from Warren, MA. At 16, Molly was abducted from her position as a lifeguard, and her family endured terrible uncertainty until her remains were found 3 years later. Molly was a typical teenager who took great joy from life. Her nickname was Tigger, because she was always on the move. She is survived by her parents, John and Magi Bish; her sister, Heather; and her brother, John, Jr., who work every day to keep children safe, honoring her life and her legacy.

With this bill, we also remember with sadness another Massachusetts resident, Alexandra Zapp. Ally was 30 years old when she was attacked and murdered in a public restroom by a repeat sex offender in Bridgewater, MA, in 2002. Ally's friends described her as a strong, smart, and independent woman. She had worked at the USA Sailing Association of Portsmouth, RI, where she was a keelboat training coordinator. Ally is survived by her mother Andrea Casanova and her stepfather Steven Stiles; her sister Caroline; and her father and stepmother, Ray and Linda. This legislation is dedicated to her memory, along with the memories of Molly Bish and the many other victims of terrible crimes.

Several changes have been made to this legislation as a result of our work with the House. It is important to make sure that information on offenders who pose a potential threat is available to the public at large, and this bill provides for Internet listing and community notification about such individuals.

At the same time, in order for the registry to be effective, it should be targeted toward those who present the highest risk to our communities. The current version takes a more sweeping approach toward juvenile offenders by expanding their registration requirements. The Senate bill allowed each State to determine whether a juvenile should be included on the registry. This compromise allows some offenders over 14 to be included on registries, but only if they have been convicted of very serious offenses. For juveniles, the public notification provision in this bill is harsh given their low rate of recidivism, which is less than 8 percent according to the most recent studies. For this reason, it is especially important that the bill includes funding for treatment of juvenile offenders. These provisions recognize that juvenile offenders, who have much lower rates of recidivism and have been shown to be much more amenable to treatment than their adult counterparts, shouldn't be lumped together with adult offenders.

The bill also provides increased funding for programs to prevent these offenses before they occur. It also authorizes funding for sex offender treatment and management within the Federal prison system. These provisions will be helpful in reducing the future risks to society by convicted sex offenders. If Congress is serious about addressing this problem, it must commit itself to fully funding the legislation.

All States currently have registration requirements for sex offenders, but this bill will create a system of national tracking and accountability that preserves the ability of individual States to provide additional procedures to assure the accuracy and usefulness of the registries.

Massachusetts has a system that works. We are already doing most of what this bill requires, but our system goes beyond these basic requirements by providing individualized risk assessments of each sex offender who goes on the registry. These individual assessments, combined with hearings allowing offenders to challenge their classification, help ensure that States like Massachusetts can provide the highest quality of information on potential threats to the community while respecting the tremendous impact that community notification can have on offenders' lives. I am pleased that this legislation respects the right of individual States to innovate in this area and does not penalize States who go the extra mile to improve their registries.

For this reason, section 125 of the compromise is very important. Each State will face challenges in the implementation of these new Federal requirements, and States should not be penalized if exact compliance with the act's requirements would place the State in violation of its constitution or an interpretation of the State's constitution by its highest court.

The Massachusetts Supreme Judicial Court has concluded that offenders are entitled to procedural due process before being classified at a particular risk level and before personal information about them is disseminated to the public. Massachusetts has been vigilant in implementing a comprehensive and effective sex offender registry, and it should not lose much needed Federal funding where there is a demonstrated inability to comply with certain provisions of this new Federal law.

No State should be penalized and lose critical Federal funding for law enforcement programs as long as reasonable efforts are under way to implement procedures consistent with the purposes of the act. It is essential that the Federal Government continue to collaborate and to provide support for State and local governments, including

the prevention, intervention, and enforcement of antigang and antidrug activities as a result of this bill.

At the same time, the new mandatory minimum sentences in the act aren't justified by any empirical data or sound policy. Mandatory minimums prevent prosecutors and judges from doing what they do best—making individual determinations on sentencing, based on the circumstances of individual cases. With more than 2 million Americans in prison or jail—including 12 percent of all African-American men between the ages of 20 and 34—no one can seriously argue that there is an epidemic of leniency in Federal sentencing. This latest batch of mandatory minimums undermines more than two decades of legislative work devoted to striking a sensible balance between consistent sentencing and the need to provide judges with the discretion to make sure each sentence fits the crime.

Although it is important to have strong penalties for crimes against children, I have major reservations about the broad expansion of the death penalty in this compromised legislation. It is clear that continued imposition of the death penalty will inevitably lead to the wrongful execution of more and more people. Justice Marshall, in particular, wrote powerfully on this issue. He believed that if our citizens knew the truth about the death penalty, ''its disproportionate imposition on racial minorities and the poor, its utter failure to deter crime, and the continuing likelihood of executing the innocent,'' it would be rejected as morally reprehensible.

Last year, the Supreme Court struck down the death penalty for juveniles—persons 17 years old or younger. The Court's ruling was significant. It was long past time to erase that stain from our human rights record. The basic injustice of the death penalty is obvious. Experience shows that imposition of the death penalty inevitably leads to wrongful executions. Many of us are concerned about the racial disparities in the imposition of capital punishment and the wide disparities in the State in its application. The unequal, unfair, arbitray, and discriminatory use of the death penalty is completely contrary to our Nation's commitment to fairness and equal justice for all, and we need to do all we can to correct this fundamental flaw.

Finally, the national registry of substantiated cases of child abuse in this bill should not be implemented until Congress has a full understanding of its scope and effectiveness. The proposed registry raises serious implementation challenges and could create an additional and unnecessary burden for States. Not all States maintain the same registry information, and most States maintain different rules on disclosure. Tribal entities, which are included in this proposed registry, currently maintain no registries at all.

I am concerned that this registry raises serious privacy concerns by including information on cases without the opportunity for due process. For this reason, it is important that the study on establishing data collection standards be completed before such a registry is established. Current standards for inclusion in child abuse registries vary greatly, with some requiring credible evidence and others requiring no standard other than the judgment of the case worker.

During the most recent reauthorization of the Child Abuse Prevention and Treatment Act, we improved current child abuse systems to ensure that law enforcement has the information it needs to pursue and prosecute cases.

A new provision was added to require States to ''disclose confidential information to any Federal, State, or local government entity, or any agent of such entity, which has a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect.'' Rather than developing additional registries and reporting requirements, States need Federal assistance to effectively carry out their roles and responsibilities under CAPTA. I am concerned that this new registry will have limited value in improving or standardizing State recordkeeping for child abuse and neglect cases.

Despite these provisions, I commend the work that has been done on this bill. Without further delay, it is important that we get this bill to the President so that it can be signed on July 27th, the 25th anniversary of the abduction of Adam Walsh, and to honor all of the work his parents have done in his memory to protect children in communities across the country.

Mr. BYRD. Mr. President, the foundation of democracy lies in a government that reflects the voice of its citizens. The Constitution, the beloved document that chartered our system of government, makes this clear. ''We the people'', are the very first words of our Constitution: ''We the people.'' This is no mistake, for our Founders sought to create a government that would reflect the will of those who send us here.

Voting is the underpinning of our democratic process. In an address to Congress, President Lyndon B. Johnson said that, ''In a free land where men move freely and act freely, the right to vote freely must never be obstructed.'' With the act of casting one's ballot, each citizen has ensured a place in the democratic process, fulfilling the civic responsibility that each and every one of us must safeguard and cherish. All citizens deserve this right, and all should utilize it.

Like so many worthwhile initiatives, safeguarding the freedoms of democracy can sometimes exact a heavy toll. Wars have been fought on our own soil to ensure these freedoms, and our country's history has been blemished with the events of a less enlightened time. But even through strife and toil, our democracy emerged intact, our Republic strengthened by the sacrifices made by the citizens who fought for equality and the right to vote.

I met yesterday with Mr. James Tolbert, President of the West Virginia NAACP, and other members of the West Virginia NAACP delegation. They were here in Washington D.C. as part of a national effort to spearhead the reauthorization of the Voting Rights Act. I was proud to assure them of both my cosponsorship of the measure and my support for the reauthorization.

While the various reauthorizations of the Voting Rights Act have forged the pathway to the polls for all Americans, the ability to vote is but half of the process. Democracy works best when the people are vigilant in protecting of their rights, and engage in the electoral process. Our democracy is strongest when there is free and open access to the polls for everyone, and when the people embrace the vote as both a right and a responsibility.

Indeed, the decades that have followed the initial passage of the Voting Rights Act have witnessed the progress of our Nation. To continue in our efforts, we have only to look to past successes for inspiration. To be ardent in the defense of our democracy is to preserve it for the generations to come.

Mr. MCCONNELL. Mr. President, I rise to speak in strong support of the Adam Walsh Child Protection and Safety Act of 2006. This bill will strengthen our power to keep America's children safe from sexual predators and creates the National Sex Offender Registry, which will keep track of all sex offender information nationwide. It will also create the Dru Sjodin National Sex Offender Public Web site, so that every American will have the ability to search for information on potential sexual predators in their own community.

I have had a personal interest in children's welfare and child-safety issues for many years, predating my time in the Senate, in fact. Before being elected to this Chamber, I served as judge-executive of Jefferson County, KY, from 1977 to 1984. Jefferson County contains Louisville, my hometown, and the judge-executive position was the county's chief executive.

In 1981, we hosted in Louisville the first-ever national conference on rescuing missing and exploited children. Ernie Allen, who was on my staff at the time and organized the conference, is today the head of the National Center for Missing and Exploited Children. And that conference was keynoted by John Walsh. At the time, Mr. Walsh was not yet the television fixture and hero to millions of parents he is today

but a private citizen whose 6-year-old son, Adam, had been tragically kidnapped and murdered earlier that same year.

That event began a decades-long friendship between John and me, centered around this issue. Together, we lobbied Congress—and I remind you, I was not yet a Senator at this time—for legislation that would create a nationwide organization to track missing kids. In 1984, our efforts bore fruit, and President Ronald Reagan signed the bill creating the National Center for Missing and Exploited Children as a public-private partnership.

I believe government must do all it can to support groups such as the NCMEC and others and our law enforcement agencies in their efforts to find missing children, return them to their families, and shield them from sexual predators. The work these groups do is vital to protecting families, and I applaud their dedication and compassion.

Passage of this bill will further the mission of comforting parents everywhere and protecting our children. The National Sex Offender Registry will contain up-to-date data on all sex offenders nationwide, and there are harsh penalties for any offender who does not register.

The bill imposes tougher penalties for sex offenses and violent crimes against children. It also allows for civil commitment procedures for any sex offenders who demonstrate while incarcerated that they cannot be trusted to be unleashed on society.

The bill addresses child exploitation over the Internet with stringent Internet safety provisions. It also contains several worthy programs, grants, and studies to address child and community safety.

I would especially like to note that the bill strengthens the pornography recordkeeping and labeling requirements passed by Congress in 1988 to protect children from exploitation by pornographers. These provisions were originally part of S. 2140, the Protecting Children from Sexual Exploitation Act of 2005, sponsored by my good friend from Utah, Senator HATCH.

I was pleased to join him as a cosponsor of that bill and am doubly pleased now to see these provisions included in this bill, which I feel confident in saying will soon reach the President's desk and receive his signature.

Finally, the portion of this legislation that parents may find the most comforting is the creation of the Dru Sjodin National Sex Offender Public Web site. Parents will now have the power to search for sex offenders in their own community. The good that can come from this power to arm parents with the right information cannot be measured.

I ask my colleagues to join me in commending John Walsh for his commitment to this important issue. His drive to see that the tragedy that befell his own family does not fall on another has not diminished in the 25 years I have known him. I am glad that we can honor John by naming this important legislation after his beloved son.

Those who would prey on the weakest among us—our children deserve to feel the full weight of the law brought down on them. It is hard to imagine a crime that does more to destroy families or dreams of a bright future. This legislation will ensure that kids, parents, and law enforcement agencies have the tools they need to fight child predators and sexual criminals. For that reason, I am proud to support its passage.

Mr. KYL. Mr. President, I rise today to comment on the Adam Walsh Child Protection and Safety Act. This legislation will create a national sex offender registry that will make it possible for law enforcement and concerned citizens to track sexual predators. The bill also includes tough penalties that will ensure that these individuals will actually register. There currently are over 100,000 sex offenders in this country who are required to register but are ''off the system.'' They are not registered. The penalties in this bill should be adequate to ensure that these individuals register. In addition to allowing up to 10 years in prison for an offender who fails to register, the bill also imposes a mandatory 5 years in prison for an offender who has neglected his obligation to register and commits a crime of violence.

I would like to focus my remarks on legislation that I have introduced that has been incorporated in this final bill. I am particularly pleased to see that the bill maintains the ChildHelp National Registry of Cases of Child Abuse and Neglect. Section 663 of the bill instructs the Department of Health and Human Services to create a national registry of persons who have been found to have abused or neglected a child. The information will be gathered from State databases of child abuse or neglect. It will be made available to State child-protective-services and law-enforcement agencies ''for purposes of carrying out their responsibilities under the law to protect children from abuse and neglect.'' The national database will allow States to track the past history of parents and guardians who are suspected of abusing their children. When child-abusing parents come to the attention of authorities—when teachers begin to ask about bruises, for example—these parents often will move to a different jurisdiction. A national database would allow the State to which these parents move to know the parents' history. It will let a child-protective-services worker know, for example, whether he should prioritize investigation of a particular case because the parent has been found to have committed substantiated cases of abuse in the past in other States. Such a database also would allow a State that is evaluating a prospective foster parent or adoptive parent to learn about past incidents of child abuse that the person has committed in other States.

I am also proud to see that the Internet SAFETY Act, which I introduced with several colleagues earlier this year, has been incorporated as title VII of this bill. This title includes the following important provisions:

Section 701 makes it a criminal offense to operate a child exploitation enterprise, which is defined as four or more persons who act in concern to commit at least three separate violations of Federal child pornography, sex trafficking, or sexual abuse laws against multiple child victims. This offense is punished by imprisonment for 20 years up to life.

Section 702 provides that if an individual who is required to register as a sex offender under Federal or State law commits specified Federal offenses involving child pornography, sex trafficking, or sexual abuse against a minor victim, the offender shall be imprisoned for 10 years in addition to any penalty imposed for the current offense.

Section 703 makes it a criminal offense to embed words or digital images into the source code of a Web site in order to deceive people into viewing obscenity on the Internet. Offenses targeting adults are subject to up to 10 years imprisonment; offenses targeted at child victims are subject to up to 20 years imprisonment.

Section 704 authorizes appropriations for the U.S. Attorney General to hire 200 additional Assistant United States Attorneys across the country to prosecute child pornography, sex trafficking, and sexual abuse offenses targeted at children.

Section 705 authorizes appropriations for the hiring of 30 additional computer forensic examiners within the Justice Department's Regional Computer Forensic Laboratories, and 15 additional computer forensic examiners within the Department of Homeland Security's Cyber Crimes Center. The additional computer forensic examiners will be dedicated to investigating crimes involving the sexual exploitation of children and related offenses.

Section 706 authorizes the Office of Juvenile Justice and Delinquency Prevention to create 10 additional Internet Crimes Against Children, ICAC, Task Forces.

Finally, section 707 of the Internet SAFETY title expands the civil remedies for sexual offenses by allowing the parents of a minor victim to seek damages, and by allowing a minor victim to seek damages as an adult.

Title II of today's bill also includes a number of penalty increases and other

improvements to Federal criminal sex offenses. Many of these provisions appeared in the Internet SAFETY Act, as well as in the Jetseta Gage Act, which was introduced by Senator GRASSLEY in 2005 and of which I was an original cosponsor. Section 211 suspends the statute of limitations for all Federal felony offenses of sexual abuse, sex trafficking, or child pornography. Other provisions of title II increase penalties for coercion and enticement by sex offenders, conduct relating to child prostitution, aggravated sexual abuse, sexual abuse, abusive sexual contact, sexual abuse of children resulting in death, and sex trafficking of children. Title II also makes sexual abuse offenses resulting in death eligible for the capital punishment, and expands the predicate offenses justifying mandatory repeat-offender penalties for offenses involving child pornography and depictions of the sexual exploitation of children. Finally, title II adds sex trafficking of children to the set of repeat offenses that are subject to mandatory life imprisonment.

Another provision that I have pursued during this Congress and that is included in this final bill is section 212, which extends several of the guarantees of the 2004 Crime Victims' Rights Act to Federal habeas corpus review of State criminal convictions. Because such cases involve Federal courts but State prosecutors, this extension is limited to those provisions of CVRA that are enforced by a court—Congress cannot compel State prosecutors to enforce a Federal statute. The victims' rights extended by section 212 to Federal habeas proceedings are the right to be present at proceedings, the right to be heard at proceedings involving release, plea, sentencing, or parole, the right to proceedings free from unreasonable delay, and the right to be treated with fairness and with respect for the victim's dignity and privacy.

The bill also makes some technical improvements to the DNA Fingerprint Act, which Senator CORNYN and I introduced last year and which was enacted into law as an amendment to the reauthorization of the Violence Against Women Act at the beginning of this year. Section 155 of today's bill modifies the authority granted to the Federal Government by the DNA Fingerprint Act to collect DNA samples from Federal arrestees. Under current law, the Federal Government may collect a DNA sample from any person arrested for a Federal offense, but the authority to collect DNA from persons convicted of a Federal offense is limited to felonies and certain misdemeanors. Section 155 corrects this anomaly by including convictions in the Federal sample-collection regulatory authority, thus allowing the Federal Government to collect DNA from all persons convicted of a Federal crime. The 2006 Act also allows DNA to be collected from all arrestees, but in the case of persons detained under Federal authority this authority is limited to non-U.S. persons—i.e., foreign visitors who are neither U.S. citizens nor permanent residents. Problems might arise in the case of U.S. persons who are detained and facing Federal criminal charges, but who were not arrested by Federal authorities. Examples include persons who are being prosecuted federally but were arrested by the State officers participating in a joint Federal-State task force, and persons who turn themselves in to Federal authorities without being formally arrested. Arguably, the 2006 act's arrest authority should extend to such individuals—they are constructively arrested. Section 155 eliminates any ambiguity and possibility of litigation over these matters by expressly granting the Federal Government the authority to collect DNA samples from individuals facing Federal charges.

Finally, I would like to take a moment to recognize all of the staff who worked so hard to see this bill through to completion. Please allow me to thank Ken Valentine and Tom Jipping of Senator HATCH's staff, Dave Turk of Senator BIDEN's staff, Julie Katzman and Noah Bookbinder of Senator LEAHY's staff, Nicole Gustafson of Senator GRASSLEY's staff, as well as Chad Groover, who has since left Senator GRASSLEY's office but who played a critical role in developing many of the penalty enhancements included in title II, Christine Leonard of Senator KENNEDY's staff, Lara Flint of Senator FEINGOLD's staff, Nate Jones of Senator KOHL's staff, Sharon Beth Kristal of Senator DEWINE's staff, Reed O'Connor of Senator CORNYN's staff, Jane Treat of Senator COBURN's staff, Greg Smith of Senator FEINSTEIN's staff, Marianne Upton of Senator DURBIN's staff, Bradley Hayes of Senator SESSIONS's staff, Bradley Schreiber of Mr. FOLEY's staff, and last but not least in this group, Brooke Bacak of my Republican Policy Committee staff.

I would especially like to thank Allen Hicks and Brandi White of Senator FRIST's staff, who were very helpful in securing the inclusion of the Child-Abuse Registry in this bill, Matt Miner of Senator SPECTER's staff, who played a critical role in negotiating the final bill, and Mike Volkov, Sean McLaughlin, and Phil Kiko of Mr. SENSENBRENNER's staff. The bill that we have today would not exist were it not for the professionalism, expertise, and dedication of the SENSENBRENNER staff. Often it is easy in Congress simply to pass any bill dealing with a subject so that we can say that we have addressed the problem. This is not such a bill. This is a strong, tough bill that will make a difference in the safety and security of our Nation's children. It is a bill of which we can all be proud, and Mr. SENSENBRENNER's staff deserves recognition for their contribution to that result.

Mr. LEAHY. Mr. President, back in May 2005, with the leadership of Senator SPECTER, Senator BIDEN, Senator KENNEDY, and others, the Senate Judiciary Committee approved an important child safety bill, S. 1086. The committee worked tirelessly to craft a prudent, bipartisan bill that would assist States in their ongoing efforts to protect children through tighter monitoring of known sex offenders. It was a good bill, and it passed the full Senate in May of this year by unanimous consent.

Now, extensive bipartisan discussions with the House have produced a revised version of the bill, which the Senate is voting on today. The new bill is better in a few ways than the Senate-passed bill that we produced and also, regrettably, takes some steps backward. While this new bill is not the bill I would have written, I intend to support it and expect that it will pass.

As a former prosecutor, and as a father and grandfather, I know that there is no higher duty than to protect our society's children, to take every step possible to prevent them from coming to harm, and to punish those who attempt to or succeed in harming them. We have never debated whether children should be protected. Of course they should. The only debate is about how they should be protected, and how best to deploy and utilize limited resources to deter and punish those who would prey on them.

Over the last 30 years, I have worked closely with others to write and enact legislation aimed specifically at protecting children and assisting victims. In the last Congress, Senator HATCH and I joined to introduce the PROTECT Act, which provided prosecutors and law enforcement with tools necessary to combat child pornography and human trafficking. The final legislation passed by Congress included a number of provisions that I had either authored or supported, such as the National AMBER Alert Network Act; the Protecting Our Children First Act, which reauthorized funding for the National Center for Missing and Exploited Children; and legislation to amend the Violence Against Women Act to provide transitional housing assistance grants for child victims of domestic violence.

In addition, I am pleased that the Senate has acted on other legislation for children and crime victims that I have sponsored. These include the 21st Century Department of Justice Appropriations Authorization Act, which among other things included important grant funds for the Boys and Girls Clubs of America, and established the Violence Against Women Office in the Justice Department. In 2004, the President signed into law the Justice For All Act, a package of criminal justice

reforms that, among other things, authorized funds to reduce rape kit backlogs and enumerated crime victims' rights.

I am glad that this new consensus legislation to protect children honors the efforts of John and Revé Walsh, who have worked so hard to ensure that other families would not experience the tragedy that befell their family. It has been my privilege to work for many years with the Walshes and with the National Center for Missing and Exploited Children, in which they have played such an instrumental role, to take many important steps to keep children and families safe. I commend and thank John Walsh once again for his passionate advocacy on behalf of the Nation's children over many, many years.

I am also glad that members of both parties in both bodies ultimately agreed with me and with the distinguished Senate Republican and Democratic leaders that we should prioritize finishing and passing legislation to protect children from sexual predators, without tying this crucial legislation to other more difficult issues. The Senate has passed court security legislation, for which I was a principal cosponsor, as part of S. 2766, and we have been working to settle differences between our legislation and the other body's court security proposals. Court security legislation should pass this year, but it would not have been right to endanger either the court security bills or this crucial child protection legislation by tying them together.

Gang legislation is on a separate track entirely. It is just getting started in the Senate. Passing legislation to protect children from sexual predators has been my first priority. Seeking simultaneously to resolve extensive differences over provisions in the gang bill and other crime legislation could have caused us to miss this chance. It is commendable that, in the end, both bodies chose to focus on passing sex offender legislation and not to jeopardize this by tying this bill to more controversial measures.

The gang bill is just now before the Judiciary Committee, which is the appropriate place to start work on a complex and important piece of criminal justice legislation. It is a new and very different version of this bill. It will be important to hold a hearing on this bill to listen to the Federal, State, and local law enforcement officers who are combating gang violence on a regular basis, and from the organizations that are working to keep kids out of gangs. Gang violence is a disturbing and difficult menace in our communities, and as we craft solutions to help address these issues we should strive to get it right. We have done the right thing by finalizing this important child protection legislation first, before turning to that and other difficult tasks.

When S. 1086 was first introduced in May 2005, serious concerns were raised by members of the Judiciary Committee, State attorneys general, the Department of Justice, and others. Through an impressive, bipartisan effort these concerns were largely addressed. I appreciate that Senators, and now House Members, of both parties took these concerns to heart and revised this bill in ways that will increase the protection of children from the most dangerous sex offenders, while not overwhelming the States with requirements that could hinder their own efforts. I believe that this new bill takes a few unfortunate steps back from the well thought out Senate version, but it still achieves many of the crucial goals we identified. The resulting bill ensures that each State will have an effective sex offender registry and that all States will share registry information—all of which will help keep our children safer.

I am glad that this bill addresses my concerns and that of many others of both parties in the Senate in giving significant discretion to the States in the handling of juvenile offenders. Juvenile justice has always been a province of the States, and State legislatures, prosecutors, and judges have developed significant expertise in distinguishing which juvenile offenders represent a continuing threat to society and which juveniles, with appropriate treatment and monitoring, can turn themselves around and become contributing members of society.

This bill correctly allows the States, in many cases, to use their expertise—and they know more about these issues than we do here in Washington—to decide which juveniles should be on sex offender registries, to what extent, and for how long. It also appropriately requires the States to include the most egregious juvenile offenders, who do represent a threat to others, on their sex offender registries. I think the bill goes too far in a few cases in limiting States' discretion to determine which juveniles should be placed on registries and to allow those juvenile offenders who have lived cleanly and turned their lives around to get off of registries. But overall, this bill strikes an acceptable balance on this issue, and I am glad that those of us who were concerned about appropriate deference to the expertise of the States spoke out and were heard to some extent.

This bill takes a good if small first step toward what should be one of our most important priorities in keeping our children safe from sex offenders: treatment. While the most dangerous sex offenders may be predisposed to reoffend and should be treated accordingly, many studies have shown that people who commit less serious sex offenses often, with appropriate treatment, do not present a significant risk of recidivism and can become responsible members of society. One of the best ways to protect our children is to help as many low-risk offenders as possible turn their lives around, so that our scant law enforcement resources can be focused on those dangerous offenders who are a demonstrable threat to our children. In addition to the Bureau of Prisons Program included in S. 1086, the current bill includes a new program directed specifically to the treatment of juvenile sex offenders, who have been proven to be especially responsive to treatment. This is a welcome addition to the bill, and one we should build on in the future.

I want to direct the attention of my colleagues to title V of the bill, which makes substantial amendments to section 2257 of title 18. By way of background, Congress passed the original version of section 2257 in 1988, as a means to help ensure that minors were not being exploited by the adult, hardcore pornography industry in violation of the child exploitation laws. In 1989, the District Court for the District of Columbia found that this original version violated the first amendment. In 1990, Congress responded to the District Court decision by significantly narrowing the scope of section 2257.

The House bill proposed an expansion of section 2257 beyond what was held unconstitutional before the 1990 amendments, and beyond the pornography industry and those who exploit children. The proposed expansion of section 2257 gave rise to legitimate concerns, expressed by groups as far-ranging as the Chamber of Commerce, the Motion Picture Association of America, the American Hotel and Lodging Association, the American Library Association, and the American Conservative Union, that its recordkeeping and labeling requirements, and associated criminal liability, might now affect an array of mainstream, legitimate, and first-amendment-protected activities and industries. These industries are leaders in protecting children employed in their industries and are far removed from the problem that the legislation purportedly sought to address. Subjecting them to the burdens of a recordkeeping and labeling statute intended for the pornography industry would create substantial burdens of compliance without any added benefit in the wholly legitimate and vital cause of actually safeguarding the security and welfare of children.

Because the focus of these requirements is adult pornography and the protection of children, not mainstream visual depictions and activities that do not threaten children, the new bill includes provisions intended to limit the reach of these requirements to those who are actually exploiting children. Most notably, section 2257A(h) enables law-abiding, legitimate businesses, which create and commercially distribute materials that are not, and do

not appear to be, child pornography, to certify to the Attorney General that, pursuant to existing laws, labor agreements, or industry standards, they regularly and in the normal course of business collect the name, date of birth, and address of performers employed by them. This recognizes that such legitimate, law-abiding industries in fact routinely collect the information necessary to demonstrate their compliance with the child protection laws and that for this reason they were never intended to be the focus of this more extensive recordkeeping and labeling statute. Businesses that so certify and thus exhibit their good faith can avoid some of the more onerous requirements, and associated criminal liability, rightfully placed on others whose compliance is more likely to further the interest of protecting children.

By way of illustration, the motion picture industry currently operates under a panoply of laws, both civil and criminal, as well as regulations and labor agreements governing the employment of children in any production. They check work permits, require parents or guardians to be present at all times during production, and in some cases even obtain court approval for the employment of the children in films and television shows. It is fair to say that the film and television industries are a leader among industries in safeguarding the interests of children in the workplace. Yet in the absence of the certification provision in section 2257A(h), these studios would be subjected to the same extensive recordkeeping and labeling requirements as a hard-core pornographer is under this bill, as would a host of other legitimate entities throughout the distribution chain for mainstream motion pictures and television shows.

The focus of the underlying statute should remain on helping apprehend child predators and not on legitimate businesses that have no role in harming children. Under section 2257A(h), motion picture companies that certify to the Department of Justice that they collect the name, date of birth, and address of all the performers employed by them, for purposes of compliance with existing laws, such as filling out an I–9 form or W–4s for tax purposes, or pursuant to labor agreements or their normal business practices, will not be subject to the more burdensome requirements of this statute. Establishing this regime will have the additional benefit of allowing the Department of Justice to focus their limited resources in areas where they should be focused—pursuing those who harm children. This provision has been in effect for 18 years and yet has not been used. It is my hope that the Department of Justice, having obtained the amendments they sought, will begin to enforce the law and focus on those who harm children, and not on those legitimate businesses that do not.

Other exemptions in the bill exclude from the recordkeeping requirements and annual certification regime providers of Internet access, telecommunications, and online search tools, as well as online hosting, storage, and transmission services, so long as the provider does not select or alter the content. It is ironic that the broadest exemptions are granted to the providers of various types of Internet and telecommunications services, even though the advent of the Internet is cited in the original version of this bill as greatly increasing the ease of transporting, distributing, receiving, and advertising child pornography in interstate commerce. Notwithstanding these exemptions, nothing in this bill can or should be construed to impair the enforcement of any other Federal criminal statute or to limit or expand any law pertaining to intellectual property against these entities.

Regrettably, the core, bipartisan bill to strengthen State sex offender registration programs was joined in both the House and the Senate to unrelated provisions aimed at creating additional mandatory minimum sentences. I agree with the U.S. Judicial Conference and the vast majority of Federal judges and practitioners that harsh, inflexible mandatory sentencing laws are a recipe for injustice. In its letter dated March 7, 2006, regarding the House bill, the Judicial Conference, headed by Chief Justice John Roberts, wrote that mandatory minimum sentences undermine the sentencing guideline regime Congress established under the Sentencing Reform Act of 1984 by preventing the systemic development of guidelines that reduce unwarranted disparity and provide proportionality and fairness in punishment.

Mandatory sentences also tie prosecutors' hands in these cases where it is most important that they have the discretion to plea bargain, especially considering how difficult it can be to prepare children emotionally and psychologically to testify against their abusers.

When addressing this issue in committee last year, Senators from both sides of the aisle agreed to limit the imposition of new mandatory minimum sentences to the most serious and violent crimes against children, rather than to myriad lesser crimes as was originally proposed. The new bill backslides from this agreement to an unfortunate extent. If we are going to establish mandatory minimum sentences, we should at least proceed in a thoughtful and coherent way, with some understanding of the range of offense conduct that may be covered and the sorts of sentences that are being imposed under current law. Instead, we simply pluck ever-higher numbers out of thin air. Congress greatly increased the penalties for most sex offenses just 3 years ago, in the PROTECT Act. Nothing has changed since then to warrant this new round of arbitrary sentence inflation.

Another controversial measure included in the House-passed bill was a proposal to strip Federal courts of jurisdiction to review constitutional errors in sentencing that a State court has deemed harmless. The Senate Judiciary Committee reviewed this jurisdiction-stripping provision last year, during its consideration of the so-called Streamlined Procedures Act, S. 1088. That bill—and this provision in particular—was strongly opposed by a broad coalition of organizations, including the United States Judicial Conference. Following hearings, the committee specifically rejected this provision by adopting a substitute amendment that stripped it out in its entirety; the substitute then died in committee without further action. To include such an extraneous and deeply flawed provision in the current bill would have been wrong, and it is a credit to this bill that it has been removed.

Another area of concern is a provision that was also included in the Senate's comprehensive immigration bill. The provision prohibits the approval of a visa application for the relative of a U.S. citizen or legal resident based on the citizen or resident's conviction for any of the sex offenses enumerated in the bill. This provision casts a wide net, and in many cases will harshly and unnecessarily penalize people seeking entry to the United States who have a family member in the country, but where the citizen or resident poses no threat to the individual seeking entry.

The bill gives the Secretary of DHS discretion to assess these applications on a case-by-case basis and waive the denial, and I hope this will turn out to be more than just an empty gesture. Given that this bill greatly expands the crimes sufficient to deny an application, I urge the Secretary to give thoughtful consideration to each case in which a waiver is sought. In a case of a citizen who is on the path to rehabilitation or whose crime was relatively minor, denial of a family member's support would serve no rational purpose and would undermine the goals of family unity. I hope the Secretary will actively use this waiver authority to limit the broad reach of this provision to those cases where a citizen or legal resident genuinely poses a threat to a family member seeking entry.

This legislation requires the Secretary of Health and Human Services to create a national registry of substantiated cases of child abuse and neglect which would, when fully implemented over time, serve the purpose of enabling child protective service agencies to identify an adult's past child maltreatment history in other States,

without having to check every individual State child protective service central registry. Improving the ability of child protective service agencies to collect information on prior cases of child maltreatment by a named adult is a worthy objective. However, to rush into the creation of such a national registry, without deliberate consideration and evaluation first of the wide variation in how State child abuse and neglect data on substantiated cases identifies the perpetrator of the abuse or neglect and the specifics of their maltreatment—what the bill calls the nature of the substantiated case—would be reckless.

For that reason, the legislation also mandates the HHS Secretary to conduct a study on the feasibility of establishing data collection standards for a national child abuse and neglect registry. Clearly, such a study should be completed before the Federal Government begins to implement the creation of such a registry and to collect registry information from the States. We need to know what we are working with before we create a system which might give the public a false sense of security or violate the due process rights of children and families alike. Caution is advised in moving forward on this matter in order to develop an information system which is both fair and reliable.

The legislation also requires the HHS Secretary to establish standards for how, and to whom, this national registry information will be disseminated. In view of the sensitivity of this registry, which is to include information historically maintained only at the state or local child protective service agency level, I urge the Secretary, in consideration of these standards and before collecting any national registry data, to be cognizant of past congressional concerns related to the protection of legal rights of families, as reflected in 42 U.S.C. 5106(b)(2)(A)(xix), and for a fair appellate process for individuals who disagree with a substantiated finding of abuse or neglect, as reflected in 42 U.S.C. 5106(b)(2)(A)(xv)(2). Both of these are provisions of the Child Abuse Prevention and Treatment Act.

Significantly, the legislation does not provide any new financial or technical assistance to States to improve or standardize their child protective services substantiated case recordkeeping systems, or to support States in the added burden of preparing for, and transferring data to, a new national registry. Not all States maintain the same registry information. Some States do not record registry entries by name of perpetrator but rather by name of child; some States no longer maintain registries at all. Most tribes, which are included in the legislation, maintain no registries at all. Without this important additional technical and financial assistance to the States, the quality of the information collected would likely be uneven and at times unreliable. This is a serious deficiency in the legislative mandate for the creation of a national registry of child abuse and neglect cases, one that I hope will be corrected through a targeted appropriation that focuses on helping State child protective service agencies upgrade their central registries or comparable systems of case-specific data.

I am pleased that the bill includes my proposal to authorize grants to Big Brothers and Big Sisters of America and the National Crime Prevention Council. Big Brothers and Big Sisters provides valuable mentoring services to young people across the country, and supporting their mission is a valuable investment that will reap measurable rewards. The National Crime Prevention Council helps communities across the country understand and address the causes of crime. Grants to this organization help communities become active in crime prevention at the grassroots level, and encouraging their continued efforts is something we should all strongly support.

I am also pleased that the sponsors of this bill agreed to incorporate S. 2155, popularly known as Masha's Law. This legislation, named after a Russian orphan who was sexually exploited by her adoptive father, will increase the civil statutory damages available to victims of child exploitation. It will also ensure that victims of child pornography whose images remain in circulation after they have turned 18 can still recover when those images are downloaded.

I am also pleased that the bill includes authorization of $12 million for grants to the Rape, Abuse & Incest National Network, known as RAINN, for operation of its National Sexual Assault Hotline and for the other important work RAINN does to assist victims of sexual assault and to help prevent and prosecute sexual assault. I want to congratulate RAINN for recently logging the one-millionth call to its 24–hour telephone hotline. RAINN, in helping a million crime victims, has not only made their lives better, but has also contributed greatly to the decrease in sexual violence in this country. I am honored that RAINN's founder and president, Scott Berkowitz, thanked me in connection with this important milestone for having supported the establishment of the National Sexual Assault Hotline.

Finally, I want to thank the Vermont Attorney General's Office and other concerned Vermont officials for prompt and constructive comments on multiple drafts of this legislation. Vermonters have worked hard to produce and improve our State's sex offender registry program in ongoing efforts to make it useful to law enforcement agencies and the general public in providing information regarding individuals who have proved a demonstrable threat to the public. In light of the mobility inherent in American society, cooperation and coordination among the various States improves the effectiveness of each State's registry, and the Federal assistance this bill provides will enhance that cooperation and coordination.

Mr. SPECTER. Mr. President, I will seek recognition in a moment, but for the time being, 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. SPECTER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I support the pending legislation to pass the Adam Walsh Child Protection and Safety Act of 2006. This legislation is named for Adam Walsh, a child who was abducted and murdered. Adam's father, John Walsh, has diligently pursued efforts to save other children from the fate which befell Adam by working to enact Federal legislation which will establish a national registry for sex offenders.

The National Center for Missing and Exploited Children estimates that there are at least 100,000 sex offenders who are not accounted for by law enforcement. John Walsh estimates the figure to be higher, approximating 150,000.

Statistics show that sex offenders prey most often on juveniles; that two-thirds of the sex offenders currently in State prisons are there because they have victimized a child. Compared with other criminals, sex offenders are four times more likely to be rearrested for a sex crime. It is estimated that some 500,000 children are sexually abused each year. According to Department of Justice statistics, child molesters have been known to re-offend as late as 20 years after their release from prisons.

There are currently State laws which require registration of sex offenders, but unfortunately they have proved to be relatively ineffective, which requires the Federal Government to act on the national level.

I first met John Walsh after the disappearance of his son, Adam, some 25 years ago, when I was chairman of the Subcommittee on Juvenile Justice, a subcommittee of the Senate Judiciary Committee. At that time, in conjunction with Senator Paula Hawkins of Florida, we took the lead in establishing the Missing Children's Act of 1982, which has been very successful in locating children, where, in a variety of ways—on billboards, on milk cartons, on posters—missing children were

identified and publicized. Many missing children were recovered.

In the intervening 25 years, John Walsh has undertaken a national crusade. He has been instrumental in advocating and persuading both the House and the Senate to move ahead with this legislation. He has had very strong support from the leadership of Senator HATCH, the former chairman of the Judiciary Committee. Senator HATCH has promoted this legislation, has initiated meetings, organized a meeting with John Walsh in the last several days in the Office of the majority leader where we organized plans to get this bill enacted so that it will be ready for signing by the President on July 27th, which is the anniversary of the abduction of Adam Walsh.

It has been a prodigious job to get this bill cleared on both sides, not having anything added on to it, and many efforts were made so that it would be enacted in time to mark the anniversary of the abduction of Adam Walsh. For that timetable, Senator HATCH deserves a great deal of credit.

As is well known, Senator HATCH chaired the Senate Judiciary Committee for many years. His leadership is still a very key factor, especially on this legislation.

I compliment my colleague, Senator RICK SANTORUM, as well as Senator KYL, Senator DEWINE, Senator TALENT, and others, for their support in producing this bill, which will protect children with the assistance of some 200 new Federal prosecutors, 45 new computer forensic experts to prevent child pornography, 20 new Internet Crimes Against Children Task Forces, and the Department of Justice's Project Safe Childhood Program and new SMART Office, which are both dedicated to protecting children from sex offenders.

A special note of commendation is due to Senator SANTORUM for his work on two important components of the bill: First, on Project Safe Childhood and second, on the Safe Schools Act. These provisions and others will help stop sex offenders such as Brian McCutchen, who was sentenced last year to 35 to 70 years in a Pennsylvania prison for attempting to murder and rape an 8-year-old Philadelphia girl in a public restroom. He was a repeat offender. He had been convicted of assaulting a 9-year-old girl in a similar public restroom attack in Manayunk, PA, in 2001. Had the provisions of the law been in place 2 years ago, the second crime might not have happened because the community would have been on notice of McCutchen's first attack on a little girl.

I know from my work as district attorney of Philadelphia the impact of sex crimes on children. To be a victim of a crime is a horrible experience for anyone, but to be a child and the victim of a sex crime leaves an indelible imprint—hard to shake, hard to forget, traumatic, and of gigantic importance in the balance of that child's life.

We are taking a very important step forward. I thank and commend John Walsh for his leadership and again thank and commend Senator HATCH for his leadership in the Senate on this important issue. I thank Chairman SENSENBRENNER, the chairman of the House Judiciary Committee, for his cooperation and coordination, and also to the staffs.

I will single out especially Michael O'Neill, who is chief counsel and staff director for the Senate Judiciary Committee.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, as far as I know, other than the few remarks I will make right now, I think Senator FRIST is the only speaker remaining on our sex offender bill.

I would feel bad if I did not mention a number of the staff people who have helped us on this bill. My own staffer, Ken Valentine, who is a Secret Service agent, has been serving as a detailee in my office and has really carried the mail on this like few members of the Senate staff I have ever known.

Tom Jipping, on my staff; Dave Turk, on Senator BIDEN's staff, had a great deal to do with this, as well. Bradley Schreiber, with Mr. FOLEY's staff; Mike O'Neill, of Senator SPECTER's staff; Mike Miners, Senator SPECTER's chief counsel, crime counsel; Todd Braunstein, with Senator SPECTER; Matt McPhillips, with Senator SPECTER; Julie Katzman, with Senator LEAHY; Bruce Cohen, Senator LEAHY's chief of staff on the Judiciary Committee; Noah Bookbinder, with Senator LEAHY; Christine Leonard, with Senator KENNEDY. Senator KENNEDY has played a significant role here. He was willing to withdraw the hate crimes bill so that this bill would pass readily through both bodies. I am very grateful to him.

Reed O'Connor of Senator CORNYN's staff; Nicole Gustafson of Senator GRASSLEY's staff; Sharon Beth Kristal, Senator DEWINE's staff; Gabriel Adler, of Senator DORGAN's staff; Joe Matal, from Senator KYL's staff; Avery Mann, from America's Most Wanted, who played a significant role here; Bradley Hayes, from Senator SESSIONS' staff; Lara Flint, from Senator FEINGOLD's staff; Cindy Hayden, from Senator SESSIONS' staff; Allen Hicks, of course, from Senator FRIST's staff; and Brandi White, from Senator FRIST's staff.

Of course, I would like to mention Michelle Laxalt, who took a great personal interest in this bill and from the outside helped us a great deal. We want to thank the National Center for Missing and Exploited Children, especially Ernie Allen, John Libonati, Robbie Callaway, and Carolyn Atwell-Davis, who has carried so many balls for us here, and Manus Cooney, who used to be chief of staff under me on the Judiciary Committee.

And then I would like to pay respect to just some of the victims who really helped with this bill: Elizabeth and Ed and Lois Smart; Linda Walker, the mother of Dru Sjodin; Mark Lunsford; Erin Runnion; Marc Klass; Polly Franks, Patty Wetterling; and last but not least—really, really, we can never thank them enough, John and Reve Walsh.

So with that, Mr. President, I yield the floor.

Mr. REID. Mr. President, the Senate is about to take an important step to improve the safety of our Nation's children. Very shortly, we will pass the Adam Walsh Child Protection and Safety Act, also known as the Sex Offender Registration and Notification Act. I am proud to be a cosponsor of this significant legislation.

The Senate passed an earlier version of this bill by unanimous consent on May 4, nearly 2 months ago. Since then, Senators SPECTER and LEAHY have conducted bipartisan negotiations with the House, which had passed a different version.

Today, I am pleased to say that negotiations have resulted in a strong bill that will soon pass both Chambers and become law. I appreciate the willingness of all Members to put aside unrelated controversial issues so that we could focus on the core purpose of this bill—protecting children.

Next Thursday, the 27th of July, is the 25th anniversary of the abduction and murder of 6-year-old Adam Walsh. Since then, the work of Adam's father, John Walsh, demonstrates that a single person can make a difference in our country and our world.

Following the tragic event involving their son, John and Reve Walsh founded the National Center for Missing and Exploited Children. John Walsh's TV program, ''America's Most Wanted,'' has led to the apprehension of thousands of criminals. And now John Walsh has been the driving force behind this bill.

The legislation establishes a national sex offender registry which will make it easier for local law enforcement to track sex offenders and prevent repeat offenses. The bill also authorizes much needed grants to help local law enforcement agencies establish and integrate sex offender registry systems.

My home State of Nevada has been a leader in this movement. Our State recently made changes to improve the accuracy and reliability of the Nevada registry requirements. This Federal bill will strengthen those efforts.

Donna Coleman, past president of the Children's Advocacy Alliance based in Henderson, NV, was instrumental in getting our State laws changed. She is another example of how one person can make a difference, and I applaud her work.

Not all States have been as vigilant as Nevada, and that is a problem when sex offenders cross State lines. The bill before us will establish uniform rules for the information sex offenders are required to report and when they are required to report it. It will also give law enforcement agencies the tools they need to enforce these requirements.

A number of Senators have been leaders in this legislative effort. In addition to Chairman SPECTER and Ranking Member LEAHY, I appreciate the hard work of Senators BIDEN, DORGAN, HATCH, KENNEDY, and others. I thank the majority leader for making this bill a priority. I hope the House will follow suit and send this bill to the President for his signature without delay.

The PRESIDING OFFICER (Mr. ALLEN). The majority leader is recognized.

Mr. FRIST. Mr. President, 25 years ago this month, Reve Walsh took her 6-year-old son Adam shopping with her. They were looking for lamps at a local department store—a short mile from their home—when Adam was abducted. Sixteen days later, Adam's body was positively identified. To date, no one has been indicted for this horrific crime.

As parents, John and Reve Walsh's worst nightmare had become a reality. As a father of three sons, I cannot imagine what pain this caused the Walsh family.

Through their tears and grief, John and Reve Walsh transformed the tragedy of Adam's death into a lifelong commitment—a commitment to protect children from abduction, abuse, and exploitation.

John and Reve have been on the forefront of most major child protection legislation passed by this Congress over the last 25 years: the Missing Children's Act of 1982; the Missing Children's Assistance Act of 1984, which founded the fantastic National Center for Missing and Exploited Children; the Protect Act of 2003, which established a nationwide Amber Alert network to coordinate rapid emergency responses to missing child alerts—and, most recently, the Adam Walsh Child Protection and Safety Act of 2006, which is before us today.

This important legislation establishes a national sex offender registry, publicly available and searchable by ZIP Code; creates a national abuse registry; toughens penalties for crimes against children; and cracks down on the growing crisis of Internet predators and child pornography.

John's and Reve's tireless dedication is an inspiration to parents of child victims and millions of American families. I am proud to have worked with John and the National Center for Missing and Exploited Children on this legislation. I am confident that the legislation will save the lives of thousands of children.

I thank John Walsh, Ernie Allen, president of the National Center, and Carolyn Atwell-Davis, along with the rest of the dedicated staff at the National Center, for the truly amazing work they do, on a daily basis, to protect our Nation's children.

In March, John came by my office to talk about the importance of a national sex offender registry. He told me that this was the most important piece of legislation he had seen in over two decades of advocating for children's issues.

I promised John then that I would make passing this critical piece of legislation a priority. And I am proud to tell John—to tell our Nation's children, parents, and law enforcement—that the U.S. Senate has not only heard your concerns, but we are acting tonight to address them.

The Adam Walsh bill—so named to honor the upcoming 25th anniversary of his death and the memory of other child victims and their families—has many components designed to protect our Nation's children.

First, the bill establishes a national sex offender registry. Currently, there are more than 550,000 registered sex offenders in the United States, and at least 100,000 of them are missing.

Loopholes in the current system allow some sexual predators to evade law enforcement, placing our children at risk. While many States, including my own home State of Tennessee, have registries, this information is not always shared with other States. By creating a national registry, we are closing the loopholes that allow offenders to slip through the cracks. And we are encouraging law enforcement at all levels—local, State, and Federal—to collaborate and to share information.

The registry will make it easier for law enforcement to act on a tip, to identify and intercept offenders before they can strike again, before they can repeat their crimes and victimize more children.

The national registry will be publicly accessible via the Internet and searchable by ZIP Code. This empowers parents. It gives them the tools they need to learn whether a neighbor down the street has a history of sexual violence so they can protect their children from harm.

Further, the bill increases the penalty for failure to register from a misdemeanor to a felony. It enhances registration requirements, by mandating that offenders register more often and in person, rather than by mail.

By strengthening these requirements, we are sending a message loudly and clearly to sex offenders: If you don't register, we will find you, and you will go to jail.

The bill also toughens penalties for violent crimes against children, including sex trafficking of children, coercion or enticement of child prostitution, and sexual abuse.

Another aspect of this bill is the creation of a child abuse registry. I want to thank Senators KYL and ENZI for their hard work in helping to get this provision included in the bill.

This legislation was recommended by Childhelp, a children's advocacy organization with whom my wife Karyn and many of our Senate spouses are proud to be associated.

Every day, four children die as a result of child abuse, and every day Childhelp is on the frontlines working to prevent child abuse and treat victims of such abuse. They explained to me that while many States have child abuse registries, this information is not shared with other States.

This is especially problematic with child abusers. They often relocate when questions are raised by a teacher, a neighbor, or a doctor about whether a child is being abused.

By creating a national child abuse registry, we will tear down the information barrier and enable Child Protective Services professionals in different States to share information critical to child abuse investigations.

The final component of this bill addresses the sexual exploitation of children over the Internet—and the growing crisis of child pornography, an estimated $20 billion a year industry.

The Internet has become the anonymous gateway for child predators to make contact with children, to win their confidence, and to victimize them.

Current data show that of the 24 million child Internet users, 1 in 5 has received unwanted sexual solicitations online—1 in 5. And as a recent ''Dateline NBC'' series called ''To Catch A Predator'' vividly demonstrated, many of these cyber-stalkers are more than eager to trap their young online victims in a real-world nightmare.

The bill provides additional resources to combat this growing problem by adding 200 new Federal prosecutors to prosecute crimes involving the sexual exploitation of minors; by creating 10 new Internet Crimes Against Children Task Forces, which bring local, State, and Federal law enforcement together to collaborate in solving these crimes; by adding 45 new forensics examiners to accelerate processing of online evidence of child exploitation; and by providing grants for programs to educate children and parents on Internet safety.

We must continue to do more to protect our children. American families should not have to live in fear of child predators lurking in the shadows of our neighborhoods or enticing our children online.

I want to thank my colleagues on both sides of the aisle for their efforts, for giving life to this critical piece of

legislation. This is clearly a bipartisan, bicameral bill that has overwhelming support. I am pleased we were able to unite, Democrats and Republicans, in this body and, indeed, House with Senate.

In the Senate, I especially want to recognize my colleague, Senator HATCH, for his tireless efforts on this bill—the champion, the leader, the one with the bold vision, without whom simply this would not have happened.

I want to thank Chairman SPECTER and Senators SANTORUM, KYL, and DEWINE, for all their hard work on bringing this legislation to fruition.

Also, I want to thank Speaker HASTERT and Majority Leader BOEHNER and Chairman SENSENBRENNER and Congressman FOLEY for their commitment to this issue.

I urge my colleagues to join me in voting for this Adam Walsh bill, and look forward to a future that is safer for our children.

Mr. President, I do not believe there are any further speakers on the bill; therefore, I yield back all time and ask unanimous consent that the Senate now proceed to third reading and a vote on H.R. 4472, with all of the provisions of the agreement remaining in place. I ask unanimous consent, after passage, that the title amendment be read and agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment of the amendment and third reading of the bill

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 4472), as amended, was passed.

Mr. HATCH. I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will please read the amendment to the title.

The assistant legislative clerk read as follows:

Amend the title to read as follows: ''To protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote Internet safety, and to honor the memory of Adam Walsh and other child crime victims.''

The PRESIDING OFFICER. Without objection, the amendment to the title is agreed to.

The amendment (No. 4687) was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILD CUSTODY PROTECTION ACT

Mr. ENSIGN. Mr. President, I rise to speak today about the Child Custody Protection Act. A bill the Senate will debate shortly. I believe, as a father of three children, including one daughter, it is a very important piece of legislation.

Good people can disagree on issues even of profound moral consequence. Most Americans, even those who consider themselves pro-choice, believe there should be at least some restrictions on abortion.

I believe this is one of those situations where we should be able to come together and find some common ground. The Child Custody Protection Act simply states that if an adult willfully takes a minor child across State lines to get an abortion, for the purpose of avoiding a State's parental consent or notification law that would be a Federal crime for that adult.

Judicial bypass is an integral part of all effective parental consent laws. So for those concerned about the cases of parental rape or incest and what a child does in that case?—there is a judicial review, a judicial bypass available. The Child Custody Protection Act would only apply in those States parental consent or notification laws in place.

This is an important piece of legislation, especially for parents as many of these cases involve a 20-something-year-old male who has impregnated a young teenager, often a 13, 14, 15-year-old girl, which has ended in a secret abortion.

Now because your little girl had become pregnant and this 20-something-year-old realized that is a crime of statutory rape, they want to dispose of the evidence. So they decide to talk your little girl into going across State lines for an abortion because your State law requires parental notification or parental consent for such a procedure. They go to the State next door, take care of the abortion, and you, the parent, know nothing about it. How would you feel as a parent in a situation such as that?

Even further, abortion is a surgical procedure. Our kids are not even allowed to get an aspirin in school without parental consent. They are not allowed to take a field trip without parental consent. They are not allowed to take sex education classes without parental consent. Yet, remarkably, it is not against the law evade parental consent or notice requirements to take a child across State lines to get a surgical procedure, a surgical abortion.

It is time for legislation such as the Child Custody Protection Act. I realize that emotions run high on both sides of the abortion issue. They run deeply and have divided our country for some time. We need to look for a place of common ground. A place where reasonable people should be able to come together and agree to at least have this one restriction on abortion, agree that parents should be involved in the decisions, especially the medical decisions, involving their children. The Child Custody Protection Act does just that. This is legislation where we preserve parent rights, we preserve State rights, and we do something that approximately 80 percent of the American people support.

As we debate this bill over the next several days, I hope people will take an honest look at the intent of this legislation. I hope people will not automatically, because the word ''abortion'' is contained in this legislation, say: I can't vote for such a measure because it contains abortion language. I hope people will say: Let's find the common ground. Let's look for things that are reasonable and come together on an issue that should be agreed on to protect our children, our daughters.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF NEIL M. GORSUCH TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT

NOMINATION OF BOBBY E. SHEPHERD TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT

NOMINATION OF DANIEL PORTER JORDAN III TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

NOMINATION OF GUSTAVO ANTONIO GELPI TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Neil M. Gorsuch, of Colorado, to be United States Circuit Judge for the Tenth Circuit; Bobby E. Shepherd, of Arkansas, to be United States Circuit Judge for the Eighth Circuit; Daniel Porter Jordan III, of Mississippi, to be United States District Judge for the Southern District of Mississippi; and Gustavo Antonio Gelpi, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. In my capacity as chairman of the Judiciary Committee, I seek recognition to speak briefly on four judicial nominees currently before the Senate.

I begin with the nomination of Neil M. Gorsuch to be a judge for the U.S. Court of Appeals for the 10th Circuit. Mr. Gorsuch has an excellent academic background with a bachelor's with honors from Columbia University, 1988, a law degree with honors from Harvard Law School in 1991, a Doctorate of Philosophy from Oxford University in 2004.

He clerked for Judge David Sentelle of the Court of Appeals for the District of Columbia. He was a law clerk for Supreme Court Justice Byron White and Supreme Court Justice Anthony Kennedy.

He was a partner in the distinguished law firm of Kellogg, Huber, Hansen, and principal deputy to the Associate Attorney General for the Department of Justice from 2005 to the present.

I also support the nomination of Bobby Ed Shepherd to be a judge for the U.S. Court of Appeals for the Eighth Circuit.

He is a candidate with an excellent academic record. He earned his bachelor's degree, magna cum laude, in 1973 from Ouachita Baptist University, and law degree with high honors from the University of Arkansas in 1976. He had a varied legal practice as a solo practitioner and as a partner with various law firms, most recently Landers & Shepherd. In 1991, Judge Shepherd was elected a circuit-chancery judge for the 13th judicial district for the State of Arkansas. Since 1993 he has served as a United States Magistrate Judge for the United States District Court for the Western District of Arkansas.

Judge Shepherd, like Mr. Gorsuch, has come to this position with unanimous approval. We expect their confirmation on a voice vote later today.

I also support the nomination of Daniel Porter Jordan III to be a judge for the United States District Court for the Southern District of Mississippi.

He received a bachelor's degree from the University of Mississippi in 1987 and a law degree from the University of Virginia Law School in 1993. He was a legislative assistant to Senator TRENT LOTT. He was an associate of the law firm of Butler, Snow from 1993 to 1999 and has been an equity member, equivalent of partner, since 2000.

Again, Mr. Jordan has, I believe, unanimous support. We expect him to be confirmed later this evening on a voice vote.

I also support the nomination of Gustavo Antonio Gelpi to be U.S. District Judge for the District of Puerto Rico. Mr. Gelpi has a bachelor's degree from Brandeis University and a law degree from Suffolk University Law School. He was a law clerk to Federal Judge Juan Perez-Gimenez and later served in the Office of the Federal Public Defender, before joining the Puerto Rican Department of Justice. At that Department he served as an assistant to the Attorney General of Puerto Rico before becoming Deputy Attorney General for the Puerto Rican Office of Legal Counsel.

I ask unanimous consent the complete resumes of these distinguished nominees be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEIL M. GORSUCH

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

Birth: Aug. 29, 1967, Denver, Colorado

Legal Residence: Virginia

Education: B.A. with honors, Columbia University, 1988; J.D. with honors, Harvard Law School, 1991; D. Phil., Oxford University, 2004.

Employment: Law clerk, Judge David B. Sentelle, United States Court of Appeals for the D.C. Circuit, 1991–1992; Law clerk, U.S. Supreme Court justices Byron White and Anthony Kennedy, 1993–1994; Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC, 1995–2005 (partner 1998–2005; associate 1995–1997); Principal Deputy to the Associate Attorney General, United States Department of Justice, 2005–present.

Selected Activities: American Bar Association, c. 2002–present; American Trial Lawyers Association, c. 2002–present; Phi Beta Kappa; Republican National Lawyers Association; Member of the New York, Colorado, and District of Columbia bars.

Neil M. Gorsuch was nominated by President Bush to be a Judge on the U.S. Court of Appeals for the Tenth Circuit on May 10, 2006. A hearing was held on his nomination on June 21, 2006. He was reported out of the Committee on July 13, 2006 by a voice vote.

Mr. Gorsuch received his B.A. from Columbia University in 1988, where he graduated with honors. In 1991, he received his J.D. from Harvard Law School, again graduating with honors. In 2004, he received a doctorate in legal philosophy from Oxford University.

Mr. Gorsuch has had a brilliant career as a lawyer and scholar.

Following law school he served as a law clerk to Judge David B. Sentelle of the U.S. Court of Appeals for the D.C. Circuit.

He then had the rare distinction of clerking for two Supreme Court justices. Between 1993 and 1994, he served as a law clerk to Justices Byron White and Anthony Kennedy. Mr. Gorsuch's work with Justice White occurred just after the justice retired from the Supreme Court, so he assisted the former justice with his work on the Tenth Circuit, where he sat by designation.

In 1995, Mr. Gorsuch joined the law firm of Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC, where he served as an associate until 1997 and as partner from 1998 to 2005. At Kellogg, he handled a wide range of commercial matters, including contracts, antitrust, RICO, and securities fraud.

Since June 2005, Mr. Gorsuch has served as Principal Deputy to the Associate Attorney General, Robert McCallum. The Associate Attorney General, of course, is the third ranking officer in the Department of Justice. As his Principal Deputy, Mr. Gorsuch assists in managing the Department's civil litigation components which include the Antitrust, Civil, Civil Rights, Environment, and Tax Divisions.

Mr. Gorsuch has received a unanimous "Well Qualified" rating from the American Bar Association.

BOBBY ED SHEPHERD

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

Birth: November 18, 1951, Arkadelphia, Arkansas.

Legal Residence: Arkansas.

Education: B.A., magna cum laude, 1973, Ouachita Baptist University; J.D., with high honors, 1975, University of Arkansas School of Law.

Employment: Associate, Spencer, Spencer & Shepherd, P.A., 1981–1984; Attorney, solo practice, 1984–1987; Partner, Landers & Shepherd, 1987–1990; Circuit-Chancery Judge, 13th Judicial District, State of Arkansas, 1991–1993; U.S. Magistrate Judge, U.S. District Court for the Western District of Arkansas, 1993–present.

Selected Activities: Director, Boys and Girls Club of El Dorado, 1985–present; Member, Arkansas Bar Association; Member, House of Delegates, 1985–1986; Member, Executive Council, 1985–1988; U.S. Army Reserve, 1973–1981—honorably discharged as First Lieutenant.

President Bush nominated Magistrate Judge Bobby E. Shepherd to be a Judge on the U.S. Court of Appeals for the Eight Circuit on May 18, 2006. He received a hearing on June 28. He was reported out of Committee on July 13, 2006 by a voice vote.

Judge Shepherd has a long and distinguished legal career in Western Arkansas during which he has handled a wide range of legal issues, both civil and criminal, as a judge and as an advocate.

Judge Shepherd received his B.A., cum laude, from Ouachita Baptist University in 1973 and his J.D., with high honors, from University of Arkansas School of Law in 1976.

Upon graduating from law school, he embarked on a career as a private attorney in western Arkansas. Practicing as either a solo practitioner or in small partnerships, Judge Shepherd was a true general practitioner. He handled personal injury cases, collections, domestic relations, probate, criminal defense, banking, real estate and other matters. During this period of his career he tried over 150 cases to verdict.

In 1991, Judge Shepherd was elected as a Circuit-Chancery Court Judge in Arkansas's 13th Judicial District. In that capacity he presided in over 30 major felony jury trials including capital murder cases.

Since 1993, Judge Shepherd has served as a United States Magistrate Judge in the Western District of Arkansas.

The American Bar Association has unanimously rate Judge Shepherd "Well Qualified" to serve on the Eighth Circuit.

DANIEL PORTER JORDAN III

DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

Education: B.B.A., 1987, University of Mississippi; J.D., 1993, University of Virginia Law School.

Employment: Legislative Assistant, Office of Senator Trent Lott, 1989–1990; Associate, Butler, Snow, O'Mara, Stevens, & Cannada, 1993–1999; Equity Member, Butler, Snow, O'Mara, Stevens, & Cannada, 2000-present.

Selected Activities: Member, Mississippi Bar Association—Secretary/Treasurer, Litigation Section, 2005-present; Member, Board of Directors, 2002-present; Member, Nominating Committee, 7th Circuit Court District, 1999—Member, American Bar Association, Tort Trial & Insurance Practice Section; Member, International Association of Defense Counsel; Coordinator, Mississippi Volunteer Lawyer Project: Stewpot Legal

Clinic, 2005-present; Special Counsel, City of Jackson; Chairman, Madison County Republican Party, 2001–2004.

Daniel Porter Jordan III, was nominated by President Bush to be a Judge on the U.S. District Court for the Southern District of Mississippi on April 24, 2006. His hearing was on June 15, 2006 and he was voted out of the Judiciary Committee on July 13, 2006.

Mr. Jordan received his B.B.A. from the University of Mississippi in 1987, and his J.D. from the University of Virginia School of Law in 1993.

Mr. Jordan has had a distinguished legal career and will bring significant legal experience to the Federal bench. Prior to attending law school, Mr. Jordan was a Legislative assistant for Senator Trent Lott. Following law school, Mr. Jordan joined Butler, Snow, O'Mara, Stevens & Cannada as an Associate. Since 2000, Mr. Jordan has been an Equity Member of the firm, focusing on products liability litigation. More recently, he has gained significant experience mediating cases.

Mr. Jordan has been very involved with the Mississippi Bar Association, including serving as a member of the Board of Directors and both Secretary and Treasurer of the Litigation Section.

Mr. Jordan has been active in pro bono activities and was awarded the Hinds County Bar Association Pro Bono Award in 2005.

Mr. Jordan received a ''qualified'' rating by the American Bar Association.

GUSTAVO ANTONIO GELPI

U.S. DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO

Birth: 1965, San Juan, Puerto Rico.

Legal Residence: Puerto Rico.

Education:

1983–1987, Brandeis University, B.A. degree.

1988–1991, Suffolk University Law School, J.D. degree.

Bar Admittance: 1992, Puerto Rico.

Experience: 1991–1993, United States District Court, District of Puerto Rico, Law Clerk to the Hon. Juan M. Perez-Gimenez.

1993–1997, Office of Federal Public Defender, Assistant Federal Public Defender.

1997–1999, Puerto Rico Department of Justice, Assistant to the Attorney General (1997). Deputy Attorney General for the Office of Legal Counsel (1997–1999).

1999–2000, Commonwealth of Puerto Rico Solicitor General.

2001, McConnell Valdés, Special Litigation Counsel.

2001–present, United States District Court, District of Puerto Rico, United States Magistrate Judge.

Judge Gelpi was nominated by President Bush to be a Judge on the U.S. District Court for the District of Puerto Rico on April 24, 2006. He received a hearing on June 15. He was reported out of Committee on July 13, 2006 by a voice vote.

Judge Gelpi graduated from Brandeis University in 1987, and received his J.D. from the Suffolk University Law School in 1991.

He began his legal career clerking for the Honorable Juan M. Perez-Gimenez on the U.S. District Court for the District of Puerto Rico.

Following his clerkship, Judge Gelpi joined the Office of the Federal Public Defender for the District of Puerto Rico as an Assistant Federal Public Defender. In that capacity he provided legal assistance to indigent defendants in criminal cases. During his time in the Public Defender's Office, he served as Special Counsel to the U.S. Sentencing Commission where he worked on revisions to the Sentencing Guidelines.

In 1997, Judge Gelpi joined the Puerto Rico Department of Justice as Assistant to the Attorney General, later that year he joined the Department's Office of Legal Counsel.

In 1999, Judge Gelpi began serving as Puerto Rico's Solicitor General.

Following a year as Solicitor General, Judge Gelpi entered private practice with San Juan firm McConnell Valdés where he worked on commercial litigation.

In 2001, Judge Gelpi was appointed to serve as U.S. Magistrate Judge for the District of Puerto Rico. In that capacity, his recommendations have consistently been adopted by the District Court.

The American Bar Association unanimously rated Judge Gelpi ''Qualified.''

Mr. LEAHY. Today the Senate will confirm four more lifetime appointments to our Federal courts, including two more nominees to important Federal circuit courts. Judge Bobby E. Shepherd, who has been nominated for a seat on the U.S. Court of Appeals for the Eighth Circuit, is a U.S. magistrate judge and former Arkansas State circuit-chancery judge who has the support of both home State Democratic Senators. We were pleased to be able to expedite his nomination through the committee and bring him to the floor so quickly. Neil Gorsuch has been nominated to the Court of Appeals for the Tenth Circuit. I know that Senator SALAZAR is pleased that we were able to move his nomination quickly as well. Today we also consider two district court nominees, Daniel P. Jordan, III, who has been nominated to be a judge on the U.S. District Court for the Southern District of Mississippi, and Gustavo A. Gelpi, who has been nominated to be a judge on the U.S. District Court for the District of Puerto Rico. I have heard plaudits from around the country for Judge Gelpi.

When they are confirmed, Judge Shepherd and Mr. Gorsuch will be the fifth and sixth circuit court nominees confirmed this year. Along with Judge Gelpi and Mr. Jordan, we will have confirmed 28 judges this year. This far surpasses the total number of judges confirmed in the 1996 congressional session, when Republicans controlled the Senate and stalled the nominations of President Clinton in an election year. In the 1996 session, Republicans would not confirm a single appellate court judge, compared to six already this year. All 17 confirmations in 1996 were district court nominees. That is the only session I can remember in which the Senate refused to consider a single appellate court nomination. That was part of their pocket filibuster strategy to stall and maintain vacancies in an election year with the hope that a Republican President could pack the courts and tilt them decidedly to the right. In the important DC Circuit, the confirmation of Brett Kavanaugh was the culmination of the Republicans' decade-long attempt to pack the DC Circuit that began with the stalling of Merrick Garland's nomination in 1996 and continued with the blocking of President Clinton's other well-qualified nominees, Elena Kagan and Allen Snyder.

The 28 judicial nominations confirmed this year by the Republican-controlled Senate surpasses the number of judges confirmed last year, 22. During the 17 months I was chairman of the Judiciary Committee and the Senate was under Democratic control, we confirmed 100 of President Bush's nominees. After today, in the last 2 years under Republican control, the Senate will have confirmed 50. So the fact that the Senate has now confirmed more nominees in the past 5½ years, 255, than in the last 5½ years of the Clinton administration is due in no small part to the much faster pace of confirmations of this President's nominees when Democrats controlled the Senate.

I am pleased that the Republican leadership has scheduled debate and consideration of these nominations and am glad that the Republican leadership is taking notice of the fact that we can cooperate on swift consideration and confirmation of nominations. Working together, we can confirm four judges today. I commend the Republican Senate leadership for passing over the controversial nominations of William Gerry Myers III, Terrence W. Boyle, and Norman Randy Smith. The Republican leadership is right to have avoided an unnecessarily divisive debate over these nominations that were reported on a party-line vote.

The President and Senate Republican leadership have too often, though, chosen to pick fights over judicial nominations rather than focus on filling vacancies. Judicial vacancies have now grown to well over 40 from the lowest vacancy rate in decades. More than half these vacancies are without a nominee. The Congressional Research Service has recently released a study showing that this President has been the slowest in decades to nominate and the Republican Senate among the slowest to act. If they would concentrate on the needs of the courts, our Federal justice system, and the needs of the American people, we would be much further along.

I congratulate the nominees on their confirmations today and hope that they prove to be the kind of judges who understand the central role of the courts as a check and balance to protect the rights of all Americans.

Mr. ALLARD. Mr. President, it is my pleasure to rise in support of Neil M. Gorsuch, President Bush's nominee to the U.S. Court of Appeals for the Tenth Circuit. Mr. Gorsuch is an extraordinarily well qualified nominee. I begin by thanking Chairman SPECTER for swiftly and unanimously reporting this nominee out of committee. I also thank Majority Leader FRIST for bringing this nomination to the floor for timely consideration.

As a fifth-generation Coloradan, I am pleased that President Bush chose a nominee with deep Colorado roots. Born in Denver, Mr. Gorsuch is a fourth-generation Coloradan who, if confirmed, would carry on his family history of public service to the State of Colorado. In fact, some may recognize Mr. Gorsuch from his service as a Senate page in the early 1980s. It was in the Senate he made his foray into public service and developed a passion for it that he exudes today.

If I were asked to succinctly characterize Mr. Gorsuch, I would have to say well rounded—well rounded educationally, professionally, and personally.

Mr. Gorsuch pursued a rigorous and geographically diverse course of academic study. He earned his undergraduate degree from Columbia University, including a summer at the University of Colorado; his law degree from Harvard; and a doctorate in legal philosophy from Oxford University.

Mr. Gorsuch began his distinguished professional career as a law clerk to Judge David Sentelle on the U.S. Court of Appeals to the DC Circuit. He then went on to clerk for two Supreme Court Justices, Justice Kennedy and Colorado's own Byron White. Following his prestigious clerkships, Mr. Gorsuch entered private practice. While in private practice, Mr. Gorsuch litigated matters for clients large and small, ranging from individuals to nonprofits to corporations. Moreover, he litigated cases on a range of issues from simple contract disputes to complex antitrust and securities fraud matters. He left private practice in 2005 to return to public service, this time at the U.S. Department of Justice where he currently serves as the principal deputy to the Associate Attorney General.

Looking collectively at his career, the picture of an appellate judge in training emerges. Mr. Gorsuch has served in all three branches of Government, including the highest levels of the judicial and executive branches. He has represented both plaintiffs and defendants. He has represented both individuals and corporations. He has litigated civil cases and criminal cases. He has litigated in both Federal and State courts. In sum, the breadth and depth of Mr. Gorsuch's experience makes him ideally suited to serve on the Federal appellate bench.

While Mr. Gorsuch is highly qualified, I also promised the people of Colorado I would support judicial nominees who would rule on the law and the facts before them, not judges who would legislate from the bench. My support for Mr. Gorsuch today is consistent with that promise. From my conversations with Mr. Gorsuch, I am certain he recognizes the proper role of the judiciary. The role of the judiciary is to interpret the law, not make the law. I believe Mr. Gorsuch is temperamentally and intellectually inclined to stick to the facts and the law in cases that would come before him and that he would refrain from legislating from the bench.

Moreover, Mr. Gorsuch's personal views would not determine the course of cases that come before him. Mr. Gorsuch himself says:

> Personal politics or policy preferences have no useful role in judging; regular and healthy doses of self-skepticism and humility about one's only abilities and conclusions always do.

I believe this statement also speaks to Mr. Gorsuch as a person. He is humble, unassuming, polite, and respectful. This sentiment is reflected in numerous letters pouring into my office from people of all political persuasions who have worked with him over the years. Mr. Gorsuch possesses the temperament befitting an appellate judge.

In conclusion, Mr. Gorsuch is a top-flight nominee whom I am proud to introduce to my colleagues today. I urge my colleagues to support his confirmation.

Mr. SALAZAR. Mr. President, I am pleased to speak today in support of the nomination of Neal Gorsuch to the Tenth Circuit Court of Appeals.

At a time when too many judicial nominations are bogged down by partisan and ideological rancor, it is heartening to see a nominee on whom Senators from both parties can agree.

While Mr. Gorsuch has spent the majority of his professional life in Washington DC, his roots in the state of Colorado are strong—going back four generations. Once confirmed, he will return to Colorado where I hope that he will live up to the standard set by a long line of distinguished jurists from our State, including the late Justice Byron White.

At the young age of 38, Mr. Gorsuch has already had an impressive legal career. After earning degrees from Columbia University, Harvard Law School, and Oxford University, he went on to clerk on the DC Circuit and U.S. Supreme Courts.

Following his clerkships, he spent nearly 10 years in private practice before becoming Principal Deputy to the Associate Attorney General of the United States—where he helps manage the Department's civil litigation.

I have had the chance to visit with Mr. Gorsuch and learn about both his personal background and his professional experience. I found him to be intelligent, thoughtful, and appreciative of the great honor it is to be nominated to the Federal bench. It is no surprise, then, that the ABA rated him unanimously well qualified.

Of course, it takes more than a great resume to be a great judge. In addition to professional excellence as a lawyer, a judicial nominee should have a demonstrated dedication to fairness, impartiality, precedent, and the avoidance of judicial activism—from both the left and the right.

I believe that Mr. Gorsuch meets this very high test—and I believe he will make a fine addition to the Tenth Circuit Court of Appeals.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I rise in support of a very fine person whom President Bush has nominated to be on the U.S. Court of Appeals for the Eighth Circuit. His name is Bobby Shepherd. He will replace a very outstanding circuit court judge named Morris Arnold who is taking senior status. Judge Arnold has become a legal institution in the State of Arkansas and on the Eighth Circuit and in the Federal court system. He has absolutely done a fantastic job during his legal career of serving his country. He has decided to take senior status.

I am thrilled President Bush has selected Bobby Shepherd to replace him on the Eighth Circuit. Judge Shepherd has been a U.S. magistrate in the District Court for the Western District of Arkansas for almost 13 years. One thing I have noticed about Judge Shepherd is, even though I practiced law in Arkansas since 1988, I have never heard one person say a bad word about Judge Bobby Shepherd.

He was an elected court judge before he was a magistrate. He prides himself on being able to work out the litigation between or among the parties before the necessity of a trial. That is a great quality for a trial court judge and a Federal magistrate to try to unclog the court system by finding a resolution before you have to go to the expense and the time and the judicial resources of going to trial.

Prior to his being a magistrate, he was an elected circuit court judge which is a trial court judge in Arkansas. He served there admirably. He practiced law in private practice for 14 years. He is a University of Arkansas School of Law graduate, and received high honors at the university. He went to college at Ouachita Baptist University, and served our Nation in the U.S. Army Reserve. He is a director of the Boys and Girls Club of El Dorado, AR, and has volunteered through the boys clubs and other organizations for over 20 years in that community. He also happens to be a deacon and trustee of the First Baptist Church in his hometown of El Dorado.

I thank my colleagues, especially Senators SPECTER and LEAHY, for their decision to move this nomination swiftly, and also Senator HATCH who chaired the confirmation hearing and did an outstanding job through that process. Senator LINCOLN and I were able to be there to introduce him.

President Bush made a rare find in nominating Judge Shepherd. He has totally avoided controversy. But one thing about him is, when Judge Arnold announced he was going to take senior status, very quickly a consensus grew

around this Federal magistrate down in El Dorado, AR. Democrats and Republicans support him; Independents and Libertarians support him. People in his community, people outside his community, lawyers of all stripes, whether they are plaintiffs lawyers, defense lawyers, criminal defense lawyers, prosecutors, unanimously people think he is the right person to be on the Eighth Circuit Court of Appeals.

He has an outstanding reputation as a fair and studious judge. Around the State I have heard nothing but praise from my colleagues in the legal community of this decision by President Bush. In fact, the American Bar Association rated him unanimously well qualified.

When I look at judges, whether they are from Arkansas or other places, I have three criteria: First, are they qualified; second, do they have the proper judicial temperament; and third, do they have the ability to be fair and impartial.

He passes all three tests with flying colors. He is eminently qualified. He has proven beyond any doubt that he has the right temperament, and he has proven to all who have ever seen him in action or been before him that he is fair and impartial. I am confident that Judge Shepherd will bring these qualities and many more to the Eighth Circuit. I, as well as Senator LINCOLN, heartily endorse this nomination and am proud to be part of this nomination process, and I am certainly proud to give him my vote.

Mrs. LINCOLN. Mr. President, I rise in support of the nomination of Judge Bobby Shepherd to become the next member of the United States 8th Circuit Court of Appeals.

Based on my review of the record, my visits with Judge Shepherd, and feedback I have received from members of the Arkansas legal community who know Judge Shepherd well, I believe he is qualified to serve in this position, and I support his nomination.

Judge Shepherd was born in Arkadelphia, AR. After high school, Bobby graduated magna cum laude from Ouachita Baptist University in 1973. He then continued his education by earning a law degree from the University of Arkansas, graduating with high honors.

After law school, Judge Shepherd began his professional career as an attorney in private practice at Spencer & Spencer law firm in El Dorado. From 1984 to 1987, he worked as a solo practitioner. In 1991, he began his career as a jurist serving as a Circuit-Chancery judge for the 13th District of Arkansas until his appointment as a Magistrate Judge for the Western District of Arkansas in 1993.

Throughout Judge Sheperd's nomination process numerous Arkansans from all walks of life have contacted me urging me to support Judge Shepherd. Some of these people had been advocates in Judge Shepherd's courtroom and others simply considered themselves his friends. To a person, they all found Judge Shepherd to be a man of honor, respected by his peers and in his community.

In closing, I thank Chairman SPECTER and Senator LEAHY for working with Judge Shepherd and me in moving his nomination forward. I appreciate their consideration of this nominee and urge every Member of the Senate to support his confirmation.

Mr. COCHRAN. Mr. President, I am pleased to recommend to the Senate the confirmation of David P. Jordan as U.S. district judge for the Southern District of Mississippi.

His education, experience, and good moral character equip him with the qualifications to serve with distinction on the Federal bench. I have known Dan Jordan's parents since we were classmates at the University of Mississippi, and I have had the opportunity to follow their son's development and achievements over the years. He had remarkable success as a student and was a gifted athlete at his high school in Richmond, VA, where his father was a professor of history and chief executive of the foundation that maintains Thomas Jefferson's famous house and serves as a center for research as well as programs relating to early American history and public service.

Dan Jordan has earned a reputation for integrity and excellence as a lawyer in my State. He is widely respected for his sense of fairness and his keen intelligence. He is highly regarded by the lawyers in our State and was elected chairman of the Young Lawyers' Section of the Mississippi State bar. He is a partner in one of the largest and most prestigious law firms in Mississippi.

I am confident he will serve with distinction and reflect great credit on the Federal judiciary. I urge the Senate to confirm him.

Mr. LOTT. Mr. President, it is my pleasure to speak in support of the nomination of Daniel Jordan. I am glad that the President agreed with my high opinion of Dan and nominated him to the U.S. District Court for Southern Mississippi. In Mississippi, Dan's nomination has received broad bipartisan support and praise. He is a well-respected litigator, and even those who have sometimes opposed him in the courtroom feel he is an excellent choice to serve in the Federal judiciary.

Dan comes from a wonderful family that I have known for a long time. I know that they must be extremely proud of him and all that he has accomplished. I, too, have enjoyed watching him develop into an outstanding father, lawyer, and a respected Mississippian.

Dan is a cum laude graduate in economics from University of Mississippi, where he was inducted into the University's Hall of Fame. In 1993, he received his J.D. from the University of Virginia—where he was on the editorial board of the Journal of Law and Politics. He is currently engaged in the general practice of law as a partner with Butler, Snow, O'Mara, Stevens & Cannada—the largest law firm based in Mississippi.

In his private practice, Dan has gained broad experience and demonstrated the knowledge, professionalism, fairness, temperament, and skill that make him ideally suited for the Federal bench. Dan is a member of the International Association of Defense Counsel. He serves on the Executive Committee of the Mississippi Bar's General Litigation practice group. Dan is a past-president of the Jackson Young Lawyers Association. He served on the Hinds County Bar Association Board of Directors, the Mississippi Young Lawyers Board of Directors, as liaison to the Bench and Bar Relations Committee of the Hinds County Bar Association and as special prosecutor for the Board of Bar Admissions.

With Federal judicial nominations, it is important that we recognize the honorable service of those who choose to leave private practice to serve. However, Dan's service is not surprising. He has a history of public service. Before attending law school, Dan gained experience while working for the U.S. Department of Interior and later as a legislative aide on my Senate staff.

Since returning to Mississippi and entering private practice, he has continued to find time to serve his community and profession in many ways. He has served as the coordinator for the Jackson, MS-based Stewpot Legal Clinic—an organization providing legal assistance to the homeless. He has worked with Habitat for Humanity and served as a committee chairman for the Metropolitan Crime Commission. His tireless work has prompted leaders in the Jackson, MS, philanthropic community to laud his efforts and impact.

He has been named one of Mississippi's Top 40 under 40 by the Mississippi Business Journal and honored as Jackson's Finest by the Mississippi M-S (Multiple Sclerosis) Foundation. He is an active member of Christ United Methodist Church in Jackson, MS, and is a loving husband and father of two.

The President's nomination of Dan Jordan comes as no surprise, given his education, experience, reputation, and temperament. I believe that when confirmed, Dan will excel as a fair, honest, measured, and capable judge. I am proud to have the opportunity to voice my full support for Dan's nomination, and I look forward to his confirmation.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. 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. FRIST. Mr. President, I yield back all time on the judge nominations.

The PRESIDING OFFICER. All time is yielded back. The question is, Will the Senate advise and consent to the nominations, en bloc?

The nominations were confirmed, en bloc.

The PRESIDING OFFICER. The President shall be immediately notified of the Senate's action.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICANS IN LEBANON

Ms. STABENOW. Mr. President, earlier this week I spoke about the fact that there would be tremendous hardship on people who are currently in Lebanon—American citizens leaving in the midst of a war zone. The stated policy, earlier this week, was to require people to pay a fee to leave, and I am appreciative of the fact that, after speaking out and after introducing a bill that, in fact, would allow them to waive the fees, in fact, the Secretary of State has done that.

I appreciate the fact that they are proceeding with that and the fact that people are now beginning to move from the region. I urge that that continue to happen as quickly as possible. We have many innocent people in harm's way. We need to remember that and do everything we possibly can to protect them.

MIDDLE EAST CRISIS

Mr. SPECTER. Mr. President, I have sought recognition to speak briefly about the situation with Hamas attacking Israel from the south, the Hezbollah attacking Israel from the north, and the actions of Israel in defending herself in accordance with international law under article 51 of the United Nations charter.

The action against Israel from the south was provoked by Hamas and the Palestinian Authority with the kidnapping of an Israeli soldier and the firing of rockets into southern Israel. The action against Israel from the north was provoked by Hezbollah firing rockets into northern Israel. Regrettably, the conflict has escalated but the parties responsible for the conflict are Hamas to the south and Hezbollah to the north.

The action of Hezbollah comes as a surrogate for Syria and from Iran. An Israeli ship was struck by an Iranian missile in conjunction with other circumstantial evidence of Iran having so-called advisers in Lebanon. There is strong reason to believe that the rocket was fired by Iran—not conclusive, but strong reason to believe. If so, it is an act of war.

The United Nations ought to call Iran and Syria on the carpet to explain their conduct in backing Hezbollah, in providing personnel to do more than train Hezbollah, more than advisers being integral parts of the military offensive of Hezbollah.

The Israelis living in northern Israel have complained about Hezbollah having a knife at their throat. With so many rockets poised on the southern Lebanese border and with a provocation of Hezbollah, it certainly warrants the action which has been taken by Israel on the premises.

It is regrettable that there have been civilian casualties, but I do believe that Israel has made every reasonable and realistic effort to minimize such casualties. There is inevitably collateral damage in war, but this is an occasion when the international community ought to call Iran and Syria to task for their provocative acts for using Hezbollah as a surrogate.

In the context of what has happened, I think President Bush was entirely correct in his statements that Israel had a right to defend itself against Hezbollah in the north and a right to defend against Hamas in the south.

Mr. President, I speak today about the recent unprovoked and coordinated attacks that have been launched on Israel by Hezbollah in Lebanon and Hamas in Gaza. These provocative attacks are further highlighting the role both Iran and Syria play in supporting Hezbollah. Israel is now forced to fight a defensive war on two fronts as Hezbollah terrorists and Palestinian militants are committing countless acts of aggression towards Israel.

Israel's response to Hamas's and Hezbollah's continuing bombardment of Israel, the murder of its soldiers, and the capture of three Israeli soldiers is justified. Israel unilaterally evacuated settlements and military bases in Gaza last September after an occupation since the 1967 Middle East war. It has not returned with significant forces since then, despite near-daily rocket fire from the Gaza strip into southern Israel. As recognized by the U.N., Israel completely pulled out of Lebanon in 2000, despite missile fire from Southern Lebanon into Israel. The capture of Israeli soldiers was unprovoked by Israel. Were the United States bombarded by Kassams and Katyusha and were its soldiers kidnapped we would also respond with force—proportionate force—the force necessary to cease the bombardments and kidnappings. Yet again, the Middle East faces a crisis brought on by those opposed to the peace that is sought by so many.

On September 12, 2005, to the jubilation of the Palestinians living in Gaza, Israel unilaterally withdrew its military and civilian presence from every inch of Gaza as part of a bold and courageous effort to reduce the tensions with Palestinians and enable them to better build a strong society on their own territory. The Palestinians in Gaza wasted no time destroying all Jewish houses of worship that were left behind in Gaza, but the world, including the Israelis, remained silent because they did not want anything to derail this sincere effort for peace. Just several months later, the Palestinians elected Hamas, a terrorist organization, to lead its government. During this time, Kassam missles have been regularly launched from Gaza into Israel and on June 25th, Palestinian gunmen within Hamas captured a 19-year old Israeli soldier, Corporal Gilad Shalit, and killed two others, at an army post within Israel. Corporal Shalit is the first Israeli soldier to be kidnapped by a Palestinian armed group since 1994. Israel immediately demanded release of the soldier. Hamas responded by offering only to provide information about Corporal Shalit, not his release, in exchange for the release of over 400 Palestinians in Israeli jails. Israel rightly refused an exchange, and hoped that international pressure would succeed. Having waited 3 days, on June 28th, Israeli troops pushed into Gaza to find and free Corporal Shalit.

President Bush appealed to Palestinian Fatah leader, Abbas and our Middle-East allies to exert pressure on Hamas to free Corporal Shalit. The U.S. ambassador to the UN, John Bolton, called on the Syrian president, Bashar Assad to arrest Hamas leader Khaled Mashaal, who is harbored in that country. Additionally, Egypt and Jordan urged Syria to use its influence with Hamas to win Shalit's release. With no soldier and no prospect of his release, Israel continued its offensive, arresting 60 Palestinian officials and launching air strikes on bridges to prevent movement of Shalit, on weapon storage sites, and on Gaza's central power station. Hamas continued to launch Kassam missiles into Israel targeting civilian population centers; and Palestinian militants, seeking cover among Palestinian civilians, used RPGs, grenades, mines, and assault rifles to impede Israel's actions. This is how the Palestinian leadership responds to Israel's genuine actions for peace. The Israelis endured great political and emotional divisions when they

forcibly removed their own people from Gaza, but they thought these sacrifices were necessary for a lasting peace. The Israelis demonstrated remarkable restraint in the face of these attacks from Gaza and in the initial days of the kidnapping of Corporal Shalit. But, when it became clear that Hamas did not share Israel's desire for peace, they had no choice to respond with force.

Then on July 12th, Hezbollah killed eight soldiers and captured two more from within Israel, near the border with Lebanon. Hezbollah leader Sheik Hassan Nasrallah said that this was not in response to Israel's recent air strikes in Gaza, but was something they had wanted to do for ''over a year''. Hezbollah's killing of eight Israeli soldiers and the kidnapping of two others represents an unprovoked act of war against Israel. Israel fully withdrew from southern Lebanon in May 2000. This peaceful step by Israel was certified by the U.N. Security Council as having met the requirements of U.N. Security Council Resolution 425, which called for an Israeli withdrawal and for Lebanon to assert control over the area vacated by Israel.

Israel rightfully opposes any prisoner exchange with Hamas or Hezbollah. Israel cannot send the message that it will release hundreds of prisoners each time Hamas and Hezbollah capture an Israeli, soldier or civilian. That would only encourage more kidnappings, and increase the power of Hamas and Hezbollah resulting in greater instability to the region and undermining the peace process.

Following Hezbollah's kidnapping, its firing of Katyusha rockets into northern Israel and demand for a prisoner swap, Israel responded with military force directed at Hezbollah's infrastructure in Lebanon, accurately calling Hezbollah's actions an act of war. Israel struck Beirut's airport to prevent the removal of the Israeli soldiers and to disrupt military supplies, struck Hezbollah's television station, and struck numerous roads, bridges and Hezbollah quarters to disrupt communication. Hezbollah responded with increased and deeper rocket attacks, which for the first time reached far enough into Israel to strike Haifa, 20 miles over the border. These far reaching missiles appear to be built by the Iranians and pose an extreme threat that Israel has not previously faced with Hezbollah. In 2004, the United Nations passed a resolution calling for Hezbollah to be disarmed. Not only has no serious effort been undertaken to disarm them, but rouge regimes continue to supply them with new weapons, training, and other support. The world should unite in its outrage at this behavior by Hezbollah and its allies and unite behind Israel and the forces of peace to bring a swift end to this conflict and to press for the safe return of Israel's soldiers and the enforcement of the UN resolution.

It is worth noting that while Israel has responded with strong force in its attempts to rescue its soldiers and root out the terrorist networks on its borders, it has made great efforts to minimize civilian casualties. Israel regularly drops pamphlets to warn civilians of upcoming actions and attempts to secure meaningful intelligence so that its strikes are targeted on the people and places involved in terrorist activity. These are courtesies that the Hamas and Hezbollah do not extend.

As we all now know, these actions of Hezbollah and Hamas can be seen as an extension of aggression from Iran and Syria. Iranian president, Mahmoud Ahmadinejad has publicly stated his desire to ''wipe Israel off the face of the map.'' The Iranians have helped Hezbollah launch hundreds of missiles into Israel and have provided Hezbollah $100 million annually. Syria provides the home, safe haven and command center to Hamas leader, Khaled Mashaal, and it continues to sponsor acts of terrorism. The timing of these attacks served to destabilize negotiations between the Hamas and Fattah Palestinian parties, derailing progress in the peace process. The events also distract the international community from Iran's nuclear ambitions at a time of heightened pressure on the Iranian government to curtail its program.

I support the President's statement that calls for an unconditional release of the captured soldiers, and holds Syria and Iran accountable for Hezbollah's actions but I encourage him to do more. There is opportunity for hope in this crisis. Many Palestinians and Lebanese citizens do not support the aggressive actions of Hezbollah or Hamas's military wing. The international community must support the Lebanese government and the Palestinian Authority in representing their many moderate citizens who seek peace and security for their families and communities. Now is the time for the forces of peace and moderation in Lebanon to not only aspire for peace but take action to stop Hamas and Hezbollah from pulling their people into deeper conflict. If terrorist factions continue to attack Israel and capture Israeli soldiers, Israel is left with no other choice but to defend its people and its borders.

I have made many trips to Israel and the Arab countries in the Middle East and am deeply saddened by the recent events. I will continue to support peace in the region and oppose all acts of terrorism.

HONORING OUR ARMED FORCES

Mrs. BOXER. Mr. President, today I rise to pay tribute to 45 young Americans who have been killed in Iraq since April 6. This brings to 595 the number of soldiers who were either from California or based in California who have been killed while serving our country in Iraq. This represents 23 percent of all U.S. deaths in Iraq.

LCpl Juana Navarro Arellano, 24, died April 8 from wounds received while supporting combat operations in the Al Anbar province of Iraq. She was assigned to the 9th Engineer Support Battalion, 3rd Marine Logistics Group, III Marine Expeditionary Force, Okinawa, Japan. She was from Ceres, CA.

Cpl Richard P. Waller, 22, died April 7 from wounds received while conducting combat operations in the Al Anbar province of Iraq. He was assigned to the 1st Battalion, 1st Marine Regiment, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Eric A. Palmisano, 27, died April 2 after the truck he was riding in rolled over in a flash flood near Al Asad, Iraq. Palmisano was listed as Duty Status—Whereabouts Unknown until his body was recovered April 11. He was assigned to 1st Transportation Support Battalion, 1st Marine Logistics Group, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Joseph A. Blanco, 25, died of injuries sustained in Taji, Iraq on April 11 when an improvised explosive device detonated near his Bradley Fighting Vehicle and he subsequently came under small arms fire during combat operations. He was assigned to the 7th Squadron, 10th Cavalry Regiment, 1st Brigade Combat Team, 4th Infantry Division, Fort Hood, TX. He was from Bloomington, CA.

LCpl Marcus S. Glimpse, 22, died April 12 as the result of an improvised explosive device while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA. He was from Huntington Beach, CA.

LCpl Philip J. Martini, 24, died April 8 of a gunshot wound while conducting combat operations in the Al Anbar Province of Iraq. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Salem Bachar, 20, was killed due to enemy action in the Al Anbar Province of Iraq on April 13. He was assigned to Headquarters Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA. He was from Chula Vista, CA.

LCpl Stephen J. Perez, 22, was killed due to enemy action in Al Anbar Province, Iraq on April 13. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Petty Officer 3rd Class Marcques J. Nettles, 22, died April 2 when the truck he was riding in rolled over in a flash flood near Al Asad, Iraq. He was previously listed as Duty Status—Whereabouts Unknown. His body was recovered April 16. He was assigned to 1st

Combat Logistics Battalion, 1st Marine Logistics Group, I Marine Expeditionary Force, Camp Pendleton, CA.

Sgt Kyle A. Colnot, 23, died of injuries sustained in Baghdad, Iraq on April 22 when an improvised explosive device detonated near his vehicle causing a fire. He was assigned to the 1st Squadron, 67th Armored Battalion, 2nd Brigade Combat Team, 4th Infantry Division, Fort Hood, TX. He was from Arcadia, CA. ICpl Aaron W. Simons, 20, died April 24 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA. He was from Modesto, CA.

Pfc Raymond L. Henry, 21, died on April 25, in Mosul, Iraq, when an improvised explosive device detonated near his vehicle during combat operations. He was assigned to the 1st Battalion, 17th Infantry Regiment, 172nd Stryker Brigade Combat Team, Fort Wainwright, AK. He was from Anaheim, CA.

LCpl Michael L. Ford, 19, died April 26 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to the 1st Tank Battalion, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

Cpl Brandon M. Hardy, 25, died April 28 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to 3rd Assault Amphibian Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Sgt Lea R. Mills, 21, died April 28 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to 3rd Assault Amphibian Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Sgt Edward G. Davis III, 31, died April 28 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to 3rd Assault Amphibian Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Robert L. Moscillo, 21, died May 1 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to the 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Sgt Elisha R. Parker, 21, died May 4 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to the 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Pfc Benjamin T. Zieske, 20, died of injuries sustained in Kirkuk, Iraq on May 3 when an improvised explosive device detonated during a dismounted combat patrol. He was assigned to the 1st Battalion, 327th Infantry Regiment, 1st Brigade Combat Team, 101st Airborne Division (Air Assault), Fort Campbell, KY. He was from Concord, CA.

LCpl Leon B. Deraps, 19, died May 6 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to the 7th Engineer Support Battalion, 1st Marine Logistics Group, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Benito A. Ramirez, 21, died May 21 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Robert G. Posivio III, 22, died May 23 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Pfc Steven W. Freund, 20, died May 23 while conducting combat operations against enemy forces in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpt Nathanael J. Doring, 31, died May 30 following a nonhostile helicopter accident near Al Taqaddum, Iraq, on May 27. He was assigned to Marine Light/Attack Helicopter Squadron-169, Marine Aircraft Group-39, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Richard A. Bennett, 25, died May 30 following a nonhostile helicopter accident near Al Taqaddum, Iraq, on May 27. He was assigned to Marine Light/Attack Helicopter Squadron-169, Marine Aircraft Group-39, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Ryan J. Cummings, 22, died June 3 from wounds received while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Spc Issac S. Lawson, 35, died in Baghdad, Iraq, on June 5 of injuries sustained when an improvised explosive device detonated near his vehicle during combat operations. He was assigned to the National Guard's 49th Military Police Brigade, Fairfield, CA. He was from Sacramento, CA.

Spc Luis D. Santos, 20, died on June 8 in Buhritz, Iraq, when an improvised explosive device detonated near his military vehicle. He was assigned to Headquarters and Headquarters Company, 1st Battalion, 68th Armor Regiment, 4th Infantry Division, Fort Carson, CO. He was from Rialto, CA.

Hospitalman Zachary Mathew Alday, 22, was killed on June 9 while conducting combat operations against the enemy in the Al Anbar Province of Iraq. He was assigned to 7th Marines, Regimental Combat Team 7, I Marine Expeditionary Force, Twentynine Palms, CA.

LCpl Brent B. Zoucha, 19, died June 9 of wounds received while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

LCpl Salvador Guerrero, 21, died June 9 of wounds received while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA. He was from Los Angeles, CA.

Cpl Michael A. Estrella, 20, died June 14 while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 3rd Battalion, 3rd Marine Regiment, 3rd Marine Division, III Marine Expeditionary Force, Marine Corps Base Kaneohe Bay, Hawaii. He was from Hemet, CA.

Cpl Christopher D. Leon, 20, died June 20 from wounds received while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 5th Air Naval Gunfire Liaison Company, III Marine Expeditionary Force, Okinawa, Japan. He was from Lancaster, CA.

SSgt Benjamin D. Williams, 30, died June 20 while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Pfc Christopher N. White, 23, died June 20 while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Brandon J. Webb, 20, died June 20 while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 1st Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Sgt Jason J. Buzzard, 31, died on June 21 in Baghdad, Iraq, when an improvised explosive device detonated near his military vehicle. He was assigned to E Company, 2nd Battalion, 8th Infantry Regiment, 4th Infantry Division, Fort Hood, TX. He was from Constantinople, CA.

Cpl Jason W. Morrow, 27, died June 27 from wounds received while conducting combat operations in the Al Anbar province of Iraq, on June 26. He was assigned to 3rd Battalion, 5th Marine

Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA. He was from Riverside, CA.

Pfc Rex A. Page, 21, died June 28 from wounds received while conducting combat operations in the Al Anbar province of Iraq. He was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Spc Christopher D. Rose, 21, died on June 29 of injuries sustained from an improvised explosive device during combat operations in Baghdad, Iraq. He was assigned to the 1st Battalion, 67th Armored Regiment, 2nd Brigade Combat Team, 4th Infantry Division, Fort Hood, TX. He was from San Francisco, CA.

Cpl Ryan J. Clark, 19, died on June 29 at Brooke Army Medical Center, San Antonio, TX. He died of injuries sustained on June 17, in Ar Ramadi, Iraq, when an improvised explosive device detonated near his military vehicle. He was assigned to C Company, 40th Engineer Battalion, 1st Armored Division, Baumholder, Germany. He was from Lancaster, CA.

Sgt Thomas B. Turner, Jr., 31, died on July 14 at Landstuhl Regional Medical Center, Landstuhl, Germany. He died of injuries sustained on July 13, in Muqdadiyah, Iraq, when multiple improvised explosive devices detonated near his military vehicle. He was assigned to the 1st Squadron, 32nd Cavalry Regiment, 101st Airborne Division, Fort Campbell, Kentucky. He was from Cottonwood, CA.

Sgt Andres J. Contreras, 23, died on July 15 of injuries sustained when his vehicle encountered an improvised explosive device in Baghdad, Iraq during combat operations. He was assigned to the 519th Military Police Battalion, 1st Combat Support Brigade, Fort Polk, LA. He was from Huntington Park, CA.

SSgt Jason M. Evey, 29, died on July 16 of injuries sustained when his Bradley Fighting Vehicle encountered an improvised explosive device during combat operations in Baghdad, Iraq. He was assigned to the 1st Squadron, 10th Calvary Regiment, 2nd Brigade Combat Team, Fort Hood, TX. He was from Stockton, CA.

Spc Manuel J. Holguin, 21, died on July 15 in Baghdad, Iraq, of injuries sustained when his dismounted patrol encountered an improvised explosive device and small arms fire. He was assigned to Headquarters and Headquarters Company, 2nd Battalion, 6th Infantry Regiment, 1st Armored Division, Baumholder, Germany. He was from Woodlake, CA.

I also pay tribute to the three soldiers from or based in California who have died while serving our country in Operation Enduring Freedom since April 6.

Spc Justin L. O'Donohoe, 27, died east of Abad, Afghanistan, in the Kunar province, on May 5, when his CH–47 Chinook helicopter crashed during combat operations. He was assigned to the 71st Cavalry Regiment, 10th Mountain Division, Light Infantry, Fort Drum, NY. He was from San Diego, CA.

Sgt Bryan A. Brewster, 24, died east of Abad, Afghanistan, in the Kunar province, on May 5 when his CH–47 Chinook helicopter crashed during combat operations. He was assigned to the 3rd Battalion, 10th Aviation Regiment, 10th Mountain Division, Light Infantry, Fort Drum, NY. He was from Fontana, CA.

Cpl Bernard P. Corpuz, 28, died in Ghanzi, Afghanistan, on June 11 from wounds sustained when his convoy came under enemy small arms fire and an improvised explosive device detonated during combat operations. He was assigned to the 303rd Military Intelligence Battalion, 504th Military Intelligence Brigade, Fort Hood, TX. He was from Watsonville, CA.

PRESIDENTIAL ENVOY FOR SUDAN REMARKS

Mr. DEWINE. Mr. President, I wish to discuss a critical issue that I have addressed in this Chamber numerous times in the last several years, and that is the situation in Darfur. It is truly a shame that in July of 2006, the horrendous conditions and continued violence look very similar to that which first caught our attention in 2003.

Despite the recent peace agreement that was reached in early May between the Government of National Unity and one faction of the largest rebel group, the violence on the ground has continued unabated. This has led to a tenuous humanitarian situation.

According to the United Nations Children's Fund Darfur Nutrition Update for June 2006, malnutrition rates and admissions to therapeutic feeding centers are rising across Darfur. Under difficult conditions, our Government has done a tremendous job in providing assistance to the people of Darfur, including contributing over 80 percent of the food delivered in Darfur by the World Food Program. Unfortunately, our Government's efforts are not enough. Other donors must increase their contributions and fulfill the pledges they made.

To make these matters worse, the Government of Sudan blatantly refuses a U.N. peacekeeping mission in Darfur, leaving the African Union to try and enforce peace, which it has been unable to do thus far.

For these reasons, I am encouraging President Bush to appoint a Presidential envoy for Sudan as soon as possible. The fiscal year 2006 emergency supplemental includes a provision offered by Senator BIDEN and myself to create a Presidential special envoy and an office in the State Department to support it. This envoy is charged with working to resolve the conflict in Darfur, facilitating implementation of the Comprehensive Peace Agreement between the north and south Sudan, and resolving other internal and regional conflicts.

The timing of this appointment could not be more critical. Deputy Secretary of State Bob Zoellick is departing and other key administration officials that have been working on Sudan are rotating to new positions. I want to personally thank Secretary Zoellick for his commitment to peace in Sudan. His tireless efforts were at the forefront of this administration's clear commitment to this troubled country.

I urge the President to appoint a trusted leader who is committed to bringing about peace in Sudan once and for all.

The thought of making similar statements about Darfur in 2009 is unacceptable.

GLOBAL WARMING POLLUTION REDUCTION ACT OF 2006

Mr. AKAKA. Mr. President, I want to express my appreciation to my good friend and colleague, Senator JEFFORDS, for his hard work and leadership in developing comprehensive legislation that will assist in decreasing U.S. greenhouse gas emissions. I am proud to join him, along with my other colleagues Senators BINGAMAN, BOXER, KENNEDY, LEAHY, LAUTENBERG, and REED in introducing the Global Warming Pollution Reduction Act of 2006, GWPRA. This bill sets the United States on a path to reducing emissions to 1990 levels by 2020 through a 2 percent annual reduction from 2010 through 2020, as well as achieving by 2050 emissions that are 80 percent below 1990 levels.

The global warming debate began in Hawaii over 30 years ago when the Mauna Loa Climate Observatory first documented evidence of increased carbon dioxide levels in the Earth's atmosphere. The international scientific community now concurs that human activities are altering the climate system. The U.S., which is the world's largest emitter of greenhouse gases, must be accountable as a leader in reducing emissions and combating the threats resulting from global warming.

My home State of Hawaii is disproportionately susceptible to increases in sea level rise and ocean temperature, which jeopardize public safety, economic development, cultural resources, and the health of our unique island ecosystems and wildlife. It is clear that coastal States will also face similar challenges caused by sea level rise resulting in flooding of low-lying property, loss of coastal wetlands, beach erosion, saltwater contamination of drinking water, and damage to coastal roads and bridges. Climate

models forecasting intense storms and severe weather further threaten Hawaii's capacity to respond to natural disasters and acquire immediate relief from neighboring states. Remote and rural areas are likely to be confronted with similar issues of self-sufficiency and limited access to assistance.

I am very concerned about the impact of fossil fuel emissions on the health of our planet and believe that we must actively seek solutions to curb the buildup of greenhouse gases. This bill sets energy efficiency targets to assist both the industry and energy consumers in meeting these standards. This legislation lays out ambitious goals to minimize U.S. emissions and assist in the stabilization of global atmospheric greenhouse gas concentrations.

We must invest in technology research to control greenhouse gas emissions. Encouraging renewable energy technologies will play a crucial role in successfully meeting the objectives of this legislation. Under the guidance provided by this bill, I firmly believe the State of Hawaii, along with the rest of the United States, will be poised to substantially reduce greenhouse gas emissions. But Federal support is vital to accomplishing our goals to combat global warming.

I appreciate the technical assistance provided by the Hawaii Natural Energy Institute and the Hawaii Department of Business, Economic Development and Tourism. I remain committed to working with them, other stakeholders in Hawaii, and my colleagues, under the leadership of Senator JEFFORDS, to enact this legislation that will improve the health of our planet and the quality of life for all Americans. Senator JEFFORDS is a dedicated advocate for environmental protection. With the GWPRA, he leaves a legacy to guide and inspire future generations to actively address the issue of global warming. I encourage my colleagues to join Senator JEFFORDS in supporting this worthy initiative.

THIRTY-SECOND ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

Mr. REED. Mr. President, today, on behalf of the Greek Cypriot population of Rhode Island, and Greek Cypriots around the world, I recognize the 32nd anniversary of the Turkish invasion of Cyprus.

Shortly before dawn 32 years ago today, heavily armed Turkish troops landed on the northern coast of Cyprus launching the invasion and subsequent occupation of Northern Cyprus. Over the next 2 months, over 200,000 Greek Cypriots, an overwhelming 82 percent of the island's population, were forced to seek refuge in the southern Greek controlled portions of Cyprus. Turkey eventually called a ceasefire after seizing 37 percent of the island. To this day Turkey is the only country that recognizes the self-declared ''Turkish Republic of Northern Cyprus.''

Over the last 30 years, the United Nations Security Council and General Assembly have striven to resolve this ongoing territorial dispute through multiple failed peace talks and resolutions. While many years and much thought has gone into determining an equally agreeable solution, talks between the Greek Cypriot south and the Turkish Cypriot north constantly end in a stalemate.

However, hope was renewed this month when the United Nations began drafting recommendations on reviving stalled peace talks between this war-divided island's Greek and Turkish Cypriot communities. Furthermore, Cyprus President Tassos Papadopoulos and Turkish Cypriot leader Mehmet Ali Talat were hailed by the Cyprus Parliament Speaker Demetris Christofias as taking positive steps toward restarting the Cyprus peace talks.

We must applaud the continued efforts of the United Nations and the renewed focus of the Cypriot leaders to reunite a divided Cyprus and remain committed to ushering the settlement process forward. Cypriot, Mediterranean, and U.S. interests will benefit from a settlement that addresses all legitimate concerns of both sides and promotes the stability of a hostile region.

Much like the Greek proverb, ''learn to walk before you run,'' Cypriot leaders must take small steady steps forward and continue forward even when the road looks unpaved. There is a path that leads to the reunification and peace between these two communities. Traversing this path, however, will take patience and tolerance.

DM&E RAILROAD LOAN FROM THE FEDERAL RAILROAD ADMINISTRATION

Mr. DAYTON. Mr. President, I have arisen previously to talk about a proposal of the DM&E Railroad to reconstruct its rail line across southern Minnesota in order to run up to 36 unit coal trains, rail cars containing grain and other agricultural products, and possibly shipments of hazardous materials. The DM&E is presently seeking a $2.5 billion low-interest loan from the Federal Railroad Administration for this project, which the company initially said would be financed to the private capital markets.

Evidently unable to attract that necessary financing, DM&E has now turned to the American taxpayer to assume the enormous financial risk that such a project entails. If the project were to be successful, the financial benefits would go to DM&E's executives and investors. If the project were to fail, the losses would be paid by American taxpayers. It is for that reason that I have urged the Administrator of the Federal Railroad Administration and the U.S. Secretary of Transportation, who have the ultimate decision-making authorities, to exercise all necessary due diligence before their decisions about this enormous financing.

Previously, I have also expressed the strongest possible concern about DM&E's intention to run this rail line through downtown Rochester, MN, and immediately adjacent to the world-renowned Mayo Clinic. Mayo Clinic and Rochester City officials vehemently oppose DM&E's intended route and maintain that it would be catastrophic to their clinic and their city. I agree.

The Mayo Clinic is known and respected nationally and worldwide for its medical excellence. Last year, the Mayo Clinic saw over 1,700,000 patients who came from throughout Minnesota, our country, and the world to seek the best possible medical care. The Mayo Clinic is the largest private employer in Minnesota, employing over 28,000 people, including 2,400 physicians.

In addition to the serious financial questions surrounding this project and major environmental concerns across its intended route, new information has just come to light that demonstrates even more conclusively how unacceptable its proposed route through downtown Rochester, MN, and adjacent to the Mayo Clinic would be. According to a report released today by the Mayo Clinic, but using public, factual information, DM&E has one of the very worst safety records in the entire U.S. railroad industry. In fact, last summer, Mr. Kevin Sheiffer, President and CEO of DM&E's parent company, told DM&E employees, in their newsletter, ''We have a very poor safety record.''

The report discloses that from 2000 through 2005, the DM&E reported train accidents at a rate 7.5 times higher than the national average; during 2005, the DM&E's rate of accidents at crossings was 2.3 times higher than the national average; the DM&E had the highest rate of employee casualties among regional freight railroads in 2004, and was a close second in 2003 and 2005; during the past 10 years, DM&E had 107 accidents involving trains carrying hazardous materials, including a record 16 in 2005; and since 2003, when the Federal Railroad Administration loaned DM&E $233 million, DM&E's main track accident rate has soared to eight times the national rate—a 175 percent increase over its pre-loan rate.

Mr. President, I ask unanimous consent that the the overview of this report, ''The Sum of All Fears: Unsafe Railroad Plus Unsafe Plan Equals Disaster,'' and the forwarding letter from the Mayo Clinic to The Honorable Joseph H. Boardman, Administrator of the Federal Railroad Administration, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, follows:

JULY 20, 2006.

Hon. JOSEPH H. BOARDMAN,
Administrator, Federal Railroad Administration, Washington, DC.

DEAR ADMINISTRATOR BOARDMAN: On May 8, 2006, the County of Olmsted, the City of Rochester, Mayo Clinic, and the Rochester Area Chamber of Commerce submitted an independent study by a prestigious accounting firm setting forth detailed reasons why granting a $2.5 billion loan to the Dakota, Minnesota and Eastern Railroad (DM&E) posed a substantial risk to the American taxpayers that the loan will not be repaid. We believe that documented risk to the taxpayers is reason enough for the loan to be denied.

In addition to the substantial risk of default, the public safety impact of any loan to the DM&E must be considered, especially given the DM&E's abysmal safety record as outlined in the enclosed analysis. In light of the DM&E's record as the most unsafe regional railroad in America, granting a $2.5 billion loan to the DM&E would clearly and dramatically increase the public safety risk to the residents of Rochester and the patients and physicians at Mayo Clinic. It would also violate the statutory admonition that the Secretary of Transportation shall give priority to projects that ''enhance the public safety,'' and undermine the Federal Railroad Administration's (FRA) statutory obligation to ''carry out all railroad safety laws.''

The proposed loan would not enhance the public safety. To the contrary, the proposed loan would fund a project that could have terrible consequences for the residents of Rochester, Minnesota, and the patients, doctors and scientists at Mayo Clinic. Transporting hazardous materials, at high speeds, on one of the country's most dangerous railroads, is an ''accident'' waiting to happen. If that accident were to occur in the City of Rochester near Mayo Clinic, then the consequences could be catastrophic.

The safety problems at the DM&E are well documented by the FRA itself. Last October, the FRA cited the DM&E for ''numerous problems with management and implementation of [its] safety program.'' The FRA should carefully consider the safety consequences because granting the proposed loan would simply reinforce the DM&E's attitude that safety does not matter. We believe that denying the loan would make it clear that safety comes first.

For these reasons (and the reasons set forth in our May 8, 2006 submission), we respectfully submit that the DM&E's loan request should be denied. We also reiterate our previous request for the opportunity to meet with you to discuss the merits of our submissions.

Sincerely,

MAYOR ARDELL BREDE,
City of Rochester.

GLENN S. FORBES, M.D.
CEO, Mayo Clinic Rochester.

JOHN WADE,
President, Rochester Area Chamber of Commerce.

DENNIS L. HANSON,
President, Rochester City Council.

KENNETH D. BROWN,
Chair, Olmsted County Commissioners.

THE SUM OF ALL FEARS: UNSAFE RAILROAD PLUS UNSAFE PLAN EQUALS DISASTER

OVERVIEW

The Dakota, Minnesota and Eastern Railroad (DM&E), a regional freight railroad, is seeking a $2.5 billion loan from the United States government, backed by the American taxpayers, for a major expansion that would allow trains to carry coal and other freight, including hazardous materials, through the heart of downtown Rochester—a few hundred feet from Mayo Clinic—at speeds up to 50 miles per hour. The DM&E refuses to limit the number of trains through Rochester and refuses to restrict the type of cargo it carries through Rochester near Mayo Clinic.

The Secretary of Transportation must consider the effects of such a loan on the public safety and a loan should not be granted to the DM&E because it would expose Rochester and Mayo Clinic to the safety risks inherent in the transportation of hazardous materials by a railroad with long-standing safety problems.

The DM&E has one of the worst safety records of all U.S. railroads:

1. From 2000 through 2005, the DM&E reported train accidents at a rate 7.5 times higher than the national average;
2. During 2005, the DM&E's rate of accidents at crossings was 2.3 times higher than the national average;
3. The DM&E had the second-highest rate of employee casualties among regional freight railroads in 2004 and 2005;
4. During the past 10 years, DM&E had 107 accidents involving trains carrying hazardous materials, including a record 16 in 2005; and
5. Since 2003, when the Federal Railroad Administration (FRA) loaned DM&E $233 million, the DM&E's main track accident rate has soared to eight times the national rate—a 75 percent increase over its pre-loan rate.

The U.S. government has repeatedly identified safety problems at the DM&E. In 2002, the DM&E signed an Expedited Consent Agreement with the Environmental Protection Agency (EPA) agreeing to pay a civil penalty and correct violations of federal regulations. In 2005, the Occupational Safety & Health Administration (OSHA) cited and fined the DM&E for serious safety violations. The FRA placed the DM&E under a Safety Compliance Agreement in October 2005.

The DM&E has claimed that its abysmal safety record is the result of old track, but the FRA has rejected that excuse—most recently in its October 2005 Safety Compliance Agreement. During the past six years track defects caused only about one-half of the DM&E's train accidents and track defects had nothing to do with the company's high rate of accidents at highway-rail crossings or its high rate of employee casualties. New track will not change the company's cavalier attitude toward safety.

In 2003, the FRA entered into a $233 million loan agreement with the DM&E. Since that time the DM&E's poor safety record has gotten materially worse—not better. There is simply no reason to believe that lending the DM&E another $2.5 billion would change the result or the company's approach to safety.

Rochester, Minnesota, is home to 40 per cent of all the people who live along the DM&E's proposed expansion route. Rochester is also home to Mayo Clinic, one of the world's leading medical centers. Many of Mayo's patient-care facilities are within hundreds of feet of the DM&E's tracks—at ground level. An accident involving the spill of hazardous materials near Mayo Clinic, with its vulnerable patient population, would be disastrous. The safety risks posed by an unsafe railroad transporting hazardous materials at high speeds near a world-renowned medical center should not be subsidized by the U.S. government. It is wrong for a safety organization like the FRA to reward a company for disregarding the safety of the public and its own employees. The American people would be shocked to learn that the U.S. government is considering giving an unsafe railroad one of the largest loans to a private company in the history of the United States of America.

ADDITIONAL STATEMENTS

GLENDALE HIGH SCHOOL REACHING JUNIOR G8 SUMMIT

• Mrs. FEINSTEIN. Mr. President, I would like to take the opportunity to congratulate the students of Glendale High School on becoming the U.S. representative at the Junior G8 Summit.

For the first time in 30 years, the annual G8 Summit will include an official exchange between children aged 13 to 17 and G8 leaders. Glendale High School beat out 14 other schools for this once-in-a-lifetime chance to represent the United States at the Summit.

The Junior 8 Youth Forum will provide the participants from all over the world a platform from which they can express their opinions on issues such as infectious diseases, violence, corruption, education, energy, and security. The U.S. team and their international counterparts will meet in order to draft a communique which eight of them will present to the G8 leaders.

These students could not have achieved this memorable accomplishment without tremendous support and encouragement from their dedicated teachers and parents.

I would also recognize team members Shaunt Attarian, Rigo Benitez, Edgar Hernandez, Sergio Maciel, Viannca Montesino, Elaine Panlaqui, Diana Perez, and Kelly Velasquez for their poise and determination in working towards receiving this honor.

All eight team members have spent time and energy for over 6 months preparing to represent the United States with respect and intelligence at this prestigious event. The Glendale High School Junior G8 team should be commended for their efforts and stand as an inspiration to us all.

Once again, I would like to honor the entire Glendale High School Junior G8 Team on a well-deserved victory. Each of these students holds wonderful promise, and I applaud them for their many achievements. Their futures are bright, and their performance will continue to serve as a model for those who follow in their footsteps.•

CONGRATULATING BALDWIN HIGH SCHOOL CHEERLEADERS

• Mr. AKAKA. Mr. President, I wish to congratulate the Baldwin High School cheerleading team, from Wailuku, Maui, HI, who on March 25, 2006, won a national title at the National Cheerleaders Association U.S. Championship.

The Baldwin cheerleaders placed first in the small varsity coed division against teams from the Western United States Radford High School, also from my State of Hawaii, was the second place team to Baldwin High School. The Baldwin cheerleaders were then named grand champions for placing highest in the most divisions, beating out 144 other participating teams.

I am proud not only of the impressive achievements but also of the humility and sportsmanship that the team displayed. The team represented the State of Hawaii very well.

I recognize the sacrifices many family members and friends made to support the team. These young men and women would not have been able to enjoy the athletic competitions if it were not for the moral and financial support of their families and community. I applaud these efforts and wish all the players and their families the best in their future endeavors. Finally, I recognize the hard work and dedication of the participants and coaches.

I ask to have printed in the RECORD the team's roster as reported by The Maui News.

The material follows.

Niki Fernandez, Jayme-Lynn Kashiwamura, Cory Manibog, Shawna Matsunaga, Keoni Mawae, Gillian Platt, Tiare Pimental, Sherise Shimabuku, Zeyuna Tabernero, Jenna Takushi, Kamala Klask and Lavancia ''Anela'' Winn

Head Coach JoAnn Yap and Assistant Coach Matt Balangitao•

TRIBUTE TO KATHY A. RUFFING

• Mr. GREGG. Mr. President, I take a moment to recognize someone who has provided invaluable assistance to the Budget Committee for many years. After 25 years of service at the Congressional Budget Office, or CBO, as we call it, Kathy A. Ruffing will be retiring at the end of this month.

During her tenure at CBO, Ms. Ruffing earned a well-deserved reputation for tirelessly producing high-quality analyses on a wide range of topics including interest costs and the Federal debt, Federal pay, immigration, and Social Security. In particular, Members and their staffs came to depend on Kathy's thorough knowledge of the Social Security Program as they developed proposals for addressing the program's financial status and benefit structure. She also made major contributions to CBO's reports on the economic and budget outlook and the reestimates of the President's budget. Her analyses always displayed those characteristics of CBO's reports that we in the Congress most value—impartiality, clarity, and comprehensiveness. In fact, Kathy was a principal architect of the formats of many tables on which the Budget Committee has come to rely so heavily.

The Congress will feel the loss of a dedicated public servant who selflessly worked extraordinary hours in helping us advance the legislative process. We will miss Kathy's expertise and counsel.

I know that I speak for all of the Members who have served on the Budget Committees of the House and Senate during the past 25 years and all of our staff when I express our gratitude to Kathy for all of her contributions to the legislative process.•

MESSAGES FROM THE HOUSE

At 9:48 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House having proceeded to reconsider the bill (H.R. 810) to amend the Public Health Service Act to provide for human embryonic stem cell research, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved, that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

ENROLLED BILL SIGNED

The President pro tempore (Mr. STEVENS) reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 5117. An act to exempt persons with disabilities from the prohibition against providing section 8 rental assistance to college students.

At 12:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2389. An act to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance.

H.R. 5683. An act to preserve the Mt. Soledad Veterans Memorial in San Diego, California, by providing for the immediate acquisition of the memorial by the United States.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3711. A bill to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes.

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–7585. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the date on which a report on the budgeting of the Department of Defense for the sustainment of key military equipment will be submitted; to the Committee on Armed Services.

EC–7586. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, (3) reports relative to vacancy announcements within the Department, received on July 17, 2006; to the Committee on Armed Services.

EC–7587. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 2006–2007 Marketing Year'' (Docket No. FV06–985–2 IFR) received on July 13, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7588. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus Thuringiensis Cry1A.105 Protein and the Genetic Material Necessary for Its Production in Corn in or on All Corn Commodities; Temporary Exemption From the Requirement of a Tolerance'' (FRL No. 8076–5) received on June 13, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7589. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Topeka, transmitting, pursuant to law, the Bank's 2005 Statement on System of Internal Controls, audited financial statements, and Report of Independent Auditors on Internal Control over Financial Reporting; to the Committee on Banking, Housing, and Urban Affairs.

EC–7590. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's 92nd Annual Report, which covers the Board's operations for calendar year 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–7591. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–7592. A communication from the Director, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report that funding for the Commonwealth of Massachusetts as a result of the influx of evacuees from areas struck by Hurricane Katrina beginning on August 29, 2005, and continuing, has exceeded $5,000,000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7593. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Debenture Interest Payment Charges'' ((RIN2502–

AI41)(FR–4945–F–01)) received on July 17, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–7594. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''Agreement on the Establishment of the ITER International Fusion Energy Organization for the Joint Implementation of the ITER Project''; to the Committee on Energy and Natural Resources.

EC–7595. A communication from the Director, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Oil and Gas and Sulphur Operations and Leasing in the Outer Continental Shelf (OCS)—Recovery of Costs Related to the Regulation of Oil and Gas Activities on the OCS'' (RIN1010–AD23) received on July 18, 2006; to the Committee on Energy and Natural Resources.

EC–7596. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 06–155–06–169); to the Committee on Foreign Relations.

EC–7597. A communication from the Department of State, transmitting, pursuant to law, a report relative to the Development Assistance and Child Survival and Health Programs Fund; to the Committee on Foreign Relations.

EC–7598. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Section 589 of the Foreign Operations, Export Financing, and Related Programs Act, 2006 (''the Act'') in regards to permitting the continued use of funds appropriated by the Act for assistance to the Government of the Russian Federation; to the Committee on Foreign Relations.

EC–7599. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the semi-annual report on the continued compliance of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan with the 1974 Trade Act's freedom of emigration provisions, as required under the Jackson-Vanik Amendment; to the Committee on Foreign Relations.

EC–7600. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, a report relative to a program to be initiated in Nepal by the U.S. Agency for International Development's Office of Transition Initiatives (OTI); to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–393. A resolution adopted by the House of Representatives of the Legislature of the State of Florida relative to urging Congress to support a National Catastrophe Insurance Program; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE MEMORIALS NO. 541

Whereas, during the 2004 and 2005 hurricane seasons, the State of Florida was devastated by eight hurricanes and four tropical storms, causing approximately $35 billion in estimated gross probable insurance losses, and

Whereas, the hurricanes from the 2004 and 2005 hurricane seasons have produced high winds, coastal storm surges, torrential rainfalls, and flooding resulting in significant damage to Florida and the Gulf Coast states, which has resulted in displacement of policyholders from their dwellings, loss of personal belongings and contents, closing of businesses and financial institutions, and temporary loss of employment and has created numerous health and safety issues within our local communities, and

Whereas, in 1992, Hurricane Andrew resulted in approximately $20.8 billion in insured losses and was previously the costliest catastrophe in the United States, but Hurricane Katrina alone left the Gulf Coast states with an estimated loss of approximately $35 billion, and

Whereas, natural disasters continually threaten communities across the United States with extreme weather conditions that pose an immediate danger to the lives, property, and security of the residents of those communities, and

Whereas, the insurance industry, state officials, and consumer groups have been striving to develop solutions to insure mega-catastrophic risks, because hurricanes, earthquakes, tornadoes, typhoons, floods, wildfires, ice storms, and other natural catastrophes continue to affect policyholders across the United States, and

Whereas, on November 16 and 17, 2005, insurance commissioners from Florida, California, Illinois, and New York convened a summit to devise a national catastrophe insurance plan which would more effectively spread insurance risks and help mitigate the tremendous financial damage survivors contend with following such catastrophes: Now, therefore, be it

Resolved by the Legislature of the State of Florida, That the Congress of the United States is urged to support a National Catastrophe Insurance Program. Policyholders require a rational insurance mechanism for responding to the economic losses resulting from catastrophic events. The risk of catastrophes must be addressed through a public-private partnership involving individuals, private industry, local and state governments, and the Federal Government. A national catastrophe insurance program is necessary to promote personal responsibility among policyholders; support strong building codes, development plans, and other mitigation tools; maximize the risk-bearing capacity of the private markets; and provide quantifiable risk management through the Federal Government. The program should encompass:

(1) Providing consumers with a private market residential insurance program that provides all-perils protection.

(2) Promoting personal responsibility through mitigation; promoting the retrofitting of existing housing stock; and providing individuals with the ability to manage their own disaster savings accounts that, similar to health savings accounts, accumulate on a tax-advantaged basis for the purpose of paying for mitigation enhancements and catastrophic losses.

(3) Creating tax-deferred insurance company catastrophe reserves to benefit policyholders. These tax-deferred reserves would build up over time and only be eligible to be used to pay for future catastrophic losses.

(4) Enhancing local and state government's role in establishing and maintaining effective building codes, mitigation education, and land use management; promoting state emergency management, preparedness, and response; and creating state or multistate regional catastrophic risk financing mechanisms such as the Florida Hurricane Catastrophe Fund.

(5) Creating a national catastrophe financing mechanism that would provide a quantifiable level of risk management and financing for mega-catastrophes; maximizing the risk-bearing capacity of the private markets; and allowing for aggregate risk pooling of natural disasters funded through sound risk-based premiums paid in correct proportion by all policyholders in the United States. Be it further

Resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

POM–394. A resolution adopted by the Senate of the Legislature of the State of Massachusetts relative to memorializing the Congress of the United States to provide relief from growing energy costs; to the Committee on Energy and Natural Resources.

RESOLUTION

Whereas, high fuel prices have a negative impact on the standard of living of consumers and high fuel prices have a negative impact on the productivity of businesses; and

Whereas, according to the United States Department of Energy, Massachusetts citizens pay some of the highest energy prices in the Nation, behind only Hawaii and Washington, DC; and

Whereas, as of May 12, 2006, AAA reports the current average price of a gallon of gasoline in Massachusetts to be $2.93, up from $2.186 only a year ago; and

Whereas, as of May 2, 2006, the Massachusetts Division of Energy Resources reported the average price of a gallon of heating oil in Massachusetts to be $2.58, up from $1.91 and $1.49 at this time of the year in 2005 and 2004 respectively; and

Whereas, home heating and electricity expenditures for Massachusetts residents are expected to be up by over one third this year (October 2005–October 2006), this being an average increase of $700 per family or 0.6 percent of personal income; and

Whereas, high fuel prices impose an especially high burden on low-income families and the United States Department of Energy found that the average American spends 3.5 percent of their income on energy bills, but low-income households average 14 percent of their income; and

Whereas, the President's 2006 budget included cuts of some $9.7 million over the next 4 years to the low-income home energy assistance program, which benefits many Massachusetts seniors; and

Whereas, according to a 2005 National Consumer Law Report, as a result of 3 of the past 4 years having unprecedented heating oil and natural gas prices, Massachusetts' residential consumers have higher averages than they have ever faced and community action agencies are reporting more aggressive collection activities from some utilities as well as encountering greater difficulty negotiating payment plans for low-income customers; and

Whereas, poor road conditions exacerbate the impact of high fuel costs by reducing fuel economy; and

Whereas, according to a 2005 United States Department of Transportation report of road

conditions reported in 2004, only 1,659 miles of Massachusetts' roads were classified as good to very good compared with 3,748 miles of roads classified as mediocre to poor; and

Whereas, a report by the American Society of Civil Engineers found that 71 percent of Massachusetts' major roads are in poor or mediocre condition and driving on roads in need of repair costs Massachusetts' motorists $2,300,000,000, or $501 per motorist, annually in extra vehicle repairs and operating costs; and

Whereas, this same report found that 51 percent of Massachusetts' bridges are structurally deficient or functionally obsolete; and

Whereas, oil companies have reported record quarterly profits for the first quarter of 2006: Now therefore be it

Resolved, that the Massachusetts Senate memorializes the Congress and the President of the United States to immediately institute a windfall profits tax on energy companies which have benefited from the current circumstances, the proceeds of which shall be distributed to the States for the purpose of providing relief to motorists, homeowners and businesses through policies and programs that provide direct subsidy to low and moderate income consumers and small businesses, and some of the proceeds may also be used for road and bridge work and programs which promote the development and use of alternative energy and fuels; and be it further

Resolved, that a copy of these resolutions shall be transmitted forthwith by the Clerk of the Senate to the President of the United States, presiding Members of each House of the Congress of the United States, and the Members thereof from the Commonwealth.

POM–395. A resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to appropriating sufficient funds for the recovery of the shrimp industry and voting against the repeal of the ''Byrd Amendment''; to the Committee on Finance.

HOUSE RESOLUTION NO. 117

Whereas, Louisiana is the nation's largest producer of wild-caught shrimp and has the nation's only warm water shrimp cannery; and

Whereas, before Hurricanes Katrina and Rita, Louisiana generated an estimated one hundred twenty million pounds of wild-caught shrimp and sold approximately nine thousand commercial shrimp gear licenses; and

Whereas, Louisiana shrimpers constitute the largest community of shrimpers in the Atlantic and Gulf of Mexico regions; and

Whereas, due to Hurricanes Katrina and Rita, the shrimp industry suffered devastating economic and infrastructure losses; and

Whereas, due to the hurricanes, assessments estimate that for the shrimp industry the total potential production lost at the retail level is approximately nine hundred nineteen million dollars; and

Whereas, the influx of foreign shrimp sold at below market prices causes domestic prices to drop to levels at which domestic producers are unable to survive in the industry; and

Whereas, the United States House Committee on Ways and Means recommended a repeal of the provision of the Continued Dumping and Subsidy Offset Act commonly known as the ''Byrd Amendment''; and

Whereas, the ''Byrd Amendment'' required duties to be collected under antidumping and countervailing duty orders and required payment to eligible domestic producers who initiated the petition which resulted in the imposition of the duties; and

Whereas, Louisiana was one of the original states to initiate a petition against foreign shrimp producers; and

Whereas, taking into consideration the potential repeal of the ''Byrd Amendment'' and the effects of Hurricanes Katrina and Rita, the shrimp industry and the state of Louisiana stand to suffer severe financial losses: Therefore, be it

Resolved, That the House of Representatives of the Legislature of Louisiana memorializes the Congress of the United States to appropriate sufficient funds for the recovery of the shrimp industry. Be it further

Resolved, That the House of Representatives of the Legislature of Louisiana memorializes the Congress of the United States to vote against the repeal of the ''Byrd Amendment''. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–396. A joint resolution adopted by the Legislature of the State of Utah relative to supporting the Working Families Economic Development Initiative; to the Committee on Finance.

HOUSE JOINT RESOLUTION NO. 23

Whereas, insufficient income contributes to many of the social and human service needs in our state;

Whereas, the Federal Earned Income Tax Credit (EITC) provides tax relief and income support to low-income working families;

Whereas, the EITC lifts millions of individuals out of poverty each year in the United States by supporting work and self-sufficiency while reducing the need for public assistance;

Whereas, each year, the EITC helps approximately 130,000 households in Utah and brings more than $220,000,000 into Utah's economy;

Whereas, increasing Utah's utilization of the EITC to the national average would help approximately 40,000 eligible households and bring an additional $80,000,000 into Utah's economy;

Whereas, an increase of $80,000,000 each year in EITC benefits would generate over $300,000,000 per year in state and local economic activity;

Whereas, 211 INFO BANK, a community services and referral system, provides callers with tax credit help, including eligibility rules, and directs workers to nearby VITA sites for needed tax forms and assistance; and

Whereas, increasing EITC utilization represents a highly cost-effective economic development strategy: Now, therefore, be it

Resolved, That the Legislature of the State of Utah encourages departments of Utah State Government to identify and utilize existing and potential public/private partnerships to inform citizens about the availability of the Federal Earned Income Tax Credit and Volunteer Income Tax Assistance programs. Be it further

Resolved, That the Legislature of the state of Utah encourages each state entity to work in partnership with private outreach campaigns to identify and utilize existing communications mechanisms to inform Utahns about the availability of the EITC and VITA programs, which may include state publications, websites, human resource materials and communications, correspondence and forms from the State Tax Commission, targeted printed materials, caseworker and client interactions, and application materials for state assistance and state licenses. Be it further

Resolved, That the Legislature of the state of Utah encourages each state entity to utilize existing state infrastructure, where appropriate, to support EITC outreach and statewide availability of the VITA program, which may include utilizing Department of Workforce Services Employment Centers and other appropriate locations as VITA sites, staffed by trained VITA volunteers, between January and April, encouraging local school districts to integrate EITC outreach and VITA services into their parent involvement and community school efforts, and utilizing economic development tools and negotiations to encourage and support EITC outreach and employment-based VITA sites where appropriate. Be it further

Resolved, That copies of this resolution be sent to each department of Utah State Government.

POM–397. A concurrent resolution adopted by the Legislature of the State of Utah relative to promoting Utah's Legislators Back to School Program; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 2

Whereas, civic education is a vital tool to promote greater understanding of the legislative process and the role of legislators in representative democracy and to build public trust and confidence;

Whereas, Utah legislators acknowledge the Constitution of the United States, the supreme law of the land, which establishes a democratic form of government and provides the principle for self government, government by the people;

Whereas, Benjamin Rush, a signer of the Declaration of Independence stated, ''There is but one method of rendering a republican form of government . . . by disseminating the seeds of virtue and knowledge through every part of the state by means of proper places and modes of education . . . and this can be done effectively only by the aid of the legislature'';

Whereas, Utah legislators, students, teachers, and administrators realize the importance of compromise in reconciling competing interests in a diverse society;

Whereas, the National Conference of State Legislatures (NCSL) established America's Legislators Back to School Program, a bipartisan program for legislators across the nation to impart greater understanding of the necessity for debate, negotiation, and compromise in the legislative process of developing effective public policy, and to engage future voters and leaders in a dialogue about the value of representative democracy and to adapt to each individual state;

Whereas, this civic education program helps to instill the values of representative democracy, strengthen the democratic process, and encourage students to play a responsible role in their government; and

Whereas, Utah legislators have ranked in the top 3% of the nation for participation in this program since 2002: Now, therefore, be it

Resolved, That the Legislature and the Governor recognize Utah's Legislators Back to School Program and urge each member of the Legislature to visit students in classrooms during the school year; and be it further

Resolved, That a copy of this resolution be sent to the State Board of Education and the

executive director of the National Conference of State Legislatures.

POM–398. A concurrent resolution adopted by the Legislature of the State of Utah relative to the harmful effects of tobacco, alcohol, and drugs on youth; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 3

Whereas, 90% of tobacco users start before they reach the legal age of 19;

Whereas, 74% of adults reported that they had started using alcohol before the legal drinking age of 21;

Whereas, the average age of beginning tobacco users is 11–12 years old;

Whereas, the average age of first time alcohol users is 12 years old;

Whereas, 1,000 youth try their first cigarette each day;

Whereas, motor vehicle crashes are the leading cause of death for 15- 20-year-olds and alcohol is involved in more than half of these fatalities;

Whereas, approximately 52% of surveyed youth ages 12 to 17 who were daily cigarette smokers and 66% of youth who were heavy drinkers also used illicit drugs in the month prior to being surveyed;

Whereas, these harmful substances negatively effect every aspect of a youth's life as well as the lives of those around them;

Whereas, once youth have started using tobacco, alcohol, or illicit drugs it is very difficult for them to stop;

Whereas, these substances cut short the lives and future of many youth by causing death and disease;

Whereas, tremendous strides have been made in reducing tobacco, alcohol, and illicit drug use among youth;

Whereas, there is still more that needs to be done to address this continuing challenge;

Whereas, for every dollar spent on prevention programs, America saves seven dollars in the cost of public aid, special education, and treatment services;

Whereas, youth are a resource and a catalyst for change in the lives of youth and have proven to be a critical first line of defense in building resiliency among their peers;

Whereas, the Weber-Morgan Governing Youth Council and other youth groups are working hard to promote positive lifestyles and combat the negative effects of tobacco, alcohol, and illicit drugs on the lives of youth in Utah; and

Whereas, the fight against the use of tobacco, alcohol, and illicit drugs must continue, and become even more successful, if youth are to be spared the self-destructive effects of these harmful substances: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, strongly urge educators in Utah's public education system to utilize Prevention Dimensions, the state Safe and Drug Free School curriculum to educate the state's youth concerning substance abuse. Be it further

Resolved, That the Legislature and the Governor strongly urge the citizens of Utah to increase awareness of the destructive effects of tobacco, alcohol, and illicit drugs on Utah's youth. Be it further

Resolved, That the Legislature and the Governor recognize local youth councils and other youth groups for their invaluable efforts in helping to keep their peers from getting caught in the trap of tobacco, alcohol, and illicit drug use, and helping those caught in the grip of these harmful substances. Be it further

Resolved, That a copy of this resolution be sent to each of the state's school districts.

POM–399. A resolution adopted by the Senate of the Legislature of the Commonwealth of Massachusetts relative to apologizing to all Native American peoples on behalf of the United States; to the Committee on Indian Affairs.

SENATE JOINT RESOLUTION NO. 15

Whereas, throughout history, the Commonwealth of Massachusetts has been instrumental in the struggle to establish democracy and secure the rights and liberties of Americans; and

Whereas, the declaration of rights of the Commonwealth of Massachusetts was the first enumeration of civil rights and liberties by Americans, which served as a model for the United States Constitution and Bill of Rights; and

Whereas, the Commonwealth of Massachusetts has a rich native American history with indigenous tribes such as Massachuset from Suffolk county, the Nipmuc from central Massachusetts, the Stockbridge from Berkshire county and the Wampanoag from Cape Cod and the islands; and

Whereas, the Commonwealth of Massachusetts acknowledges the long history of official depredations and ill-conceived policies by the United States government regarding native American tribes and believes that the Congress of the United States should offer an apology to all native peoples on behalf of the United States; and

Whereas, the ancestors of today's native peoples have inhabited the land of the present day United States since time immemorial and for thousands of years before the arrival of peoples of European origin; and

Whereas, the native peoples have for millennia honored, protected and stewarded this land that we cherish; and

Whereas, the United States government has violated many of the treaties ratified by Congress and other diplomatic agreements with native American tribes; and

Whereas, despite continuing maltreatment of native peoples by the United States, the native peoples have remained committed to the protection of this great land, as evidenced by the fact that, on a per capita basis, more native people have served in the United States Armed Forces and placed themselves in harm's way in defense of the United States in every major military conflict than any other ethnic group; and

Whereas, native peoples are endowed by their creator with certain unalienable rights, and that among those are life, liberty, and the pursuit of happiness; Now, therefore, be it

Resolved, That the Massachusetts Senate hereby urges the Senate and House of Representatives of the United States to pass, pending Senate Joint Resolution 15, apologizing to all native American peoples on behalf of the United States of America; and be it further

Resolved, That a copy of these resolutions be forwarded by the clerk of the Senate to the clerks of the Senate and House of Representatives of the United States.

POM–400. A concurrent resolution adopted by the Legislature of the State of Kansas relative to extending certain provisions of the Voting Rights Act of 1965; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 5037

Whereas, on March 7, 1965, a group of civil rights marchers gathered at the Edmund Pettus bridge in Selma, Alabama, and their efforts to advance equal voting rights brought a brutal and bloody response. Eight days later President Johnson called for a comprehensive and effective voting rights bill to guarantee to our citizens the rights contained in the 14th and 15th amendments to the United States constitution. A bipartisan congress approved landmark legislation, and on August 6, 1965, President Johnson signed the Voting Rights Act into law; and

Whereas, considered one of the most successful pieces of civil rights legislation ever adopted, the act bans literacy tests and poll taxes, outlaws intimidation during the electoral process, authorizes federal election monitors and observers and creates various means for protecting and enforcing racial and language minority voting rights. The act was amended in 1975 to facilitate equal political opportunity for language minority citizens and in 1982 to protect the rights of voters with disabilities; and

Whereas, despite noteworthy progress from 40 years of enforcement of the act, voter inequities, disparities and obstacles still remain for many minority voters; and

Whereas, Section 5 of the act is scheduled to expire in 2007. This section contains a special enforcement provision targeted at those areas of the country where congress believes the potential for discrimination to be high and prohibits any change affecting voters until the attorney general has determined that the change will not worsen the ability of minority voters to vote. Sections 4(f) and 203 will also expire in 2007. These sections require bilingual voting assistance for language minority communities in certain jurisdictions. The language minority provisions apply to four language minority groups: American Indians, Asian Americans, Alaskan natives and persons of Spanish heritage; and

Whereas, The Voting Rights Act is a critical link in the struggle to enfranchise the politically marginalized. Without reauthorization of these special provisions of the act, America risks a resurgence of voter discrimination: Now, therefore, be it

Resolved, By the House of Representatives of the State of Kansas, the Senate concurring therein, That the Kansas legislature memorializes the Congress of the United States to extend these critical provisions of the Voting Rights Act of 1965; and be it further

Resolved, That the Secretary of State provide an enrolled copy of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives and each member of the Kansas legislative delegation.

POM–401. A joint resolution adopted by the House of Representatives of the Legislature of the State of New Hampshire relative to proposing an amendment to the Constitution concerning eminent domain; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 25

Whereas, the phrase ''life, liberty and the pursuit of property'' in the Declaration of Independence was changed to ''Life, Liberty, and the Pursuit of Happiness'' in order to encompass more fully the natural rights doctrine; and

Whereas, President Thomas Jefferson, drafter of The Declaration of '' Independence wrote, ''We owe every . . . sacrifice to ourselves, to our federal brethren, and to the world at large to pursue with temper and perseverance the great experiment which shall prove that man is capable of living in a society, governing itself by laws self-imposed, and securing to its members the enjoyment of life, liberty, property, and peace;

and further to show, that even when the government of its choice shall manifest a tendency to degeneracy, we are not at once to despair but that the will and watchfulness of its sounder parts will reform its aberrations, recall it to its original and legitimate principles, and restrain it within the rightful limits of self-government''; and

Whereas, President James Madison, drafter of the Constitution of the United States of America, and of the First Ten Amendments of the Constitution of the United States of America stated: ''Government is instituted to protect property of every sort. . . . This being the end of government . . . that is not a just government, nor is property secure under it, where the property which a man has . . . is violated by arbitrary seizures of one class of citizens for the service of the rest''; Now, therefore, be it

Resolved, by the Senate and House of Representatives in General Court convened, That the general court or New Hampshire encourages the Congress to propose an amendment to the Constitution of the United States stating that real property can only be taken by eminent domain for public use such as the construction of forts, government buildings, and roadways; and be it further

Resolved, That copies of this resolution be sent by the House clerk to the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, and the New Hampshire congressional delegation.

POM–402. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana memorializing the Congress of the United States to adopt an amendment to the Constitution of the United States to define marriage in the United States as the union between one man and one woman; to the Committee on the Judiciary.

Whereas, President Bush recently remarked, After more than two centuries of American jurisprudence, and millennia of human experience, a few judges and local authorities are presuming to change the most fundamental institution of civilization''; and

Whereas, the efforts of nineteen states to protect traditional marriage by way of a constitutional amendment defining marriage as the union between one man and one woman are a clear sign to the rest of the country and to the United States Congress that the citizens of these states are in support of the traditional definition of marriage; and

Whereas, an amendment to the Constitution of the United States is the most democratic manner by which to curb the power of judges whose agenda affronts the beliefs of the Founding Fathers of this nation and the will of the American people; and

Whereas, the United States Senate is scheduled to vote on the Marriage Protection Amendment to the Constitution of the United States during the week of June 5, 2006; and

Whereas, the Marriage Protection Amendment defines marriage in the United States as the union between one man and one woman; Now, therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to approve an amendment to the Constitution of the United States that would define marriage as the union between one man and one woman; and be it further

Resolved, That the Legislature of Louisiana proposes that the legislatures of each of the several states comprising the United States apply to the United States Congress requesting the enactment of an appropriate proposal to amend the Constitution of the United States; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the President of the United States, the secretary of the United States Senate, and the clerk of the United States House of Representatives, each member of the Louisiana delegation to the United States Congress, and the presiding officer of each house of each state legislature in the United States.

POM–403. A joint resolution adopted by the Legislature of the State of Maine relative to establishing satellite voting for displaced victims of Hurricane Katrina; to the Committee on the Judiciary.

JOINT RESOLUTION

Whereas, 9 months ago Hurricane Katrina unleashed its fury on New Orleans and the Gulf Coast and was one of the cruelest disasters in history; and

Whereas, Hurricane Katrina dispersed and displaced people to over 40 states across the country; and

Whereas, many people are still living in states other than their home states, which will prevent them from being able to participate in elections in their home states; and

Whereas, it is imperative to protect the voting rights of these citizens; Now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the President, the Congress of the United States and the United States Department of Justice establish satellite voting places in cities and states where Hurricane Katrina survivors now reside; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the United States Department of Justice and each member of the Maine Congressional Delegation.

POM–404. A resolution adopted by the City of Pembroke Pines, Florida relative to supporting no less than $4.3 billion in Congressional funding for fiscal year 2007 for the Community Development Block Grant Program (CDBG); to the Committee on Banking, Housing, and Urban Affairs.

POM–405. A resolution adopted by the Miami-Dade County Board of County Commissioners, Miami-Dade County, Florida relative to creating the Community Workforce Housing Innovation Program; to the Committee on Banking, Housing, and Urban Affairs.

POM–406. A resolution adopted by Mendham Borough Council, Morris County, New Jersey, relative to opposing the New York/New Jersey/Philadelphia Metropolitan Airspace Redesign proposals; to the Committee on Commerce, Science, and Transportation.

POM–407. A resolution adopted by the Miami-Dade County Board of County Commissioners, Miami-Dade County, Florida relative to waste tire fees; to the Committee on Environment and Public Works.

POM–408. A resolution adopted by the Town Board of the Town of Blooming Grove, Orange County, New York, relative to the Chinese Communist Party's persecution of Falun Gong; to the Committee on Foreign Relations.

POM–409. A resolution passed by the City of San Jose Human Rights Commission, San Jose, California, relative to urging Congress to approve humane immigration reform; to the Committee on the Judiciary.

POM–410. A resolution adopted by the City Commission of the City of Lauderdale Lakes of the State of Florida relative to congratulating the City of Sunrise for joining the City of Lauderdale Lakes in recommending that Congress support the Voting Rights Act of 1965; to the Committee on the Judiciary.

POM–411. A resolution adopted by the California Veterans Board, State of California relative to opposing certain provisions of H.R. 4297, the ''Tax Relief Extension Reconciliation Act of 2005''; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. HUTCHISON, from the Committee on Appropriations, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 5385. A bill making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes (Rept. No. 109–286).

By Mr. SPECTER, from the Committee on Appropriations, without amendment:

S. 3708. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2007, and for other purposes (Rept. No. 109–287).

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment:

S. 3709. An original bill to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol (Rept. No. 109–288).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. WARNER for the Committee on Armed Services.

Sue C. Payton, of Virginia, to be an Assistant Secretary of the Air Force.

Charles E. McQueary, of North Carolina, to be Director of Operational Test and Evaluation, Department of Defense.

Air Force nominations beginning with Colonel Gregory A. Biscone and ending with Colonel Tod D. Wolters, which nominations were received by the Senate and appeared in the Congressional Record on June 14, 2006.

Army nomination of Maj. Gen. N. Ross Thompson III to be Lieutenant General.

Army nomination of Maj. Gen. Thomas R. Turner II to be Lieutenant General.

Army nomination of Maj. Gen. Douglas E. Lute to be Lieutenant General.

Army nomination of Brig. Gen. Charles H. Davidson IV to be Major General.

Army nominations beginning with Brigadier General Steven R. Abt and ending with Colonel Jonathan Woodson, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2006.

Army nomination of Lt. Gen. Stanley A. McChrystal to be Lieutenant General.

Army nomination of Brig. Gen. Jimmy G. Welch to be Major General.

Marine Corps nomination of Maj. Gen. Richard F. Natonski to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Keith J. Stalder to be Lieutenant General.

Marine Corps nomination of Lt. Gen. James F. Amos to be Lieutenant General.

Marine Corps nomination of Lt. Gen. John F. Sattler to be Lieutenant General.

Marine Corps nomination of Col. Charles M. Gurganus to be Brigadier General.

Navy nomination of Rear Adm. (lh) David J. Dorsett to be Rear Admiral.

Navy nominations beginning with Rear Adm. (lh) Richard E. Cellon and ending with Rear Adm. (lh) Wayne G. Shear, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 6, 2006.

Navy nomination of Rear Adm. (lh) Michael C. Bachmann to be Rear Admiral.

Navy nominations beginning with Capt. Mark A. Handley and ending with Capt. Christopher J. Mossey, which nominations were received by the Senate and appeared in the Congressional Record on April 24, 2006.

Navy nomination of Capt. Thomas P. Meek to be Rear Admiral (lower half).

Navy nomination of Rear Adm. William D. Sullivan to be Vice Admiral.

Navy nomination of Rear Adm. William D. Crowder to be Vice Admiral.

Navy nomination of Vice Adm. Albert M. Calland III to be ViceAdmiral.

Navy nomination of Rear Adm. David J. Venlet to be Vice Admiral.

Navy nomination of Vice Adm. Jonathan W. Greenert to be Vice Admiral.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Julio Ocampo to be Major.

Air Force nomination of John L. Putnam to be Colonel.

Air Force nominations beginning with John D. Adams and ending with Diane Huey, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Air Force nominations beginning with John D. Adams and ending with Karl Woodmansey, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Air Force nominations beginning with Mark D. Campbell and ending with Gary J. Ziccardi, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Air Force nominations beginning with Michael J. Apol and ending with Dawn M.K. Zoldi, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Army nominations beginning with David W. Acuff and ending with Michael E. Yarman, which nominations were received by the Senate and appeared in the Congressional Record on May 23, 2006.

Army nomination of Barry L. Williams to be Colonel.

Army nominations beginning with Gerald P. Coleman and ending with David E. Root, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2006.

Army nominations beginning with Robert T. Davies and ending with Curtis E. Wells, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2006.

Army nominations beginning with Michelle A. Cooper and ending with David W. Towle, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2006.

Army nominations beginning with Rickie A. Mcpeake and ending with Eugene J. Palka, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2006.

Army nomination of Paul A. Carter to be Major.

Army nomination of Maritza S. Ryan to be Colonel.

Army nominations beginning with Armando Aguilera, Jr. and ending with Michael S. Wall, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2006.

Army nominations beginning with Brian E. Abell and ending with Cutter M. Zamboni, which nominations were received by the Senate and appeared in the Congressional Record on June 29, 2006.

Army nominations beginning with Robin M. Adams and ending with Edward E. Yackel, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Army nominations beginning with Richard E. Baxter and ending with Barry D. Whiteside, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Army nominations beginning with Christopher G. Archer and ending with Paul H. Yoon, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Army nominations beginning with Wade K. Aldous and ending with Esmeraldo Zarzabal, Jr., which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Army nominations beginning with John C. Beach and ending with Lloyd T. Phinney, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

Navy nominations beginning with Cal Abel and ending with Thomas J. Zerr, which nominations were received by the Senate and appeared in the Congressional Record on June 26, 2006.

Navy nomination of David E. Bauer to be Lieutenant Commander.

Navy nomination of Cathy L. Trudeau to be Captain.

Navy nominations beginning with Walter J. Lawrence and ending with Ronald L. Ruggiero, which nominations were received by the Senate and appeared in the Congressional Record on July 12, 2006.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWNBACK (for himself and Mr. DEMINT):

S. 3696. A bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments; to the Committee on the Judiciary.

By Mr. INHOFE:

S. 3697. A bill to amend title XVIII of the Social Security Act to establish Medicare Health Savings Accounts; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Mrs. BOXER, Mr. LAUTENBERG, Mr. KENNEDY, Mr. LEAHY, Mr. REED, Mr. AKAKA, Mr. DODD, Mr. SARBANES, and Mr. MENENDEZ):

S. 3698. A bill to amend the Clean Air Act to reduce emissions of carbon dioxide, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SPECTER:

S. 3699. A bill to provide private relief; to the Committee on the Judiciary.

By Mrs. CLINTON:

S. 3700. A bill to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed; to the Committee on the Judiciary.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 3701. A bill to determine successful methods to provide protection from catastrophic health expenses for individuals who have exceeded health insurance coverage for uninsured individuals, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Ms. SNOWE):

S. 3702. A bill to provide for the safety of migrant seasonal agricultural workers; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself and Mr. WYDEN):

S. 3703. A bill to provide for a temporary process for individuals entering the Medicare coverage gap to switch to a plan that provides coverage in the gap; to the Committee on Finance.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 3704. A bill to amend title XIX of the Social Security Act to require staff working with developmentally disabled individuals to call emergency services in the event of a life-threatening situation; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. HARKIN, Mr. JEFFORDS, Mr. BINGAMAN, Mrs. CLINTON, Mrs. MURRAY, Mr. REED, Mr. DODD, Ms. MIKULSKI, Mr. DAYTON, Ms. STABENOW, and Mr. SCHUMER):

S. 3705. A bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes; to the Committee on Finance.

By Mr. MARTINEZ (for himself, Mrs. FEINSTEIN, Mr. NELSON of Florida,

Mrs. HUTCHISON, Mr. SESSIONS, Mr. BINGAMAN, and Mr. CORNYN):

S. 3706. A bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules; to the Committee on Finance.

By Mr. LOTT:

S. 3707. A bill to improve consumer access to passenger vehicle loss data held by insurers; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER:

S. 3708. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2007, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. LUGAR:

S. 3709. An original bill to exempt from certain requirements of the Atomic Energy Act of 1954 United States exports of nuclear materials, equipment, and technology to India, and to implement the United States Additional Protocol; from the Committee on Foreign Relations; placed on the calendar.

By Mr. KENNEDY:

S. 3710. A bill to amend the Elementary and Secondary Education Act of 1965 to improve retention of public elementary and secondary school teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI (for himself, Ms. LANDRIEU, Mr. VITTER, Mr. FRIST, Mr. MCCONNELL, Mr. MARTINEZ, Mr. COCHRAN, Mr. LOTT, Mr. SHELBY, Mr. SESSIONS, Mr. CORNYN, and Mrs. HUTCHISON):

S. 3711. A bill to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAHAM (for himself and Mr. DEMINT):

S. Res. 536. A resolution commending the 25th year of service in the Federal judiciary by William W. Wilkins, Chief Judge of the United States Court of Appeals for the Fourth Circuit; to the Committee on the Judiciary.

By Mr. BIDEN (for himself and Mr. SPECTER):

S. Res. 537. A resolution supporting the National Sexual Assault Hotline and commending the Hotline for counseling and supporting more than 1,000,000 callers; to the Committee on the Judiciary.

By Mr. HAGEL (for himself, Mr. LUGAR, Mr. OBAMA, Ms. MURKOWSKI, and Mr. GREGG):

S. Con. Res. 111. A concurrent resolution expressing the sense of the Senate that the United States should expand trade opportunities with Mongolia and initiate negotiations to enter into a free trade agreement with Mongolia; to the Committee on Finance.

By Mr. REID:

S. Con. Res. 112. A concurrent resolution relating to correcting a clerical error in the enrollment of S. 3693; considered and agreed to.

ADDITIONAL COSPONSORS

S. 403

At the request of Mr. ENSIGN, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 403, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 781

At the request of Mr. CRAPO, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 781, a bill to preserve the use and access of pack and saddle stock animals on land administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service on which there is a historical tradition of the use of pack and saddle stock animals, and for other purposes.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1800

At the request of Ms. SNOWE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1800, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit.

S. 1840

At the request of Mr. THUNE, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1840, a bill to amend section 340B of the Public Health Service Act to increase the affordability of inpatient drugs for Medicaid and safety net hospitals.

S. 1923

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1923, a bill to address small business investment companies licensed to issue participating debentures, and for other purposes.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2278

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2278, a bill to amend the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 2284

At the request of Ms. MIKULSKI, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2284, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 2419

At the request of Mr. STEVENS, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2419, a bill to ensure the proper remembrance of Vietnam veterans and the Vietnam War by providing a deadline for the designation of a visitor center for the Vietnam Veterans Memorial.

S. 2762

At the request of Mr. AKAKA, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2762, a bill to amend title 38, United States Code, to ensure appropriate payment for the cost of long-term care provided to veterans in State homes, and for other purposes.

S. 2884

At the request of Mr. BUNNING, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2884, a bill to facilitate and expedite direct refunds to coal producers and exporters of the excise tax unconstitutionally imposed on coal exported from the United States.

S. 3449

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3449, a bill to amend the Public Health Service Act to improve the quality and availability of mental health services for children and adolescents.

S. 3556

At the request of Mr. DEMINT, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 3556, a bill to clarify the rules of origin for certain textile and apparel products.

S. 3650

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 3650, a bill to include costs incurred by the Indian Health Service, a Federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of title XVIII of the Social Security Act and to provide a safe harbor for assistance provided under a pharmaceutical manufacturer patient assistance program.

S. 3659

At the request of Ms. SNOWE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3659, a bill to reauthorize and improve the women's small business ownership programs of the Small Business Administration, and for other purposes.

S. 3677

At the request of Mr. BINGAMAN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 3677, a bill to amend title XVIII of the Social Security Act to eliminate the in the home restriction for Medicare coverage of mobility devices for individuals with expected long-term needs.

S. CON. RES. 94

At the request of Ms. LANDRIEU, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Con. Res. 94, a concurrent resolution expressing the sense of Congress that the needs of children and youth affected or displaced by disasters are unique and should be given special consideration in planning, responding, and recovering from such disasters in the United States.

S. CON. RES. 110

At the request of Mr. DEWINE, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Iowa (Mr. GRASSLEY) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. Con. Res. 110, a concurrent resolution commemorating the 60th anniversary of the historic 1946 season of Major League Baseball Hall of Fame member Bob Feller and his return from military service to the United States.

S. RES. 405

At the request of Mr. HAGEL, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. Res. 405, a resolution designating August 16, 2006, as ''National Airborne Day''.

S. RES. 508

At the request of Mr. BIDEN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 508, a resolution designating October 20, 2006 as ''National Mammography Day''.

S. RES. 535

At the request of Mr. CONRAD, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 535, a resolution commending the Patriot Guard Riders for shielding mourning military families from protesters and preserving the memory of fallen service members at funerals.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE:

S. 3697. A bill to amend title XVIII of the Social Security Act to establish Medicare Health Savings Accounts; to the Committee on Finance.

Mr. INHOFE. Mr. President, I rise today to introduce a bill to establish medicare health savings accounts, HSAs. This bill will make HSAs available under Medicare in lieu of Medicare medical savings accounts, MSAs. I have long been dedicated to quality health care and believe that seniors should have the ability to make their own decisions regarding their health care, so they can receive the health care they need and deserve. As a senior myself, I appreciate how imperative it is that we seniors be provided with a wide array of choices.

My desire to see my fellow Oklahomans and all Americans receive the best possible health care is evidenced by my involvement in various health-related issues. I have always been a champion of rural health care providers. In 1997, I was one of the few Republicans to vote against the Balanced Budget Act because of its lack of support for rural hospitals. At that time, I made a commitment to not allow our rural hospitals to be closed and am pleased we finally addressed that important issue in the Medicare Modernization Act of 2003 by providing great benefits for rural health care providers as well as a voluntary prescription drug benefit to seniors. In 2003, I also co-sponsored the Health Care Access and Rural Equity Act, to protect and preserve access of Medicare beneficiaries to health care in rural regions.

In order to assist my State and other States suffering from large reduction in their Federal medical assistance percentage, FMAP, for Medicaid, I introduced S.1754, a bill to apply a State's FMAP from fiscal year 2005 to fiscal years 2006 through 2014 on September 22, 2005. The purpose of this legislation is to prevent drastic reductions in FMAP while revision of the formula itself is considered.

I am a strong advocate of medical liability reform and am an original cosponsor of S. 22, the Medical Care Access Protection Act, and S. 23, the Healthy Mothers and Healthy Babies Access to Care Act. These bills protect patients' access to quality and affordable health care by reducing the effects of excessive liability costs. I am committed to this vital reform that would alleviate the burden placed on physicians and patients by excessive medical malpractice lawsuits.

I have also worked with officials from the Centers for Medicare and Medicaid Services, CMS, to expand access to life-saving implantable cardiac defibrillators and many other numerous regulations that would affect my rural State such as the 250-yard rule for critical access hospitals.

As a supporter of safety and medical research, I have cosponsored legislation to increase the supply of pancreatic islet cells for research and a bill to take the abortion pill RU–486 off the market in the United States.

I also introduced S. 96, the Flu Vaccine Incentive Act, to help prevent any future shortages in flu vaccines in both the 108th and 109th Congresses. My bill removes suffocating price controls from government purchasing of the flu vaccine while encouraging more companies to enter the market. Also, my bill frees American companies to enter the flu vaccine industry by giving them an investment tax credit towards the construction of flu vaccine production facilities.

As a result of my sister's death from cancer and treatment we learned about not accessible in the United States that might have saved her life, Senator SAM BROWNBACK and I introduced S. 1956, the Access, Compassion, Care and Ethics for Seriously-ill Patients Act—ACCESS—on November 3, 2005. This bill would offer a three-tiered approval system for treatments showing efficacy during clinical trials, for use by the seriously ill patient population. Seriously ill patients, who have exhausted all alternatives and are seeking new treatment options, would be offered access to these treatments with the consent of their physician.

On April 4, 2006, my resolution to designate April 8, 2006, as ''National Cushing's Syndrome Awareness Day'' passed by unanimous consent. The intent of this resolution is to raise awareness of Cushing's syndrome, a debilitating disorder that affects an estimated 10 to 15 million people per million. It is an endocrine or hormonal disorder caused by prolonged exposure of the body's tissue to high levels of the hormone cortisol.

Additionally, I have consistently cosponsored yearly resolutions designating a day in October as ''National Mammography Day'' and a week: in August as ''National Health Center Week'' to raise awareness regarding both these issues and have supported passage and enactment of numerous health-care-related bills, such as the Rural Health Care Capital Access Act of 2006, which extends the exemption respecting required patient days for critical access hospitals under the Federal hospital mortgage insurance program.

As the Federal Government invests in improving hospitals and health care initiatives I have fought hard to ensure that Oklahoma gets its fair share. Specifically, over the past 3 years, I have helped to secure $5.2 million in funding for the Oklahoma Medical Research Foundation, the Oklahoma State Department of Health planning initiative for a rural telemedicine system, the INTEGRIS Healthcare System, the University of Oklahoma Health Sciences Center, the Oklahoma Center for the Advancement of Science and

Technology, St. Anthony's Heart Hospital, the Hillcrest Healthcare System, and the Morton Health Center.

As a long supporter of HSAs, I believe all people should have access to them since they provide great flexibility in the health market and allow individuals to have control over their own health care. Medicare MSAs have existed since January 1, 1997, revised in December of 2003, but they have not worked. No insurer whatsoever has yet offered any Medicare MSA under the current law.

To fix this problem, my legislation creates a new HSA program under Medicare that incorporates a high-deductible health plan and an HSA account while dissolving the existing Medicare MSA.

In tandem with my efforts, the Centers for Medicare and Medicaid Services, CMS, are launching an HSA demonstration project that would test allowing health insurance companies to offer Medicare beneficiaries products similar to HSA. This activity points to the administration's support of HSAs and desire to see all seniors receive the best possible coverage.

As the July 13, 2006 edition of The Hill, explains, ''no legislation is pending that would integrate HSAs into the Medicare program . . .'' Thus, my legislation is necessary because real Medicare HSA reform is needed in order for seniors to have true flexibility and freedom of choice in their health care.

Under my bill, beneficiaries who choose the HSA option will receive an annual amount that is equal to 95 percent of the annual Medicare Advantage, MA, capitation rate with respect to the individual's MA payment area. These funds provided through the Medicare HSA program can only be used by the beneficiary for the following purposes: as a contribution into an HSA or for payment of high deductible health plan premiums. However, the individual also has the opportunity to deposit personal funds in to the Medicare HSA.

My bill also guarantees that seniors be notified of the amount they will receive 90 days before receipt to ensure they have time to determine the best and most appropriate HSA to accommodate needs. The bill also allows the Secretary of Health and Human Services to deal with fraud appropriately and requires providers to accept payment by individuals enrolled in a Medicare HSA just as they would with an individual enrolled in traditional Medicare.

Please join me in supporting this important legislation to give our seniors more choices regarding their health care.

By Mr. JEFFORDS (for himself, Mrs. BOXER, Mr. LAUTENBERG, Mr. KENNEDY, Mr. LEAHY, Mr. REED, Mr. AKAKA, Mr. DODD, Mr. SARBANES, and Mr. MENENDEZ):

S. 3698. A bill to mend the Clean Air Act to reduce emissions of carbon dioxide, and for other purposes; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, I rise to introduce the Global Warming Pollution Reduction Act of 2006.

One of the most important issues facing mankind is the problem of global warming. Global warming is real and it is already happening. Its effects are being felt across the globe and the longer we delay, the more severe these effects will be. The broad consensus within the scientific community is that global warming has begun, is largely the result of human activity, and is accelerating. Atmospheric greenhouse gas concentrations have risen to 378 parts per million, nearly one-third above preindustrial levels and higher than at any time during the past 400,000 years. Projections indicate that stabilizing concentrations at 450 parts per million would still mean a temperature increase of 2 to 4 degrees Fahrenheit. Such warming will result in more extreme weather, increased flooding and drought, disruption of agricultural and water systems, threats to human health and loss of sensitive species and ecosystems.

In order to prevent and minimize these effects, we must take global actions to address this issue as soon as possible. We owe that to ourselves and to future generations.

The overwhelming majority of Americans support taking some form of action on climate change. I am today introducing the Global Warming Pollution Reduction Act, which I believe responds to that call. I believe this is the most far-reaching and forward-thinking climate change bill ever introduced. It sets a goal of an 80 percent reduction in global warming pollutants by 2050. It provides a roadmap for actions that we will need to take over the next few decades to combat global warming. I believe that if this bill were passed, it would put us on the path to potentially solving the global warming problem. If it were passed, we would reshape our economy to become more energy independent, cleaner, and more economically competitive. If it were passed, we would have a chance of avoiding some of the worst and most dangerous effects of global warming. If it were passed, we would be in a position to negotiate with other countries as part of the global solution.

Some will say that this bill imposes requirements that ask too much of industry. Some will say that this bill contains requirements that we cannot easily meet. I say first of all that the costs of inaction vastly outweigh the costs of action and that we have a responsibility to future generations not to leave the Earth far worse off than when we found it—with a fundamentally altered climate system. Temperature changes, sea level rise, hurricanes, floods, and droughts can affect food production, national security, the spread of disease, and the survival of endangered species. These are not things to trifle with on the basis of industry cost estimates, which have frequently been overstated.

But perhaps more importantly, we can act to reduce global warming. We can reduce emissions to 1990 levels between now and 2020 through a reduction of just 2 percent per year. Energy efficiency alone could play a major part in reaching reductions, and new technologies can help as well. Moreover, additional deployment of existing renewable energy sources, including biofuels, can also help substantially. If we were to take the actions suggested in this bill, we would find that we would enhance our energy independence, and we would become a world leader in clean energy technologies. American innovation can position us as the world leader in clean technologies.

In my final year in the Senate, I have often asked myself, What lasting actions can I take to make the world a better place? I hope that by proposing real action on climate change, and passing the torch to a new generation of those committed to protecting the environment, that I can help make a difference for us all. Global warming is upon us now. The question is, Can we take action now, before it is too late?

We know what we need to do, we know how much we must reduce, and we have the technology to do so. The question for this body is, Do we have the political will? Can we overcome our fears and insecurity and act decisively to combat global warming? That is the opportunity and challenge of the coming years, which my bill on global warming seeks to address. I urge my colleagues to join me in the quest for a better, safer world that is free of the enormous threat posed by dangerous global warming. I urge my colleagues to support this important piece of legislation.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3698

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 ''Global Warming Pollution Reduction Act''.

SEC. 2. GLOBAL WARMING POLLUTION EMISSION REDUCTIONS.

The Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

''TITLE VII—COMPREHENSIVE GLOBAL WARMING POLLUTION REDUCTIONS

''Sec. 701. Findings.
''Sec. 702. Purposes.
''Sec. 703. Definitions.
''Sec. 704. Global warming pollution emission reductions.

''Sec. 705. Conditions for accelerated global warming pollution emission reduction.
''Sec. 706. Use of allowances for transition assistance and other purposes.
''Sec. 707. Vehicle emission standards.
''Sec. 708. Emission standards for electric generation units.
''Sec. 709. Low-carbon generation requirement.
''Sec. 710. Geological disposal of global warming pollutants.
''Sec. 711. Research and development.
''Sec. 712. Energy efficiency performance standard.
''Sec. 713. Renewable portfolio standard.
''Sec. 714. Standards to account for biological sequestration of carbon.
''Sec. 715. Global warming pollution reporting.
''Sec. 716. Clean energy technology deployment in developing countries.
''Sec. 717. Paramount interest waiver.
''Sec. 718. Effect on other law.

''SEC. 701. FINDINGS.

''Congress finds that—

''(1) global warming poses a significant threat to the national security and economy of the United States, public health and welfare, and the global environment;

''(2) due largely to an increased use of energy from fossil fuels, human activities are primarily responsible for the release of carbon dioxide and other heat-trapping global warming pollutants that are accumulating in the atmosphere and causing surface air and subsurface ocean temperatures to rise;

''(3) as of the date of enactment of this title, atmospheric concentrations of carbon dioxide are 35 percent higher than those concentrations were 150 years ago, at 378 parts per million compared to 280 parts per million;

''(4) the United States emits more global warming pollutants than any other country, and United States carbon dioxide emissions have increased by an average of 1.3 percent annually since 1990;

''(5)(A) during the past 100 years, global temperatures have risen by 1.44 degrees Fahrenheit; and

''(B) from 1970 to the present, those temperatures have risen by almost 1 degree Fahrenheit;

''(6) 8 of the past 10 years (1996 to 2005) are among the 10 warmest years on record;

''(7) average temperatures in the Arctic have increased by 4 to 7 degrees Fahrenheit during the past 50 years;

''(8) global warming has caused—

''(A) ocean temperatures to increase, resulting in rising sea levels, extensive bleaching of coral reefs worldwide, and an increase in the intensity of tropical storms;

''(B) the retreat of Arctic sea ice by an average of 9 percent per decade since 1978;

''(C) the widespread thawing of permafrost in polar, subpolar, and mountainous regions;

''(D) the redistribution and loss of species; and

''(E) the rapid shrinking of glaciers;

''(9) the United States must adopt a comprehensive and effective national program of mandatory limits and incentives to reduce global warming pollution emissions into the atmosphere;

''(10) at the current rate of emission, global warming pollution concentrations in the atmosphere could reach more than 600 parts per million in carbon dioxide equivalent, and global average mean temperature could rise an additional 2.7 to 11 degrees Fahrenheit, by the end of the century;

''(11) although an understanding of all details of the Earth system is not yet complete, present knowledge indicates that potential future temperature increases could result in—

''(A) the further or complete melting of the Antarctic and Greenland ice sheets;

''(B) the disruption of the North-Atlantic Thermohaline Circulation (commonly known as the 'Gulf Stream');

''(C) the extinction of species; and

''(D) large-scale disruptions of the natural systems that support life;

''(12) there exists an array of technological options for use in reducing global warming pollution emissions, and significant reductions can be attained using a portfolio of options that will not adversely impact the economy;

''(13) the ingenuity of the people of the United States will allow the Nation to become a leader in solving global warming; and

''(14) it should be a goal of the United States to achieve a reduction in global warming pollution emissions in the United States—

''(A) to ensure that the average global temperature does not increase by more than 3.6 degrees Fahrenheit (2 degrees Celsius); and

''(B) to facilitate the achievement of an average global atmospheric concentration of global warming pollutants that does not exceed 450 parts per million in carbon dioxide equivalent.

''SEC. 702. PURPOSES.

''The purposes of this title are—

''(1) to achieve a reduction in global warming pollution emissions compatible with ensuring that—

''(A) the average global temperature does not increase by more than 3.6 degrees Fahrenheit (2 degrees Celsius) above the preindustrial average; and

''(B) total average global atmospheric concentrations of global warming pollutants do not exceed 450 parts per million in carbon dioxide equivalent;

''(2) to reduce by calendar year 2050 the aggregate net level of global warming pollution emissions of the United States to a level that is 80 percent below the aggregate net level of global warming pollution emissions for calendar year 1990;

''(3) to allow for an acceleration of reductions in global warming pollution emissions to prevent—

''(A) average global temperature from increasing by more than 3.6 degrees Fahrenheit (2 degrees Celsius) above the preindustrial average; or

''(B) global atmospheric concentrations of global warming pollutants from exceeding 450 parts per million;

''(4) to establish a motor vehicle global warming pollution emission requirement;

''(5) to require electric generation units to meet a global warming pollution emission standard;

''(6) to establish rules for the safe geological sequestration of carbon dioxide;

''(7) to encourage energy efficiency and the use of renewable energy by establishing a renewable portfolio standard and an energy efficiency portfolio standard;

''(8) to provide for research relating to, and development of, the technologies to control global warming pollution emissions;

''(9) to position the United States as the world leader in reducing the risk of the potentially devastating, wide-ranging impacts associated with global warming; and

''(10) to promote, through leadership by the United States, accelerated reductions in global warming pollution from other countries with significant global warming pollution emissions.

''SEC. 703. DEFINITIONS.

''In this title:

''(1) ACADEMY.—The term 'Academy' means the National Academy of Sciences.

''(2) CARBON DIOXIDE EQUIVALENT.—The term 'carbon dioxide equivalent' means, for each global warming pollutant, the quantity of the global warming pollutant that makes the same contribution to global warming as 1 metric ton of carbon dioxide, as determined by the Administrator, taking into account the study and report described in section 705(a).

''(3) FACILITY.—The term 'facility' means all buildings, structures, or installations that are—

''(A) located on 1 or more contiguous or adjacent properties under common control of the same persons; and

''(B) located in the United States.

''(4) GLOBAL WARMING POLLUTANT.—The term 'global warming pollutant' means—

''(A) carbon dioxide;

''(B) methane;

''(C) nitrous oxide;

''(D) hydrofluorocarbons;

''(E) perfluorocarbons;

''(F) sulfur hexafluoride; and

''(G) any other anthropogenically-emitted gas that the Administrator, after notice and comment, determines to contribute to global warming.

''(5) GLOBAL WARMING POLLUTION.—The term 'global warming pollution' means any combination of 1 or more global warming pollutants emitted into the ambient air or atmosphere.

''(6) MARKET-BASED PROGRAM.—The term 'market-based program' means a program that places an absolute limit on the aggregate net global warming pollution emissions of 1 or more sectors of the economy of the United States, while allowing the transfer or sale of global warming pollution emission allowances.

''(7) NAS REPORT.—The term 'NAS report' means a report completed by the Academy under subsection (a) or (b) of section 705.

''SEC. 704. GLOBAL WARMING POLLUTION EMISSION REDUCTIONS.

''(a) EMISSION REDUCTION GOAL.—Congress declares that—

''(1) it shall be the goal of the United States, acting in concert with other countries that emit global warming pollutants, to achieve a reduction in global warming pollution emissions—

''(A) to ensure that the average global temperature does not increase by more than 3.6 degrees Fahrenheit (2 degrees Celsius); and

''(B) to facilitate the achievement of an average global atmospheric concentration of global warming pollutants that does not exceed 450 parts per million in carbon dioxide equivalent; and

''(2) in order to achieve the goal described in paragraph (1), the United States shall reduce the global warming pollution emissions of the United States by a quantity that is proportional to the share of the United States of the reductions that are necessary—

''(A) to ensure that the average global temperature does not increase more than 3.6 degrees Fahrenheit (2 degrees Celsius); and

''(B) to stabilize average global warming pollution concentrations globally at or below 450 parts per million in carbon dioxide equivalent.

''(b) EMISSION REDUCTION MILESTONES FOR 2020.—

''(1) IN GENERAL.—To achieve the goal described in subsection (a)(1), not later than 2 years after the date of enactment of this title, after an opportunity for public notice

and comment, the Administrator shall promulgate any rules that are necessary to reduce, by not later than January 1, 2020, the aggregate net levels of global warming pollution emissions of the United States to the aggregate net level of those global warming pollution emissions during calendar year 1990.

''(2) ACHIEVEMENT OF MILESTONES.—To the maximum extent practicable, the reductions described in paragraph (1) shall be achieved through an annual reduction in the aggregate net level of global warming pollution emissions of the United States of approximately 2 percent for each of calendar years 2010 through 2020.

''(c) EMISSION REDUCTION MILESTONES FOR 2030, 2040, AND 2050.—Except as described in subsection (d), not later than January 1, 2018, after an opportunity for public notice and comment, the Administrator shall promulgate any rules that are necessary to reduce the aggregate net levels of global warming pollution emissions of the United States—

''(1) by calendar year 2030, by ⅓ of 80 percent of the aggregate net level of global warming pollution emissions of the United States during calendar year 1990;

''(2) by calendar year 2040, by ⅔ of 80 percent of the aggregate net level of the global warming pollution emissions of the United States during calendar year 1990; and

''(3) by calendar year 2050, by 80 percent of the aggregate net level of global warming pollution emissions of the United States during calendar year 1990.

''(d) ACCELERATED EMISSION REDUCTION MILESTONES.—If an NAS report determines that any of the events described in section 705(a)(2) have occurred, or are more likely than not to occur in the foreseeable future, not later than 2 years after the date of completion of the NAS report, the Administrator, after an opportunity for public notice and comment and taking into account the new information reported in the NAS report, may adjust the milestones under this section and promulgate any rules that are necessary—

''(1) to reduce the aggregate net levels of global warming pollution emissions from the United States on an accelerated schedule; and

''(2) to minimize the effects of rapid climate change and achieve the goals of this title.

''(e) REPORT ON ACHIEVEMENT OF MILESTONES.—If an NAS report determines that a milestone under paragraph (1) or (2) of subsection (c) cannot be achieved because of technological infeasibility, the Administrator shall submit to Congress a notification of that determination.

''(f) EMISSION REDUCTION POLICIES.—

''(1) IN GENERAL.—In implementing subsections (a) through (e), the Administrator may establish 1 or more market-based programs.

''(2) MARKET-BASED PROGRAM POLICIES.—

''(A) IN GENERAL.—In implementing any market-based program, the Administrator shall allocate to households, communities, and other entities described in section 706(a) any global warming pollution emission allowances that are not allocated to entities covered under the emission limitation.

''(B) RECOGNITION OF EMISSION REDUCTIONS MADE IN COMPLIANCE WITH STATE AND LOCAL LAWS.—A market-based program may recognize reductions of global warming pollution emissions made before the effective date of the market-based program if the Administrator determines that—

''(i)(I) the reductions were made in accordance with a State or local law;

''(II) the State or local law is at least as stringent as the rules established for the market-based program under paragraph (1); and

''(III) the reductions are at least as verifiable as reductions made in accordance with those rules; or

''(ii) for any given entity subject to the market-based program, the entity demonstrates that the entity has made entity-wide reductions of global warming pollution emissions before the effective date of the market-based program, but not earlier than calendar year 1992, that are at least as verifiable as reductions made in accordance with the rules established for the market-based program under paragraph (1).

''(C) PUBLICATION.—If the Administrator determines that it is necessary to establish a market-based program, the Administrator shall publish notice of the determination in the Federal Register.

''(D) LIMITATIONS ON MARKET-BASED PROGRAMS.—

''(i) DEFINITIONS.—In this subparagraph:

''(I) ANNUAL ALLOWANCE PRICE.—The term 'annual allowance price' means the average market price of global warming pollution emission allowances for a calendar year.

''(II) DECLINING EMISSIONS CAP WITH A TECHNOLOGY-INDEXED STOP PRICE.—The term 'declining emissions cap with a technology-indexed stop price' means a feature of a market-based program for an industrial sector, or on an economy-wide basis, under which the emissions cap declines by a fixed percentage each calendar year or, during any year in which the annual allowance price exceeds the technology-indexed stop price, the emissions cap remains the same until the occurrence of the earlier of—

''(aa) the date on which the annual allowance price no longer exceeds the technology-indexed stop price; or

''(bb) the date on which a period of 3 years has elapsed during which the emissions cap has remained unchanged.

''(III) EMISSIONS CAP.—The term 'emissions cap' means the total number of global warming pollution emission allowances issued for a calendar year.

''(IV) TECHNOLOGY-INDEXED STOP PRICE.—The term 'technology-indexed stop price' means a price per ton of global warming pollution emissions determined annually by the Administrator that is not less than the technology-specific average cost of preventing the emission of 1 ton of global warming pollutants through commercial deployment of any available zero-carbon or low-carbon technologies. With respect to the electricity sector, those technologies shall consist of—

''(aa) wind-generated electricity;

''(bb) photovoltaic-generated electricity;

''(cc) geothermal energy;

''(dd) solar thermally-generated energy;

''(ee) wave-based forms of energy;

''(ff) any fossil fuel-based electric generating technology emitting less than 250 pounds per megawatt hour; and

''(gg) any zero-carbon-emitting electric generating technology that does not generate radioactive waste.

''(ii) IMPLEMENTATION.—In implementing any market-based program under this Act, for the period prior to January 1, 2020, the Administrator shall consider the impact on the economy of the United States of implementing the program with a declining emissions cap through the use of a technology-indexed stop price.

''(iii) OTHER EMITTING SECTORS.—The Administrator may consider the use of a declining emissions cap with a technology-indexed stop price, or similar approaches, for other emitting sectors based on low-carbon or zero-carbon technologies, including—

''(I) biofuels;

''(II) hydrogen power; and

''(III) other sources of energy and transportation fuel.

''(g) COST-EFFECTIVENESS.—In promulgating regulations under this section, the Administrator shall select the most cost-effective options for global warming pollution control and emission reduction strategies.

"SEC. 705. CONDITIONS FOR ACCELERATED GLOBAL WARMING POLLUTION EMISSION REDUCTION.

''(a) REPORT ON GLOBAL CHANGE EVENTS BY THE ACADEMY.—

''(1) IN GENERAL.—The Administrator shall offer to enter into a contract with the Academy under which the Academy, not later than 2 years after the date of enactment of this title, and every 3 years thereafter, shall submit to Congress and the Administrator a report that describes whether any of the events described in paragraph (2)—

''(A) have occurred or are more likely than not to occur in the foreseeable future; and

''(B) in the judgment of the Academy, are the result of anthropogenic climate change.

''(2) EVENTS.—The events referred to in paragraph (1) are—

''(A) the exceedance of an atmospheric concentration of global warming pollutants of 450 parts per million in carbon dioxide equivalent; and

''(B) an increase of global average temperatures in excess of 3.6 degrees Fahrenheit (2 degrees Celsius) above the preindustrial average.

''(b) TECHNOLOGY REPORTS.—

''(1) DEFINITION OF TECHNOLOGICALLY INFEASIBLE.—In this subsection, the term 'technologically infeasible', with respect to a technology, means that the technology—

''(A) will not be demonstrated beyond laboratory-scale conditions;

''(B) would be unsafe;

''(C) would not reliably reduce global warming pollution emissions; or

''(D) would prevent the activity to which the technology applies from meeting or performing its primary purpose (such as generating electricity or transporting goods or individuals).

''(2) REPORTS.—The Administrator shall offer to enter into a contract with the Academy under which the Academy, not later than 2 years after the date of enactment of this title and every 3 years thereafter, shall submit to Congress and the Administrator a report that describes or analyzes—

''(A) the status of current global warming pollution emission reduction technologies, including—

''(i) technologies for capture and disposal of global warming pollutants;

''(ii) efficiency improvement technologies;

''(iii) zero-global-warming-pollution-emitting energy technologies; and

''(iv) above- and below-ground biological sequestration technologies;

''(B) whether any of the requirements under this title (including regulations promulgated under this title) mandate a level of emission control or reduction that, based on available or expected technology, will be technologically infeasible at the time at which the requirements become effective;

''(C) the projected date on which any technology determined to be technologically infeasible will become technologically feasible;

''(D) whether any technology determined to be technologically infeasible cannot reasonably be expected to become technologically feasible prior to calendar year 2050; and

''(E) the costs of available alternative global warming pollution emission reduction strategies that could be used or pursued in lieu of any technologies that are determined to be technologically infeasible.

''(3) REPORT EVALUATING 2050 MILESTONE.—Not later than December 31, 2037, the Administrator shall offer to enter into a contract with the Academy under which, not later than December 31, 2039, the Academy shall prepare and submit to Congress and the Administrator a report on the appropriateness of the milestone described in section 704(c)(3), taking into consideration—

''(A) information that was not available as of the date of enactment of this title; and

''(B) events that have occurred since that date relating to—

''(i) climate change;

''(ii) climate change technologies; and

''(iii) national and international climate change commitments.

''(c) ADDITIONAL ITEMS IN NAS REPORT.—In addition to the information described in subsection (a)(1) that is required to be included in the NAS report, the Academy shall include in the NAS report—

''(1) an analysis of the trends in annual global warming pollution emissions by the United States and the other countries that collectively account for more than 90 percent of global warming pollution emissions (including country-specific inventories of global warming pollution emissions and facility-specific inventories of global warming pollution emissions in the United States);

''(2) an analysis of the trends in global warming pollution concentrations (including observed atmospheric concentrations of global warming pollutants);

''(3) a description of actual and projected global change impacts that may be caused by anthropogenic global warming pollution emissions, in addition to the events described in subsection (a)(2); and

''(4) such other information as the Academy determines to be appropriate.

''SEC. 706. USE OF ALLOWANCES FOR TRANSITION ASSISTANCE AND OTHER PURPOSES.

''(a) REGULATIONS GOVERNING ALLOCATION OF ALLOWANCES FOR TRANSITION ASSISTANCE TO INDIVIDUALS AND ENTITIES.—

''(1) IN GENERAL.—In implementing any market-based program, the Administrator may promulgate regulations providing for the allocation of global warming pollution emission allowances to the individuals and entities, or for the purposes, specified in subsection (b).

''(2) REQUIREMENTS.—Regulations promulgated under paragraph (1) may, as the Administrator determines to be necessary, provide for the appointment of 1 or more trustees—

''(A) to receive emission allowances for the benefit of households, communities, and other entities described in paragraph (1);

''(B) to sell the emission allowances at fair market value; and

''(C) to distribute the proceeds of any sale of emission allowances to the appropriate beneficiaries.

''(b) ALLOCATION FOR TRANSITION ASSISTANCE.—The Administrator may allocate emission allowances, in accordance with regulations promulgated under subsection (a), to—

''(1) communities, individuals, and companies that have experienced disproportionate adverse impacts as a result of—

''(A) the transition to a lower carbon-emitting economy; or

''(B) global warming;

''(2) owners and operators of highly energy-efficient buildings, including—

''(A) residential users;

''(B) producers of highly energy-efficient products; and

''(C) entities that carry out energy-efficiency improvement projects pursuant to section 712 that result in consumer-side reductions in electricity use;

''(3) entities that will use the allowances for the purpose of carrying out geological sequestration of carbon dioxide produced by an anthropogenic global warming pollution emission source in accordance with requirements established by the Administrator;

''(4) such individuals and entities as the Administrator determines to be appropriate, for use in carrying out projects to reduce net carbon dioxide emissions through aboveground and below-ground biological carbon dioxide sequestration (including sequestration in forests, forest soils, agricultural soils, rangeland, or grassland in the United States);

''(5) such individuals and entities (including fish and wildlife agencies) as the Administrator determines to be appropriate, for use in carrying out projects to protect and restore ecosystems (including fish and wildlife) affected by climate change; and

''(6) manufacturers producing consumer products that result in substantially reduced global warming pollution emissions, for use in funding rebates for purchasers of those products.

''SEC. 707. VEHICLE EMISSION STANDARDS.

''(a) VEHICLES UNDER 10,000 POUNDS.—

''(1) IN GENERAL.—Not later than January 1, 2010, the Administrator shall promulgate regulations requiring each fleet of automobiles sold by a manufacturer in the United States beginning in model year 2016 to meet the standards for global warming pollution emissions described in paragraph (2).

''(2) EMISSION STANDARDS.—The average global warming pollution emissions of a vehicle fleet described in paragraph (1) shall not exceed—

''(A) 205 carbon dioxide equivalent grams per mile for automobiles with—

''(i) a gross vehicle weight of not more than 8,500 pounds; and

''(ii) a loaded vehicle weight of not more than 3,750 pounds;

''(B) 332 carbon dioxide equivalent grams per mile for—

''(i) automobiles with—

''(I) a gross vehicle weight of not more than 8,500 pounds; and

''(II) a loaded vehicle weight of more than 3,750 pounds; and

''(ii) medium-duty passenger vehicles; and

''(C) 405 carbon dioxide equivalent grams per mile for vehicles—

''(i) with a gross vehicle weight of between 8,501 pounds and 10,000 pounds; and

''(ii) that are not medium-duty passenger vehicles.

''(3) HEIGHTENED STANDARDS.—After model year 2016, the Administrator may promulgate regulations that increase the stringency of emission standards described in paragraph (2) as necessary to meet the emission reduction goal described in section 704(e)(3).

''(b) HIGHWAY VEHICLES OVER 10,000 POUNDS.—

''(1) IN GENERAL.—Not later than January 1, 2010, the Administrator shall promulgate regulations requiring each fleet of highway vehicles over 10,000 pounds sold by a manufacturer in the United States beginning in model year 2020 to meet the standards for global warming pollution emissions described in paragraph (2).

''(2) EMISSION STANDARDS.—The average global warming pollution emissions of a vehicle fleet described in paragraph (1) shall not exceed—

''(A) 850 carbon dioxide equivalent grams per mile for highway vehicles with a gross vehicle weight rating between 10,001 pounds and 26,000 pounds; and

''(B) 1,050 carbon dioxide equivalent grams per mile for highway vehicles with a gross vehicle weight rating of more than 26,000 pounds.

''(3) HEIGHTENED STANDARDS.—After model year 2020, the Administrator may promulgate regulations that increase the stringency of emission standards described in paragraph (2) as necessary to meet the emission reduction goal described in section 704(a)(1).

''(c) ADJUSTMENT OF REQUIREMENTS.—Taking into account appropriate lead times for vehicle manufacturers, if the Academy determines, pursuant to an NAS report, that a vehicle emission standard under this section is or will be technologically infeasible as of the effective date of the standard, the Administrator may, by regulation, modify the requirement to take into account the determination of the Academy.

''(d) STUDY.—

''(1) IN GENERAL.—Not later than January 1, 2008, the Administrator shall enter into a contract with the Academy under which the Academy shall conduct a study of, and submit to the Administrator a report on, the potential contribution of the non-highway portion of the transportation sector toward meeting the emission reduction goal described in section 704(a)(1).

''(2) REQUIREMENTS.—The study shall analyze—

''(A) the technological feasibility and cost-effectiveness of global warming pollution reductions from the non-highway sector; and

''(B) the overall potential contribution of that sector in terms of emissions, in meeting the emission reduction goal described in section 704(a)(1).

''SEC. 708. EMISSION STANDARDS FOR ELECTRIC GENERATION UNITS.

''(a) INITIAL STANDARD.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of this title, the Administrator shall, by regulation, require each unit that is designed and intended to provide electricity at a unit capacity factor of at least 60 percent and that begins operation after December 31, 2011, to meet the standard described in paragraph (2).

''(2) STANDARD.—Beginning on December 31, 2015, a unit described in paragraph (1) shall meet a global warming pollution emission standard that is not higher than the emission rate of a new combined cycle natural gas generating unit.

''(3) MORE STRINGENT REQUIREMENTS.—For the period beginning on January 1 of the calendar year following the effective date of the regulation described in paragraph (1) and ending on December 31, 2029, the Administrator may increase the stringency of the global warming pollution emission standard described in paragraph (1) with respect to electric generation units described in that paragraph.

''(b) FINAL STANDARD.—Not later than December 31, 2030, the Administrator shall require each electric generation unit, regardless of when the unit began to operate, to

meet the applicable emission standard under subsection (a).

''(c) ADJUSTMENT OF REQUIREMENTS.—If the Academy determines, pursuant to section 705, that a requirement of this section is or will be technologically infeasible at the time at which the requirement becomes effective, the Administrator, may, by regulation, adjust or delay the effective date of the requirement as is necessary to take into consideration the determination of the Academy.

''SEC. 709. LOW-CARBON GENERATION REQUIREMENT.

''(a) DEFINITIONS.—In this section:

''(1) BASE QUANTITY OF ELECTRICITY.—The term 'base quantity of electricity' means the total quantity of electricity produced for sale by a covered generator during the calendar year immediately preceding a compliance year from coal, petroleum coke, lignite, or any combination of those fuels.

''(2) COVERED GENERATOR.—The term 'covered generator' means an electric generating unit that—

''(A) has a rated capacity of 25 megawatts or more; and

''(B) has an annual fuel input at least 50 percent of which is provided by coal, petroleum coke, lignite, or any combination of those fuels.

''(3) LOW-CARBON GENERATION.—The term 'low-carbon generation' means electric energy generated from an electric generating unit at least 50 percent of the annual fuel input of which, in any year—

''(A) is provided by coal, petroleum coke, lignite, biomass, or any combination of those fuels; and

''(B) results in an emission rate into the atmosphere of not more than 250 pounds of carbon dioxide per megawatt-hour (after adjustment for carbon dioxide from the electric generating unit that is geologically sequestered in a geological repository approved by the Administrator pursuant to subsection (e)).

''(4) PROGRAM.—The term 'program' means the low-carbon generation credit trading program established under subsection (d)(1).

''(b) REQUIREMENT.—

''(1) CALENDAR YEARS 2015 THROUGH 2020.—Of the base quantity of electricity produced for sale by a covered generator for a calendar year, the covered generator shall provide a minimum percentage of that base quantity of electricity for the calendar year from low-carbon generation, as specified in the following table:

''Calendar year:	Minimum annual percentage:
2015	0.5
2016	1.0
2017	2.0
2018	3.0
2019	4.0
2020	5.0

''(2) CALENDAR YEARS 2021 THROUGH 2025.—For each of calendar years 2021 through 2025, the Administrator may increase the minimum percentage of the base quantity of electricity from low-carbon generation described in paragraph (1) by up to 2 percentage points from the previous year, as the Administrator determines to be necessary to achieve the emission reduction goal described in section 704(a)(1).

''(3) CALENDAR YEARS 2026 THROUGH 2030.—For each of calendar years 2026 through 2030, the Administrator may increase the minimum percentage of the base quantity of electricity from low-carbon generation described in paragraph (1) by up to 3 percentage points from the previous year, as the Administrator determines to be necessary to achieve the emission reduction goal described in section 704(a)(1).

''(c) MEANS OF COMPLIANCE.—An owner or operator of a covered generator shall comply with subsection (b) by—

''(1) generating electric energy using low-carbon generation;

''(2) purchasing electric energy generated by low-carbon generation;

''(3) purchasing low-carbon generation credits issued under the program; or

''(4) undertaking a combination of the actions described in paragraphs (1) through (3).

''(d) LOW-CARBON GENERATION CREDIT TRADING PROGRAM.—

''(1) IN GENERAL.—Not later than January 1, 2008, the Administrator shall establish, by regulation after notice and opportunity for comment, a low-carbon generation trading program to permit an owner or operator of a covered generator that does not generate or purchase enough electric energy from low-carbon generation to comply with subsection (b) to achieve that compliance by purchasing sufficient low-carbon generation credits.

''(2) REQUIREMENTS.—As part of the program, the Administrator shall—

''(A) issue to producers of low-carbon generation, on a quarterly basis, a single low-carbon generation credit for each kilowatt hour of low-carbon generation sold during the preceding quarter; and

''(B) ensure that a kilowatt hour, including the associated low-carbon generation credit, shall be used only once for purposes of compliance with subsection (b).

''(e) ENFORCEMENT.—An owner or operator of a covered generator that fails to comply with subsection (b) shall be subject to a civil penalty in an amount equal to the product obtained by multiplying—

''(1) the number of kilowatt-hours of electric energy sold to electric consumers in violation of subsection (b); and

''(2) the greater of—

''(A) 2.5 cents (as adjusted under subsection (g)); or

''(B) 200 percent of the average market value of those low-carbon generation credits during the year in which the violation occurred.

''(f) EXEMPTION.—This section shall not apply for any calendar year to an owner or operator of a covered generator that sold less than 40,000 megawatt-hours of electric energy produced from covered generators during the preceding calendar year.

''(g) INFLATION ADJUSTMENT.—Not later than December 31, 2008, and annually thereafter, the Administrator shall adjust the amount of the civil penalty for each kilowatt-hour calculated under subsection (e)(2) to reflect changes for the 12-month period ending on the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

''(h) TECHNOLOGICAL INFEASIBILITY.—If the Academy determines, pursuant to section 705, that the schedule for compliance described in subsection (b) is or will be technologically infeasible for covered generators to meet, the Administrator may, by regulation, adjust the schedule as the Administrator determines to be necessary to take into account the consideration of the determination of the Academy.

''(i) TERMINATION OF AUTHORITY.—This section and the authority provided by this section terminate on December 31, 2030.

''SEC. 710. GEOLOGICAL DISPOSAL OF GLOBAL WARMING POLLUTANTS.

''(a) GEOLOGICAL CARBON DIOXIDE DISPOSAL DEPLOYMENT PROJECTS.—

''(1) IN GENERAL.—The Administrator shall establish a competitive grant program to provide grants to 5 entities for the deployment of projects to geologically dispose of carbon dioxide (referred to in this subsection as 'geological disposal deployment projects').

''(2) LOCATION.—Each geological disposal deployment project shall be conducted in a geologically distinct location in order to demonstrate the suitability of a variety of geological structures for carbon dioxide disposal.

''(3) COMPONENTS.—Each geological disposal deployment project shall include an analysis of—

''(A) mechanisms for trapping the carbon dioxide to be geologically disposed;

''(B) techniques for monitoring the geologically disposed carbon dioxide;

''(C) public response to the geological disposal deployment project; and

''(D) the permanency of carbon dioxide storage in geological reservoirs.

''(4) REQUIREMENTS.—

''(A) IN GENERAL.—The Administrator shall establish—

''(i) appropriate conditions for environmental protection with respect to geological disposal deployment projects to protect public health and the environment; and

''(ii) requirements relating to applications for grants under this subsection.

''(B) RULEMAKING.—The establishment of requirements under subparagraph (A) shall not require a rulemaking.

''(C) MINIMUM REQUIREMENTS.—At a minimum, each application for a grant under this subsection shall include—

''(i) a description of the geological disposal deployment project proposed in the application;

''(ii) an estimate of the quantity of carbon dioxide to be geologically disposed over the life of the geological disposal deployment project; and

''(iii) a plan to collect and disseminate data relating to each geological disposal deployment project to be funded by the grant.

''(5) PARTNERS.—An applicant for a grant under this subsection may carry out a geological disposal deployment project under a pilot program in partnership with 1 or more public or private entities.

''(6) SELECTION CRITERIA.—In evaluating applications under this subsection, the Administrator shall—

''(A) consider the previous experience of each applicant with similar projects; and

''(B) give priority consideration to applications for geological disposal deployment projects that—

''(i) offer the greatest geological diversity from other projects that have previously been approved;

''(ii) are located in closest proximity to a source of carbon dioxide;

''(iii) make use of the most affordable source of carbon dioxide;

''(iv) are expected to geologically dispose of the largest quantity of carbon dioxide;

''(v) are combined with demonstrations of advanced coal electricity generation technologies;

''(vi) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed demonstration project and the greatest likelihood that the demonstration project will be maintained or expanded after Federal assistance under this subsection is completed; and

''(vii) minimize any adverse environmental effects from the project.

''(7) PERIOD OF GRANTS.—

''(A) IN GENERAL.—A geological disposal deployment project funded by a grant under this subsection shall begin construction not later than 3 years after the date on which the grant is provided.

''(B) TERM.—The Administrator shall not provide grant funds to any applicant under this subsection for a period of more than 5 years.

''(8) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Administrator shall establish mechanisms to ensure that the information and knowledge gained by participants in the program under this subsection are published and disseminated, including to other applicants that submitted applications for a grant under this subsection.

''(9) SCHEDULE.—

''(A) PUBLICATION.—Not later than 180 days after the date of enactment of this title, the Administrator shall publish in the Federal Register, and elsewhere as appropriate, a request for applications to carry out geological disposal deployment projects.

''(B) DATE FOR APPLICATIONS.—An application for a grant under this subsection shall be submitted not later than 180 days after the date of publication of the request under subparagraph (A).

''(C) SELECTION.—After the date by which applications for grants are required to be submitted under subparagraph (B), the Administrator, in a timely manner, shall select, after peer review and based on the criteria under paragraph (6), those geological disposal deployment projects to be provided a grant under this subsection.

''(b) INTERIM STANDARDS.—Not later than 3 years after the date of enactment of this title, the Administrator, in consultation with the Secretary of Energy, shall, by regulation, establish interim geological carbon dioxide disposal standards that address—

''(1) site selection;

''(2) permitting processes;

''(3) monitoring requirements;

''(4) public participation; and

''(5) such other issues as the Administrator and the Secretary of Energy determine to be appropriate.

''(c) FINAL STANDARDS.—Not later than 6 years after the date of enactment of this title, taking into account the results of geological disposal deployment projects carried out under subsection (a), the Administrator shall, by regulation, establish final geological carbon dioxide disposal standards.

''(d) CONSIDERATIONS.—In developing standards under subsections (b) and (c), the Administrator shall consider the experience in the United States in regulating—

''(1) underground injection of waste;

''(2) enhanced oil recovery;

''(3) short-term storage of natural gas; and

''(4) long-term waste storage.

''(e) TERMINATION OF AUTHORITY.—This section and the authority provided by this section terminate on December 31, 2030.

''SEC. 711. RESEARCH AND DEVELOPMENT.

''(a) IN GENERAL.—The Administrator shall carry out a program to perform and support research on global climate change standards and processes, with the goals of—

''(1) providing scientific and technical knowledge applicable to the reduction of global warming pollutants; and

''(2) facilitating implementation of section 704.

''(b) RESEARCH PROGRAM.—

''(1) IN GENERAL.—The Administrator shall carry out, directly or through the use of contracts or grants, a global climate change standards and processes research program.

''(2) RESEARCH.—

''(A) CONTENTS AND PRIORITIES.—The specific contents and priorities of the research program shall be determined in consultation with appropriate Federal agencies, including—

''(i) the National Oceanic and Atmospheric Administration;

''(ii) the National Aeronautics and Space Administration; and

''(iii) the Department of Energy.

''(B) TYPES OF RESEARCH.—The research program shall include the conduct of basic and applied research—

''(i) to develop and provide the enhanced measurements, calibrations, data, models, and reference material standards necessary to enable the monitoring of global warming pollution;

''(ii) to assist in establishing a baseline reference point for future trading in global warming pollutants (including the measurement of progress in emission reductions);

''(iii) for international exchange as scientific or technical information for the stated purpose of developing mutually-recognized measurements, standards, and procedures for reducing global warming pollution; and

''(iv) to assist in developing improved industrial processes designed to reduce or eliminate global warming pollution.

''(3) ABRUPT CLIMATE CHANGE RESEARCH.—

''(A) DEFINITION OF ABRUPT CLIMATE CHANGE.—In this paragraph, the term 'abrupt climate change' means a change in climate that occurs so rapidly or unexpectedly that humans or natural systems may have difficulty adapting to the change.

''(B) RESEARCH.—The Administrator shall carry out a program of scientific research on potential abrupt climate change that is designed—

''(i) to develop a global array of terrestrial and oceanographic indicators of paleoclimate in order to identify and describe past instances of abrupt climate change;

''(ii) to improve understanding of thresholds and nonlinearities in geophysical systems relating to the mechanisms of abrupt climate change;

''(iii) to incorporate those mechanisms into advanced geophysical models of climate change; and

''(iv) to test the output of those models against an improved global array of records of past abrupt climate changes.

''(c) SENSE OF THE SENATE.—It is the sense of the Senate that Federal funds for clean, low-carbon energy research, development, and deployment should be increased by at least 100 percent for each year during the 10-year period beginning on the date of enactment of this title.

''SEC. 712. ENERGY EFFICIENCY PERFORMANCE STANDARD.

''(a) DEFINITIONS.—In this section:

''(1) ELECTRICITY SAVINGS.—

''(A) IN GENERAL.—The term 'electricity savings' means reductions in end-use electricity consumption relative to consumption by the same customer or at the same new or existing facility in a given year, as defined in regulations promulgated by the Administrator under subsection (e).

''(B) INCLUSIONS.—The term 'savings' includes savings achieved as a result of—

''(i) installation of energy-saving technologies and devices; and

''(ii) the use of combined heat and power systems, fuel cells, or any other technology identified by the Administrator that recaptures or generates energy solely for onsite customer use.

''(C) EXCLUSION.—The term 'savings' does not include savings from measures that would likely be adopted in the absence of energy-efficiency programs, as determined by the Administrator.

''(2) RETAIL ELECTRICITY SALES.—The term 'retail electricity sales' means the total quantity of electric energy sold by a retail electricity supplier to retail customers during the most recent calendar year for which that information is available.

''(3) RETAIL ELECTRICITY SUPPLIER.—The term 'retail electricity supplier' means a distribution or integrated utility, or an independent company or entity, that sells electric energy to consumers.

''(b) ENERGY EFFICIENCY PERFORMANCE STANDARD.—Each retail electricity supplier shall implement programs and measures to achieve improvements in energy efficiency and peak load reduction, as verified by the Administrator.

''(c) TARGETS.—For calendar year 2008 and each calendar year thereafter, the Administrator shall ensure that retail electric suppliers annually achieve electricity savings and reduce peak power demand and electricity use by retail customers by a percentage that is not less than the applicable target percentage specified in the following table:

''Calendar Year	Reduction in peak demand	Reduction in electricity use
2008	.25 percent	.25 percent
2009	.75 percent	.75 percent
2010	1.75 percent	1.5 percent
2011	2.75 percent	2.25 percent
2012	3.75 percent	3.0 percent
2013	4.75 percent	3.75 percent
2014	5.75 percent	4.5 percent
2015	6.75 percent	5.25 percent
2016	7.75 percent	6.0 percent
2017	8.75 percent	6.75 percent
2018	9.75 percent	7.5 percent
2019	10.75 percent	8.25 percent
2020 and each calendar year thereafter	11.75 percent	9.0 percent

''(d) BEGINNING DATE.—For the purpose of meeting the targets established under subsection (c), electricity savings shall be calculated based on the sum of—

''(1) savings realized as a result of actions taken by the retail electric supplier during the specified calendar year; and

''(2) cumulative savings realized as a result of electricity savings achieved in all previous calendar years (beginning with calendar year 2006).

''(e) IMPLEMENTING REGULATIONS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Administrator shall promulgate regulations to implement the targets established under subsection (c).

''(2) REQUIREMENTS.—The regulations shall establish—

''(A) a national credit system permitting credits to be awarded, bought, sold, or traded by and among retail electricity suppliers;

''(B) a fee equivalent to not less than 4 cents per kilowatt hour for retail energy suppliers that do not meet the targets established under subsection (c); and

''(C) standards for monitoring and verification of electricity use and demand savings reported by the retail electricity suppliers.

''(3) CONSIDERATION OF TRANSMISSION AND DISTRIBUTION EFFICIENCY.—In developing regulations under this subsection, the Administrator shall consider whether savings, in whole or part, achieved by retail electricity suppliers by improving the efficiency of electric distribution and use should be eligible for credits established under this section.

''(f) COMPLIANCE WITH STATE LAW.—Nothing in this section shall supersede or otherwise affect any State or local law requiring or otherwise relating to reductions in total annual electricity consumption, or peak power consumption, by electric consumers to the extent that the State or local law requires more stringent reductions than those required under this section.

''(g) VOLUNTARY PARTICIPATION.—The Administrator may—

''(1) pursuant to the regulations promulgated under subsection (e)(1), issue a credit to any entity that is not a retail electric supplier if the entity implements electricity savings; and

''(2) in a case in which an entity described in paragraph (1) is a nonprofit or educational organization, provide to the entity 1 or more grants in lieu of a credit.

''SEC. 713. RENEWABLE PORTFOLIO STANDARD.

''(a) RENEWABLE ENERGY.—

''(1) IN GENERAL.—The Administrator, in consultation with the Secretary of Energy, shall promulgate regulations defining the types and sources of renewable energy generation that may be carried out in accordance with this section.

''(2) INCLUSIONS.—In promulgating regulations under paragraph (1), the Administrator shall include of all types of renewable energy (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b))) other than energy generated from—

''(A) municipal solid waste;

''(B) wood contaminated with plastics or metals; or

''(C) tires.

''(b) RENEWABLE ENERGY REQUIREMENT.—Of the base quantity of electricity sold by each retail electric supplier to electric consumers during a calendar year, the quantity generated by renewable energy sources shall be not less than the following percentages:

''Calendar year:	Minimum annual percentage:
2008 through 2009	5
2010 through 2014	10
2015 through 2019	15
2020 and subsequent years	20

''(c) RENEWABLE ENERGY CREDIT PROGRAM.—Not later than 1 year after the date of enactment of this title, the Administrator shall establish—

''(1) a program to issue, establish the value of, monitor the sale or exchange of, and track renewable energy credits; and

''(2) penalties for any retail electric supplier that does not comply with this section.

''(d) PROHIBITION ON DOUBLE COUNTING.—A renewable energy credit issued under subsection (c)—

''(1) may be counted toward meeting the requirements of subsection (b) only once; and

''(2) shall vest with the owner of the system or facility that generates the renewable energy that is covered by the renewable energy credit, unless the owner explicitly transfers the renewable energy credit.

''(e) SALE UNDER PURPA CONTRACT.—If the Administrator, after consultation with the Secretary of Energy, determines that a renewable energy generator is selling electricity to comply with this section to a retail electric supplier under a contract subject to section 210 of the Public Utilities Regulatory Policies Act of 1978 (16 U.S.C. 824a–3), the retail electric supplier shall be treated as the generator of the electric energy for the purposes of this title for the duration of the contract.

''(f) STATE PROGRAMS.—Nothing in this section precludes any State from requiring additional renewable energy generation under any State renewable energy program.

''(g) VOLUNTARY PARTICIPATION.—The Administrator may issue a renewable energy credit pursuant to subsection (c) to any entity that is not subject to this section only if the entity applying for the renewable energy credit meets the terms and conditions of this section to the same extent as retail electric suppliers subject to this section.

''SEC. 714. STANDARDS TO ACCOUNT FOR BIOLOGICAL SEQUESTRATION OF CARBON.

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of title, the Secretary of Agriculture, with the concurrence of the Administrator, shall establish standards for accrediting certified reductions in the emission of carbon dioxide through above-ground and below-ground biological sequestration activities.

''(b) REQUIREMENTS.—The standards shall include—

''(1) a national biological carbon storage baseline or inventory; and

''(2) measurement, monitoring, and verification guidelines based on—

''(A) measurement of increases in carbon storage in excess of the carbon storage that would have occurred in the absence of a new management practice designed to achieve biological sequestration of carbon;

''(B) comprehensive carbon accounting that—

''(i) reflects sustained net increases in carbon reservoirs; and

''(ii) takes into account any carbon emissions resulting from disturbance of carbon reservoirs in existence as of the date of commencement of any new management practice designed to achieve biological sequestration of carbon;

''(C) adjustments to account for—

''(i) emissions of carbon that may result at other locations as a result of the impact of the new biological sequestration management practice on timber supplies; or

''(ii) potential displacement of carbon emissions to other land owned by the entity that carries out the new biological sequestration management practice; and

''(D) adjustments to reflect the expected carbon storage over various time periods, taking into account the likely duration of the storage of carbon in a biological reservoir.

''(c) UPDATING OF STANDARDS.—Not later than 3 years after the date of establishment of the standards under subsection (a), and every 3 years thereafter, the Secretary of Agriculture shall update the standards to take into account the most recent scientific information.

''SEC. 715. GLOBAL WARMING POLLUTION REPORTING.

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of this title, and annually thereafter, any entity considered to be a major stationary source (as defined in section 169A(g)) shall submit to the Administrator a report describing the emissions of global warming pollutants from the entity for the preceding calendar year.

''(b) VOLUNTARY REPORTING.—An entity that is not described in subsection (a) may voluntarily report the emissions of global warming pollutants from the entity to the Administrator.

''(c) REQUIREMENTS FOR REPORTS.—

''(1) EXPRESSION OF MEASUREMENTS.—Each global warming pollution report submitted under this section shall express global warming pollution emissions in—

''(A) metric tons of each global warming pollutant; and

''(B) metric tons of the carbon dioxide equivalent of each global warming pollutant.

''(2) ELECTRONIC FORMAT.—The information contained in a report submitted under this section shall be reported electronically to the Administrator in such form and to such extent as may be required by the Administrator.

''(3) DE MINIMIS EXEMPTION.—The Administrator may specify the level of global warming pollution emissions from a source within a facility that shall be considered to be a de minimis exemption from the requirement to comply with this section.

''(d) PUBLIC AVAILABILITY OF INFORMATION.—Not later than March 1 of the year after which the Administrator receives a report under this subsection from an entity, and annually thereafter, the Administrator shall make the information reported under this section available to the public through the Internet.

''(e) PROTOCOLS AND METHODS.—The Administrator shall, by regulation, establish protocols and methods to ensure completeness, consistency, transparency, and accuracy of data on global warming pollution emissions submitted under this section.

''(f) ENFORCEMENT.—Regulations promulgated under this section may be enforced pursuant to section 113 with respect to any person that—

''(1) fails to submit a report under this section; or

''(2) otherwise fails to comply with those regulations.

''SEC. 716. CLEAN ENERGY TECHNOLOGY DEPLOYMENT IN DEVELOPING COUNTRIES.

''(a) DEFINITIONS.—In this section:

''(1) CLEAN ENERGY TECHNOLOGY.—The term 'clean energy technology' means an energy

supply or end-use technology that, over the lifecycle of the technology and compared to a similar technology already in commercial use in any developing country—

''(A) is reliable; and

''(B) results in reduced emissions of global warming pollutants.

''(2) DEVELOPING COUNTRY.—

''(A) IN GENERAL.—The term 'developing country' means any country not listed in Annex I of the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

''(B) INCLUSION.—The term 'developing country' may include a country with an economy in transition, as determined by the Secretary.

''(3) TASK FORCE.—The term 'Task Force' means the Task Force on International Clean, Low-Carbon Energy Cooperation established under subsection (b)(1).

''(b) TASK FORCE.—

''(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this title, the President shall establish a task force to be known as the 'Task Force on International Clean, Low Carbon Energy Cooperation'.

''(2) COMPOSITION.—The Task Force shall be composed of—

''(A) the Administrator and the Secretary of State, who shall serve jointly as Co-Chairpersons; and

''(B) representatives, appointed by the head of the respective Federal agency, of—

''(i) the Department of Commerce;

''(ii) the Department of the Treasury;

''(iii) the United States Agency for International Development;

''(iv) the Export-Import Bank;

''(v) the Overseas Private Investment Corporation;

''(vi) the Office of United States Trade Representative; and

''(vii) such other Federal agencies as are determined to be appropriate by the President.

''(c) DUTIES.—

''(1) INITIAL STRATEGY.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Task Force shall develop and submit to the President an initial strategy—

''(i) to support the development and implementation of programs and policies in developing countries to promote the adoption of clean, low-carbon energy technologies and energy-efficiency technologies and strategies, with an emphasis on those developing countries that are expected to experience the most significant growth in global warming pollution emissions over the 20-year period beginning on the date of enactment of this title; and

''(ii)(I) open and expand clean, low-carbon energy technology markets; and

''(II) facilitate the export of that technology to developing countries.

''(B) SUBMISSION TO CONGRESS.—On receipt of the initial strategy from the Task Force under subparagraph (A), the President shall submit the initial strategy to Congress.

''(2) FINAL STRATEGY.—Not later than 2 years after the date of submission of the initial strategy under paragraph (1), and every 2 years thereafter—

''(A) the Task Force shall—

''(i) review and update the initial strategy; and

''(ii) report the results of the review and update to the President; and

''(B) the President shall submit to Congress a final strategy.

''(3) PERFORMANCE CRITERIA.—The Task Force shall develop and submit to the Administrator performance criteria for use in the provision of assistance under this section.

''(d) PROVISION OF ASSISTANCE.—The Administrator may—

''(1) provide assistance to developing countries for use in carrying out activities that are consistent with the priorities established in the final strategy; and

''(2) establish a pilot program that provides financial assistance for qualifying projects (as determined by the Administrator) in accordance with—

''(A) the final strategy submitted under subsection (c)(2)(B); and

''(B) any performance criteria developed by the Task Force under subsection (c)(3).

''SEC. 717. PARAMOUNT INTEREST WAIVER.

''(a) IN GENERAL.—If the President determines that a national security emergency exists and, in light of information that was not available as of the date of enactment of this title, that it is in the paramount interest of the United States to modify any requirement under this title to minimize the effects of the emergency, the President may, after opportunity for public notice and comment, temporarily adjust, suspend, or waive any regulations promulgated pursuant to this title to achieve that minimization.

''(b) CONSULTATION.—In making an emergency determination under subsection (a), the President shall, to the maximum extent practicable, consult with and take into account any advice received from—

''(1) the Academy;

''(2) the Secretary of Energy; and

''(3) the Administrator.

''(c) JUDICIAL REVIEW.—An emergency determination under subsection (a) shall be subject to judicial review under section 307.

''SEC. 718. EFFECT ON OTHER LAW.

''Nothing in this title—

''(1) affects the ability of a State to take State actions to further limit climate change (except that section 209 shall apply to standards for vehicles); and

''(2) except as expressly provided in this title—

''(A) modifies or otherwise affects any requirement of this Act in effect on the day before the date of enactment of this title; or

''(B) relieves any person of the responsibility to comply with this Act.''.

SEC. 3. RENEWABLE CONTENT OF GASOLINE.

Section 211(o) of the Clean Air Act (as amended by section 1501 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (E); and

(B) by inserting after subparagraph (A) the following:

''(B) LOW-CARBON RENEWABLE FUEL.—The term 'low-carbon renewable fuel' means renewable fuel the use of which, on a full fuel cycle, per-mile basis, and as compared with the use of gasoline, achieves a reduction in global warming pollution emissions of 75 percent or more.''; and

(2) in paragraph (2)—

(A) in subparagraph (A)(i), by inserting ''and low-carbon renewable fuel'' after ''renewable fuel''; and

(B) in subparagraph (B)—

(i) in clause (iv), by striking ''(iv) MINIMUM APPLICABLE VOLUME.—For the purpose of subparagraph (A), the applicable volume'' and inserting the following:

''(iv) MINIMUM APPLICABLE VOLUME OF RENEWABLE FUEL.—For the purpose of subparagraph (A), the minimum applicable volume of renewable fuel''; and

(ii) by adding at the end the following:

''(v) MINIMUM APPLICABLE VOLUME OF LOW-CARBON RENEWABLE FUEL.—For the purpose of subparagraph (A), the minimum applicable volume of low-carbon renewable fuel for calendar year 2015 and each calendar year thereafter shall be 5,000,000,000 gallons.''.

SEC. 4. ENFORCEMENT AND JUDICIAL REVIEW.

(a) FEDERAL ENFORCEMENT.—Section 113 of the Clean Air Act (42 U.S.C. 7413) is amended—

(1) in subsection (a)(3), by striking ''or title VI,'' and inserting ''title VI, or title VII,'';

(2) in subsection (b)(2), by striking ''or title VI,'' and inserting ''title VI, or title VII,'';

(3) in subsection (c)—

(A) in the first sentence of paragraph (1), by striking ''or title VI (relating to stratospheric ozone control),'' and inserting ''title VI (relating to stratospheric ozone control), or title VII (relating to global warming pollution emission reductions),''; and

(B) in the first sentence of paragraph (3), by striking ''or VI'' and inserting ''VI, or VII'';

(4) in subsection (d)(1)(B), by striking ''or VI'' and inserting ''VI, or VII''; and

(5) in the first sentence of subsection (f), by striking ''or VI'' and inserting ''VI, or VII''.

(b) ESTABLISHMENT OF STANDARDS.—Section 202 of the Clean Air Act (42 U.S.C. 7521) is amended—

(1) by redesignating the second subsection (f) (as added by section 207(b) of Public Law 101–549 (104 Stat. 2482)) as subsection (n); and

(2) by inserting after subsection (n) (as redesignated by paragraph (1)) the following:

''(o) GLOBAL WARMING POLLUTION EMISSION REDUCTIONS.—

''(1) IN GENERAL.—Not later than January 1, 2010, the Administrator shall promulgate regulations in accordance with subsection (a) and section 707 to require manufacturers of motor vehicles to meet the vehicle emission standards established under subsections (a) and (b) of section 707.

''(2) EFFECTIVE DATE.—The regulations promulgated under paragraph (1) shall take effect with respect to motor vehicles sold by a manufacturer beginning in model year 2016.''.

(c) ADMINISTRATIVE PROCEEDINGS AND JUDICIAL REVIEW.—Section 307 of the Clean Air Act (42 U.S.C. 7607) is amended—

(1) in subsection (b)(1)—

(A) in the first sentence—

(i) by striking ''section 111,,'' and inserting ''section 111,''; and

(ii) by inserting ''any emission standard or requirement issued pursuant to title VII,'' after ''under section 120,''; and

(B) in the second sentence, by striking ''section 112,,'' and inserting ''section 112,''; and

(2) in subsection (d)(1)—

(A) in subparagraph (T), by striking '', and'' at the end;

(B) in subparagraph (U), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(V) the promulgation or revision of any regulation under title VII (relating to global warming pollution).''.

SEC. 5. FEDERAL FLEET FUEL ECONOMY.

Section 32917 of title 49, United States Code, is amended by adding at the end the following:

''(3) NEW VEHICLES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), each passenger vehicle purchased, or leased for a period of at least 60 consecutive days, by an Executive agency after the date of enactment of this paragraph shall be as fuel-efficient as practicable.

''(B) WAIVER.—In an emergency situation, an Executive agency may submit to Congress a written request for a waiver of the requirement under paragraph (1).''.

SEC. 6. INTERNATIONAL NEGOTIATIONS AND TRADE RESTRICTIONS.

It is the sense of the Senate that the United States should act to reduce the health, environmental, economic, and national security risks posed by global climate change, and foster sustained economic growth through a new generation of technologies, by—

(1) participating in negotiations under the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and leading efforts in other international forums, with the objective of securing participation of the United States in agreements that—

(A) advance and protect the economic and national security interests of the United States;

(B) establish mitigation commitments by all countries that are major emitters of global warming pollution, in accordance with the principle of ''common but differentiated responsibilities'';

(C) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and

(D) achieve a significant long-term reduction in global warming pollution emissions; and

(2) establishing a bipartisan Senate observation group, the members of which should be designated by the Chairman and Ranking Member of the Committee on Foreign Relations of the Senate, and which should include the Chairman and Ranking Member of the Committee on Environment and Public Works of the Senate—

(A) to monitor any international negotiations on climate change; and

(B) to ensure that the advice and consent function of the Senate is exercised in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

SEC. 7. REPORT ON TRADE AND INNOVATION EFFECTS.

Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary of Commerce, in consultation with the United States Trade Representative, the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Energy, and the Administrator of the Environmental Protection Agency (referred to in this section as the ''Secretary''), shall prepare and submit to Congress a report on the trade, economic, and technology innovation effects of the failure of the United States to adopt measures that require or result in a reduction in total global warming pollution emissions in the United States, in accordance with the goals for the United States under the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

SEC. 8. CLIMATE CHANGE IN ENVIRONMENTAL IMPACT STATEMENTS.

In any case in which a Federal agency prepares an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Federal agency shall consider and evaluate—

(1) the impact that the Federal action or project necessitating the statement or analysis would have in terms of net changes in global warming pollution emissions; and

(2) the ways in which climate changes may affect the action or project in the short term and the long term.

SEC. 9. CORPORATE ENVIRONMENTAL DISCLOSURE OF CLIMATE CHANGE RISKS.

(a) REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Securities and Exchange Commission (referred to in this section as the ''Commission'') shall promulgate regulations in accordance with section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) directing each issuer of securities under that Act to inform securities investors of the risks relating to—

(1) the financial exposure of the issuer because of the net global warming pollution emissions of the issuer; and

(2) the potential economic impacts of global warming on the interests of the issuer.

(b) UNIFORM FORMAT FOR DISCLOSURE.—In carrying out subsection (a), the Commission shall enter into an agreement with the Financial Accounting Standards Board, or another appropriate organization that establishes voluntary standards, to develop a uniform format for disclosing to securities investors information on the risks described in subsection (a).

(c) INTERIM INTERPRETIVE RELEASE.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Commission shall issue an interpretive release clarifying that under items 101 and 303 of Regulation S-K of the Commission under part 229 of title 17, Code of Federal Regulations (as in effect on the date of enactment of this Act)—

(A) the commitments of the United States to reduce emissions of global warming pollution under the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, are considered to be a material effect; and

(B) global warming constitutes a known trend.

(2) PERIOD OF EFFECTIVENESS.—The interpretive release issued under paragraph (1) shall remain in effect until the effective date of the final regulations promulgated under subsection (a).

By Mr. SPECTER:

S. 3699. A bill to provide private relief; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition today to introduce a bill to provide private relief to the survivors of Christopher Kangas of Brookhaven, PA. This is a final attempt to recognize the public service of Christopher Kangas, a junior firefighter of the Brookhaven, PA, fire department, who, on May 4, 2002, was struck by a car and killed while riding his bicycle to the site of a fire emergency.

I characterize the bill I introduce today as a ''final attempt'' to recognize the public service of Christopher Kangas as a fallen firefighter because previous legislative corrections have been blocked while the Kangas family languishes in the lengthy appeals process to overturn the U.S. Department of Justice's, DOJ, denial of public safety officer benefits. During both the 108th and 109th Congresses, I introduced the Christopher Kangas Fallen Firefighter Apprentice Act, S. 2695 and S. 491, respectively, designed to correct a flaw in the current definition of ''firefighter'' under the Public Safety Officer Benefits Act. That legislation would clarify that all firefighters will be recognized as such ''regardless of age, status as an apprentice or trainee, or duty restrictions imposed because of age or status as an apprentice or trainee'' and applies retroactively to the date of Christopher Kangas' death in 2002. However, this legislation has been prevented from moving forward due to objections that expansion of benefits under the program would result in a serious drain on the Treasury when, in fact, the Congressional Budget Office has estimated that this bill would cost approximately $2 million in the first year of enactment and an average of less than $500,000 in each year thereafter.

In addition to a legislative remedy, Christopher Kangas' family has been pursuing the Federal benefit through the U.S. Federal Claims Court. On March 27, 2006, the court ruled in favor of the Kangas family ordering DOJ to pay $250,000. However, on May 26, 2006, DOJ filed a notice of appeal to this decision, further delaying recognition of Christopher Kangas' public service and status as a fallen firefighter.

Under Pennsylvania law, 14- and 15-year-olds such as Christopher are permitted to serve as volunteer junior firefighters. While they are not allowed to operate heavy machinery or enter burning buildings, the law permits them to fill a number of important support roles, such as providing first aid. In addition, the junior firefighter program is an important recruitment tool for fire stations throughout the Commonwealth. In fact, prior to his death Christopher had received 58 hours of training that would have served him well when he graduated from the junior program.

It is clear to me that Christopher Kangas was a firefighter killed in the line of duty. Were it not for his status as a junior firefighter and his prompt response to a fire alarm, Christopher would still be alive today. Indeed, the Brookhaven Fire Department, Brookhaven Borough, and the Commonwealth of Pennsylvania have all recognized Christopher's public service as a fallen public safety officer and provided the appropriate death benefits to his family.

Yet while those closest to the tragedy have recognized Christopher as a fallen firefighter, the Federal Government has not. The Department of Justice determined that Christopher Kangas was not eligible for benefits based on a twofold interpretation of the law. First, because he was deemed as not acting within a narrow range of duties at the time of his death that are the measured criteria to be considered a ''firefighter,'' and therefore, was not a ''public safety officer'' for purposes of the Public Safety Officer Benefits Act. Second, that his death was deemed as

not sustained in the ''line of duty'' because as a junior firefighter he was prohibited from operating a hose on a ladder or entering a burning building. As a result of this determination, Christopher's family cannot receive a Federal line-of-duty benefit. In addition, Christopher is barred from taking his rightful place on the National Fallen Firefighters Memorial in Emmitsburg, MD. For a young man who dreamed of being a firefighter and gave his life rushing to a fire, keeping him off of the memorial is a grave injustice.

Any firefighter will tell you that there are many important roles to play in fighting a fire beyond operating the hoses and ladders. Firefighting is a team effort, and everyone in the Brookhaven Fire Department viewed young Christopher as a full member of their team. As such, I support amending the Public Safety Officer Benefits Act to ensure that the Federal Government will recognize Christopher Kangas and others like him as firefighters. However, considering the significant opposition to that solution, I am offering this private bill in honor of Christopher Kangas to provide his family with the $250,000 as ordered by the Federal Claims Court and to allow his name to be included on the National Fallen Firefighter's Memorial.

I urge my colleagues to support this important legislation.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 3701. A bill to determine successful methods to provide protection from catastrophic health expenses for individuals who have exceeded health insurance coverage for uninsured individuals, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, every Congress and a number I have served in since 1997, nearly 10 years ago, Senator WYDEN and I, my colleague from Oregon, have put forward a bipartisan agenda of things we could do as a Republican and Democrat to advance the interests of our Nation and specifically the interests of our State. It has been a genuine pleasure to work with him in achieving much good for Oregon and trying to set a better example of how Republicans and Democrats can function first as Americans and not as partisans.

Today as part of our agenda for the 109th Congress, we introduce what was item No. 1 on our bipartisan agenda. We have entitled it the Catastrophic Health Coverage Promotion Act. It addresses one of the most difficult challenges facing Congress, that of rising health care costs. Getting to a solution on this is daunting. It is not easy to solve. Health care is the ultimate turf battle. But for decades health care costs have increased consistently and little has been done to slow them.

While there are a number of factors driving this growth, the uninsured play a major role in driving those costs up. Last year 46 million Americans reported lacking health insurance coverage. In our State of Oregon, 600,000 individuals, 17 percent of the population, are uninsured. What some fail to realize is that the individuals without health insurance coverage nevertheless get health coverage. They do so through emergency rooms, even when they haven't the money to pay. The result is billions of dollars of uncompensated care incurred by State governments, community providers, physicians, and hospitals.

In 2006 alone, Oregon's hospitals provided a total of $500 million in uncompensated care, a 262-percent increase since 1995. Americans absorb the impact of uncompensated care by having to pay higher prices for health services overall. They are simply passed on in the cost of our insurance policies. Small businesses have been hit hard by rising health care costs as well. Most report they would love to be able to offer health care, but most small businesses are trying to save their economic lives, not cover the health care of their employees. But they would like to.

If we do our work right, Senator WYDEN and I may have come up with a product that may help them to provide some coverage. If a small business had extra protection in the form of a catastrophic policy for their employees, it might be able to extend the most basic kind of care, the kind that says: If you lose your health, you don't lose your home; you don't penalize everyone else in the business.

I know something of this, Mr. President, because having provided health care for hundreds of employees, it was the inexpensive comprehensive package that overlaid those that ultimately was tapped by one or two employees every year that helped us, in a way, to keep health care costs more manageable.

The legislation Senator WYDEN and I have developed will address the issue of catastrophic health costs on all fronts. The Catastrophic Health Coverage Promotion Act creates at least four State-based pilot projects that will provide basic coverage to uninsured, as well as additional protection for individuals with significant out-of-pocket health costs. One of these projects, we hope, will be located in Oregon. Certainly, it can be if it chooses.

Two of the pilots will target the uninsured. States will be given the tools they need to offer hybrid health insurance plans that combine a primary and preventive health care benefit with high-deductible catastrophic coverage. Private insurance providers will market these plans to uninsured individuals and small businesses.

Creating affordable basic coverage options for the uninsured is a much needed step to reduce the impact of uncompensated care on our health system. By doing this, we should be able to stabilize, if not reduce, overall health care costs. To help make this coverage more affordable for low-income workers and families, the bill provides a graduated subsidy to reduce the costs of premiums. Individuals with incomes at or below 200 percent of the Federal poverty level would be eligible for extra help with coverage costs.

Many have asked why Senator WYDEN and I would decide to focus on catastrophic health coverage, considering that similar policy options already exist and are made widely available. While that may be true, the Federal Government is often in a unique position to help to grow existing markets. I believe the targeted funding included in our bill will help make catastrophic coverage more affordable and more attractive to both individuals and small businesses. The solution in this case does not necessarily have to be as big as the problem.

While our proposal may not seem to be the ''silver bullet,'' the kind of reform our system so desperately needs, it is nevertheless a step in the right direction. As is the case with many difficult problems, change is made incrementally. We are hopeful that the four pilot projects created in this bill will provide policymakers with much needed insight on how to better manage catastrophic health costs.

At the end of the day, individuals should not lose their homes just because they lose their health. Anyone—whether they are uninsured or have generous comprehensive coverage—can fall victim to a serious health care problem.

I am pleased that my colleague and I were able to work together in a bipartisan fashion to develop a modest yet workable solution to this longstanding and nagging problem. I urge my colleagues to support the legislation, and I encourage the Senate's leadership to move it quickly through the process.

With that, I yield the floor to my colleague from Oregon, Senator RON WYDEN.

Mr. WYDEN. Mr. President, how much time remains under the Smith unanimous consent request for a half hour?

The PRESIDING OFFICER. Twenty-two and a half minutes.

Mr. WYDEN. Thank you, Mr. President.

Mr. President, I have come to the floor today to join my colleague at this time to discuss the Catastrophic Health Coverage Promotion Act that Senator SMITH and I are introducing today.

Mr. President, first, I want to say how much I appreciate Senator GORDON SMITH. At a time when our citizens all across the land and in our home State of Oregon believe there needs to be more bipartisanship, Senator SMITH

doesn't just talk about it, he is consistently willing to meet me more than halfway on critical issues, and he does that with other colleagues in the Senate.

As we begin our time discussing this legislation, I want to let him know how much I appreciate the chance to cooperate with him once again. As he stated, we did put the issue of catastrophic health coverage at the top of our bipartisan agenda for the Senate session.

What it comes down to, Mr. President, is that Senator SMITH and I believe it is a moral blot on our Nation for a country as good and rich as ours to send millions of its citizens to bed at night fearing they will be wiped out if a serious medical illness hits them. That is the reality. It is the reality for families who have no coverage at all, and it is the reality for families who have some measure of coverage, say, through an employer, but it doesn't stretch far enough.

Senator SMITH and I want, in a bipartisan way, to tackle both of those kinds of concerns. That is why we have put forward the legislation we introduced today. I think now is an ideal time for bipartisanship on the catastrophic health coverage issue.

If you look back over the last few years, Senator KERRY, in the 2004 Presidential campaign, had an excellent proposal with respect to catastrophic coverage, and I said so in the course of that campaign. But I also said at the time that I thought our distinguished majority leader, Senator FRIST, also had a good catastrophic coverage proposal. You could debate the various merits of the Kerry proposal and the Frist proposal—which approach involved a little more government, which approach involved the private sector—but at the end of the day, for the purposes of government work, they were pretty darn similar.

So when Senator SMITH and I sat down after the 2004 election, we said let's finally get this done. Democrats and Republicans have been talking for years about how to make sure that all our citizens have a safety net under them so that they will not get wiped out from medical illness. We settled on this approach, which we thought would give us the opportunity to try some fresh, creative ideas for protecting our citizens.

Let me give an example of what happens in, for example, South Carolina, Oregon, or anywhere else in this country. If you have a small business with six people working there, and one of them gets sick, that essentially blows up the whole health premium structure for all six of the employees.

What we ought to look at is something called reinsurance. Under reinsurance, that employee who gets sick could get a bit of help for their high bills through a modest role for government, and if government steps in, in that kind of instance, you have an opportunity to hold down all of the costs for the entire six-person firm. So we should have been looking at reinsurance years ago, but because Senator SMITH, who chairs the Senate Aging Committee, has been examining these questions and has worked with me, now we are going to have a chance to tackle it in a way that I think is going to give us the opportunity to get the job done.

We are also very concerned about people who have no coverage at all. So what happens if you have no coverage at all is folks walk into a hospital in Oregon or in South Carolina, usually they show up in the emergency room, and the hospital has to absorb those costs. What we would do is give that person who now has no coverage at all the possibility of actually buying some private coverage in the marketplace with a bit of a subsidy in order to be able to have coverage that would pick up at least a portion of those bills that the hospital is now absorbing.

At the end of the day, those are the two principal kinds of instances we are facing—folks who have some coverage through a private employer, but it doesn't stretch far enough, and folks who don't have any coverage at all. Under that approach, we would like to make it possible for them to get into the private insurance market, protect them from catastrophic illness. We think we can do it with a modest subsidy coming from government.

My sense is that we are now looking at health care on two tracks in our country. The first track is a track that suggests we can take steps right now in areas like catastrophic coverage to protect our citizens. There are other ideas I have advanced during this Congress. For example, Senator SNOWE and I have now gotten a majority of Senators to agree with our proposal to lift the restriction so Medicare can bargain and hold down the costs. That, like the question of catastrophic coverage, is a step you can take right now. Let's protect our citizens from the catastrophic illness and let's hold down the costs of medicine. Those are practical, bipartisan approaches that can be taken today. We ought to pursue them and get them done.

I also think there is another track to health care. I noticed that Senator HATCH was on the Senate floor. He and I were the authors of the legislation creating the Citizens' Health Care Working Group that is going to look at opportunities to make sure that all Americans have decent, affordable coverage. We have only been on that issue for more than 60 years—going back to the 81st Congress, in 1945, and Harry Truman. I have said let's also work on that second track that involves getting all Americans under the tent for essential and affordable health care coverage.

That obviously isn't going to get done in the next 15 minutes. But if the Senate, on a bipartisan basis, as Senator SMITH and I have sought to do on the catastrophic issue, and as Senator HATCH and I have sought to do on a broader approach to look at health care that works for all Americans—if we team up and look at health care on those two tracks, I think we can make a great contribution for our country.

There are no costs going up in the United States like medical bills. We spent $1.7 trillion last year on health care. There are 290 million Americans—I guess we are approaching 300 million. When you divide $1.7 trillion by 290 million Americans, it comes to something like $25,000 that could be sent to every family of four in America with the amount of money now being spent on health care.

So while we are spending enough money, my sense is that we are not spending it in the right places. Once again, Senator SMITH has given us an opportunity to think creatively about better ways to approach the use of the health care dollars. I was pleased when Senator SMITH suggested in our legislation that we also make it possible to include a focus on health care prevention. We are not doing enough with health care prevention in this country. The Medicare Program shows that pretty well. Medicare Part A, for example, will pay huge checks for senior citizens' hospital bills, but Medicare Part B pays virtually nothing for prevention to keep people well. That makes no sense. We need a sharper focus on health care prevention, and one of the things that I think is attractive about Senator SMITH's leadership on this issue is that he has said even in the context of looking at catastrophic health care, let's put a sharper focus on prevention. We are going to make it possible in this legislation to do that.

I note we have other colleagues on the floor. I have secured time to focus on the Voting Rights Act legislation later in the afternoon, but I am very pleased to have the opportunity to talk for a few minutes about the Catastrophic Health Coverage Promotion Act Senator SMITH and I are introducing today. We have focused on a number of issues in a bipartisan fashion over our years in the Senate, but this has the potential to be the biggest as it relates to the needs of our citizens at home.

We want to make sure when folks go to bed at night, they don't have to fear they are going to be wiped out financially by a serious medical illness. This legislation moves us one step closer toward the goal. We hope many colleagues on both sides of the aisle will want to support the legislation.

Mr. President, Senator SNOWE and I today are introducing the Medicare Prescription Drug Lifeline Act. This legislation provides a solution for

those seniors falling into the coverage gap, also known as the doughnut hole of the Medicare prescription drug benefit. The doughnut hole occurs when the spending for a senior's drug expenses reaches $2,250: at the point, the senior is on their own until their spending for prescription drugs reaches a total of $5,100, where the benefit picks up again. The Kaiser Family Foundation estimated that nearly 7 million seniors will fall into the coverage gap this year.

Seniors who enter this ''no man's land'' of spending face the same problems seniors faced before the drug benefit even began: they skip doses, they don't take all their medicine to make it stretch, and they are forced to choose between their food and fuel costs and their prescription drug costs.

This legislation would take three steps to deal with this problem: First, the Secretary of HHS would be required to let seniors know they are approaching the coverage gap. Second, it would allow seniors, when they are notified that they are reaching the coverage gap, to switch plans to avoid the gap. Finally, the legislation requires the Government Accountability Office to examine ways in which the benefit could be redesigned to eliminate the gap without increasing Federal spending. Together, these provisions will give seniors a lifeline to coverage.

Senator SNOWE and I both voted for the legislation that created the Medicare prescription drug benefit. When we did so, we pledged that we would continue to work to improve the benefit. Senator SNOWE and I have teamed up together on many occasions to try to reduce the cost of the prescription drug program by giving the Secretary the same power other Government officials have to bargain for better prices. Our legislation has won a majority of votes in the Senate, and we intend to continue to press for that power.

The latest effort is aimed at another shortcoming in the law: finding a way to help seniors avoid falling into the coverage gap. Senator SNOWE and I believe that our legislation will help seniors a straightforward way to avoid the gap.

Congress needs to address both these issues and we will continue our strong commitment to seniors by working to improve the drug benefit.

By Mrs. FEINSTEIN (for herself and Ms. SNOWE):

S. 3702. A bill to provide for the safety of migrant seasonal agricultural workers; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation with Senator SNOWE that will provide our Nation's migrant agricultural and forest workers with a safe ride to work. The Farm and Forestry Worker Transportation Safety Act would require a designated seat and seatbelt for each person riding in a vehicle used to transport these workers.

Today, many migrant workers travel to their jobs in dangerous and unsafe conditions. It is not uncommon for these workers to ride in overcrowded vans and trucks while sitting on benches and buckets with no access to seatbelts.

According to the Bureau of Labor Statistics, 78 agricultural workers lost their lives and 440 were injured in transportation accidents in 2004.

I would like to take a moment to share with you just a few of the accidents that have resulted from the lack of adequate safety regulations for these workers:

In December of 2005, two Guatemalan forest workers were killed when their vehicle crashed driving off icy roads in Washington. Five Guatemalan forest workers were killed in the same manner the previous year.

In June of 2004, 2 migrant workers were killed in Port St. Lucie, FL, when their overcrowded van carrying 11 people rolled over on Interstate 95. Two months later, 9 citrus workers were killed in Fort Pierce when their 15-passenger van rolled over and ejected all 19 passengers.

In September 2002, 14 forestry workers were killed when their van transporting them to work toppled off a bridge in Maine.

In August 1999, 13 tomato field workers were killed when their van slammed into a tractor-trailer in Fresno County, CA. Most of the victims were riding on three benches in the back of the van.

As you can see, this issue does not just affect my home State of California. It is a problem that requires national attention. Congress needs to take action to ensure these workers safe travel to and from their jobs. My bill would seek to provide these workers with a designated seat and operating seatbelt.

This legislation would also address the issue of converted vehicles. The bill would direct the Department of Transportation to develop interim seat and seatbelt safety standards for vehicles that have been converted for the purpose of transporting migrant workers. Owners and operators of these vehicles would have 7 years to make the necessary improvements so that their vehicles would meet the same safety standards as new vehicles.

I hope my colleagues will join me in standing up for the safety of our Nation's migrant workforce.

Mr. President, I request that the text of this legislation appear immediately following this statement in the CONGRESSIONAL RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3702

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 ''Farm and Forestry Worker Transportation Safety Act''.

SEC. 2. SEATS AND SEAT BELTS FOR MIGRANT AND SEASONAL AGRICULTURAL WORKERS.

(a) SEATS.—Except as provided in subsection (d), in promulgating vehicle safety standards under the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) for the transportation of migrant and seasonal agricultural workers by farm labor contractors, agricultural employers or agricultural associations, the Secretary of Labor shall ensure that each occupant or rider in, or on, any vehicle subject to such standards is provided with a seat that is a designated seating position (as such term is defined for purposes of the Federal motor vehicle safety standards issued under chapter 301 of title 49, United States Code).

(b) SEAT BELTS.—Each seating position required under subsection (a) shall be equipped with an operational seat belt, except that this subsection shall not apply with respect to seating positions in buses that would otherwise not be required to have seat belts under the Federal motor vehicle safety standards.

(c) PERFORMANCE REQUIREMENTS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Labor, shall issue minimum performance requirements for the strength of seats and the attachment of seats and seat belts in vehicles that are converted, after being sold for purposes other than resale, for the purpose of transporting migrant or seasonal agricultural workers. The requirements shall provide a level of safety that is as close as practicable to the level of safety provided for in a vehicle that is manufactured or altered for the purpose of transporting such workers before being sold for purposes other than resale.

(2) EXPIRATION.—Effective on the date that is 7 years after the date of enactment of this Act, any vehicle that is or has been converted for the purpose of transporting migrant or seasonal agricultural workers shall provide the same level of safety as a vehicle that is manufactured or altered for such purpose prior to being sold for purposes other than resale.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter or modify the regulations contained in section 500.103, or the provision pertaining to transportation that is primarily on private roads in section 500.104(l), of title 29, Code of Federal Regulations, as in effect on the date of enactment of this Act.

(e) DEFINITIONS.—The definitions contained in section 3 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802) shall apply to this section.

(f) COMPLIANCE DATE.—Not later than 1 year after such date of enactment, and except as provided in subsection (c)(2), all vehicles subject to this Act shall be in compliance with the requirements of this Act.

By Ms. SNOWE (for herself and Mr. WYDEN):

S. 3703. A bill to provide for a temporary process for individuals entering the Medicare coverage gap to switch to

a plan that provides coverage in the gap; to the Committee on Finance.

Ms. SNOWE. Mr. President, I am pleased to be here today with my colleague and friend, Senator WYDEN, with whom I have worked for many years to achieve affordable prescription drug coverage for our seniors. We have certainly come a long way from back where we were nearly 10 years ago.

Yet much remains to be done. As we have seen, the implementation of the Medicare Part D benefit has been difficult, and there is no doubt we are still on the road to a sustainable benefit which our seniors can easily navigate. The complexity of the benefit is certainly posing a hazard to many of our seniors.

Today we face a crisis as millions of seniors are entering a gap in their prescription drug coverage—the so-called doughnut hole. In fact, when a senior's drug costs exceed $2,250 this year, they will no longer receive benefits until their spending reaches $5,100. That leaves seniors with a full $2,850 of drug costs to absorb before they receive a single cent of coverage. And they must continue to pay premiums. The Kaiser Foundation has reported that an estimated 7 million seniors will be affected by this coverage gap. How will they continue to receive essential medications?

Earlier this year, I offered legislation which would have addressed this issue by allowing every beneficiary to change their plan once this year so that those beneficiaries who realized that they require a more comprehensive plan could choose to change to an appropriate plan. We know that selecting drug coverage was a challenging process for seniors, all the more so as the deadline loomed and they struggled to get assistance.

Many may have made a good decision, but their circumstances may have since changed significantly. How many of us know of a senior who has had a major illness or hospitalization just since January? Most seniors in that situation will have changes in their medications as a result and often will use more prescription drugs and likely more expensive ones as well.

Finally, with coverage available, there is little doubt that physicians were encouraged to prescribe medications that at last their patients could afford—drugs which could prevent serious illness, such as heart disease. Yet now, just as seniors see the possibility of a future with better health, the cost of that critical treatment may be unsustainable. So millions are facing the dilemma we have seen before—cutting doses or even discontinuing medications. This must not occur again.

As many medical experts will tell you, to stop taking essential medications or to begin rationing their use will pose serious safety risks to many of our beneficiaries. That undermines the benefits we should see from Part D—improved health and decreased health expenditures.

So Senator WYDEN and I are here to offer a solution—one which, I might add, both HHS Secretary Michael Leavitt and Dr. Mark McClellan, the Administrator of the Centers for Medicare and Medicaid Services, have previously suggested they would pursue. That solution is a simple one—to allow those facing a coverage gap to change to a plan which would offer continuous coverage. That solution has simply not been employed and that compels us to act today, to protect our seniors.

The bill I rise to introduce today—the Medicare Prescription Drug Lifeline Act—truly gives a second chance to those who most need this coverage. Under this legislation we require that CMS notify those who are approaching the coverage gap and give them an option of making a one-time plan change in order to obtain essential drug coverage. Under our legislation, beneficiaries could change to any plan which would provide continuous coverage. That includes drug plans which provide generic or brand-name drugs as well as Medicare Advantage plans offering comprehensive drug coverage.

In a few States, there is simply not an option which allows a beneficiary to obtain continuous brand-name drug coverage. I note that in my State of Maine, as well as in New Hampshire and Alaska, such coverage simply cannot be obtained. So this legislation directs the Secretary to provide an option for beneficiary enrollment in a plan with brand-name drug coverage outside their region. That is simply fair, and it is essential to ensure that we don't see the doughnut hole threaten the health of our seniors.

We know that this coverage gap is an issue we simply must address. Seniors need to be able to plan and budget and count on a predictable monthly cost for their essentials of life. When the Congress adopted Part D 3 years ago, we said we never wanted to make seniors again choose between buying food and buying essential medicines. Yet without addressing the doughnut hole now, we will put seniors in that exact position again.

So this legislation also asks the GAO to undertake a study of options for eliminating the doughnut hole—looking at ways to level the benefit structure—including how we might do so without increasing federal expenditures. I note that one might be able to accomplish this, without changing the beneficiary's copayment rates appreciably. Obviously, if we saw some improvement in the pricing of drugs, that certainly would help get us there.

Today our most critical need is to avoid the harm this coverage gap poses, and I call on my colleagues to join us in this effort—to preserve drug access for our seniors so both they, ad our Medicare system, realize the benefits of modern medicine.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 3704. A bill to amend title XIX of the Social Security Act to require staff working with developmentally disabled individuals to call emergency services in the event of a life-threatening situation; to the Committee on Finance.

Mr. MENENDEZ. Mr. President, I rise today with my good friend Senator LAUTENBERG to introduce Danielle's Act, an important piece of legislation that I know will save countless lives. I also recognize Representative RUSH HOLT, who has championed the bill in the House and has been a tireless advocate for individuals with disabilities. This bill is named in memory of a young woman from New Jersey, Danielle Gruskowski, whose life was cut tragically short by a failure to call 9–1–1. The great State of New Jersey has already passed Danielle's Law, and it is time for Congress to act as well.

In order to understand the importance of this legislation, I would like to share Danielle's story. She was born December 6, 1969, to Diane and Doug Gruskowski and raised in Carteret, NJ. Danielle was developmentally disabled and diagnosed with Rett Syndrome, a neurological disorder that causes a delay or regression in development, including speech, hand skills, and coordination. While Danielle needed help with daily activities, she managed to lead a full and active life. As a young adult, Danielle moved to a group home to experience the positive benefits of independent living. Tragically, on November 5, 2002, Danielle passed away at the age of 32 because no one in the group home called 9–1–1 when she was clearly in need of emergency medical attention.

So that no other mother would lose her child in such a tragic circumstance, Danielle's mother and her aunt, Robin Turner, developed a strong coalition of supporters and worked with their State representatives to develop and pass what we know as Danielle's Law. Like the New Jersey law, my bill will require staff working with individuals who have a developmental disability or traumatic brain injury to call emergency services in the event of a life-threatening situation. The legislation would raise the standard of care by improving staff training and ensuring that individuals with developmental disabilities get emergency care when they need it.

All Americans deserve an advocate, and today I am speaking for those who often cannot speak for themselves. I am proud to be an advocate for individuals with disabilities, and I am proud to be an advocate for the families in New Jersey who are counting on safe, secure, and healthy independent living environments for their loved ones with

disabilities. I also would like to recognize the hard-working caregivers and staff who help provide for the needs of those with disabilities. They show their compassion every day when they show up for work, performing one of the most difficult but rewarding jobs in our society—caring for someone's mother, father, son, or daughter. These caregivers play such a critical role in our society and their contributions are to be commended. By raising awareness and education about Danielle's Law, my hope is that more caregivers will realize how important it is to call 9–1–1 for all life-threatening situations and that better training and support will be provided to staff across the country.

I am introducing this legislation to remember Danielle and to make sure no other family or community experiences the pain and suffering of losing a loved one to an avoidable death. I hope my colleagues will join me in supporting this important bill.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3704

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 ''Danielle's Act''.

SEC. 2. REQUIREMENT OF STAFF WORKING WITH DEVELOPMENTALLY DISABLED INDIVIDUALS TO CALL EMERGENCY SERVICES IN THE EVENT OF A LIFE-THREATENING SITUATION.

(a) REQUIREMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (69), by striking ''and'' at the end;

(2) in paragraph (70), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (70) the following new paragraph:

''(71) provide, in accordance with regulations of the Secretary, that direct care staff providing health-related services to a individual with a developmental disability or traumatic brain injury are required to call the 911 emergency telephone service or equivalent emergency management service for assistance in the event of a life-threatening emergency to such individual and to report such call to the appropriate State agency or department.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on January 1, 2007.

By Mr. KENNEDY (for himself, Mr. HARKIN Mr. JEFFORDS, Mr. BINGAMAN, Mrs. CLINTON, Mrs. MURRAY, Mr. REED, Mr. DODD, Ms. MIKULSKI, Mr. DAYTON, Ms. STABENOW, and Mr. SCHUMER):

S. 3705. A bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes; to the Committee on Finance.

Mr. KENNEDY. Mr. President, it is a privilege to join my Senate and House colleagues in introducing the Protecting Children's Health in Schools Act of 2006. This bill will ensure that the Nation's 7 million school children with disabilities will have continued access to health care in school.

In 1975, the Nation made a commitment to guarantee children with disabilities equal access to education. For these children to learn and thrive in schools, the integration of education with health care is of paramount importance. Coordination with Medicaid makes an immense difference to schools in meeting the needs of these children.

This year, however, the Bush administration has declared its intent to end Medicaid reimbursements to schools for the support services they need in order to provide medical and health-related services to disabled children. The administration is saying ''NO'' to any further financial help to Medicaid-covered disabled children who need specialized transportation to obtain their health services at school. It is saying ''NO'' to any legitimate reimbursement to the school for costs incurred for administrative duties related to Medicaid services.

It's bad enough that Congress and the administration have not kept the commitment to ''glide-path'' funding of IDEA needs in 2004. Now the administration proposes to deny funding to schools under the federal program that supports the health needs of disabled children. It makes no sense to make it so difficult for disabled children to achieve in school—both under IDEA and the No Child Left Behind.

At stake is an estimated $3.6 billion in Medicaid funds over the next 5 years. Such funding is essential to help identify disabled children and connect them to services that can meet their special health and learning needs during the school day.

This decision by the administration follows years of resisting Medicaid reimbursements to schools that provide these services, without clear guidance on how schools should appropriately seek reimbursement.

The ''Protecting Children's Health in Schools Act'' recognizes the importance of schools as a site of delivery of health care. It ensures that children with disabilities can continue to obtain health services during the school day. The bill also provides for clear and consistent guidelines to be established, so that schools can be held accountable and seek appropriate reimbursement.

The legislation has the support of over 60 groups, including parents, teachers, principals, school boards, and health care providers—people who work with children with disabilities every day and know what is needed to facilitate their growth, development, and long-term success.

I urge all of our colleagues to join us in supporting these children across the Nation, by providing the realistic support their schools need in order to meet these basic health care requirements of their students.

I ask unanimous consent that the attached bill be printed into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3705

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 ''Protecting Children's Health in Schools Act of 2006''.

SEC. 2. REQUIREMENTS UNDER THE MEDICAID PROGRAM FOR ITEMS AND SERVICES FURNISHED IN OR THROUGH AN EDUCATIONAL PROGRAM OR SETTING TO CHILDREN, INCLUDING CHILDREN WITH DEVELOPMENTAL, PHYSICAL, OR MENTAL HEALTH NEEDS.

(a) REQUIREMENTS FOR PAYMENTS.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) in subsection (i)—

(A) in paragraph (22), by striking the period at the end and inserting ''; or''; and

(B) by inserting after paragraph (22), the following new paragraphs:

''(23) with respect to any amount expended by, or on behalf of, the State (including by a local educational agency in the State or the lead agency in the State with responsibility for administering part C of the Individuals with Disabilities Education Act) for an item or service provided under the State plan in or through an educational program or setting, or for any administrative cost incurred to carry out the State plan in or through such a program or setting, or for a transportation service for an individual who has not attained age 21, unless the requirements of subsection (y) are met; or

''(24) with respect to any amount expended for an item or service provided under the State plan in or through an educational program or setting, or for any administrative cost incurred to carry out the plan in or through such a program or setting by, or on behalf of, the State through an agency that is not the State agency with responsibility for administering the State plan (including a local educational agency in the State or the lead agency in the State with responsibility for administering part C of the Individuals with Disabilities Education Act) and that enters into a contract or other arrangement with a person or entity for or in connection with the collection or submission of claims for such an expenditure or cost, unless the agency—

''(A) if not a public agency operating a consortium with other public agencies, uses a competitive bidding process or otherwise to contract with such person or entity at a reasonable rate commensurate with the services performed by the person or entity; and

''(B) requires that any fees (including any administrative fees) to be paid to the person or entity for the collection or submission of such claims are identified as a non-contingent, specified dollar amount in the contract.''; and

(2) by adding at the end the following new subsection:

''(y) REQUIREMENTS FOR FEDERAL FINANCIAL PARTICIPATION FOR FURNISHING MEDICAL ASSISTANCE (INCLUDING MEDICALLY NEEDED TRANSPORTATION) IN OR THROUGH AN EDUCATIONAL PROGRAM OR SETTING.—For purposes of subsection (i)(23), the requirements of this subsection are the following:

''(1) APPROVED METHODOLOGY FOR EXPENDITURES FOR BUNDLED ITEMS, SERVICES, AND ADMINISTRATIVE COSTS.—

''(A) IN GENERAL.—In the case of any amount expended by, or on behalf of, the State for a bundle of individual items, services, and administrative costs under the State plan that are furnished in or through an educational program or setting, the expenditure must be made in accordance with a methodology approved by the Secretary which—

''(i) provides for an itemization to the Secretary in a manner that ensures accountability of the cost of the bundled items, services, and administrative costs and includes payment rates and the methodologies underlying the establishment of such rates;

''(ii) has a sound basis for determining such payment rates and methodologies; and

''(iii) matches payments for the bundled items, services, and administrative costs with corresponding items and services provided and administrative costs incurred under the State plan.

''(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as—

''(i) requiring a State to establish and apply such a methodology through a State plan amendment;

''(ii) requiring a State with such an approved methodology to obtain the approval of the Secretary for any increase in rates of reimbursement that are established consistent with such methodology; or

''(iii) prohibiting the Secretary from reviewing a State's costs for the individual items, services, and administrative costs that make up a proposed bundle of items, services, and costs as a condition of approval of the methodology that the State will establish to determine the rate of reimbursement for such bundle of items, services, and costs.

''(2) APPLICATION OF MARKET RATE FOR INDIVIDUAL ITEMS, SERVICES, ADMINISTRATIVE COSTS.—In the case of an amount expended by, or on behalf of, the State for an individual item, service, or administrative cost under the State plan that is furnished in or through an educational program or setting, the State must establish that the amount expended—

''(A) does not exceed the amount that would have been paid for the item, service, or administrative cost if the item or service was provided or the cost was incurred by an entity in or through a program or setting other than an educational program or setting; or

''(B) if the amount expended for the item, service, or administrative cost is higher than the amount described in subparagraph (A), was necessary.

''(3) TRANSPORTATION SERVICES.—

''(A) IN GENERAL.—In the case of an amount expended by, or on behalf of, the State for furnishing in or through an educational program or setting a transportation service for an individual who has not attained age 21 and who is eligible for medical assistance under the State plan, the State mush establish that—

''(i) a medical need for transportation is specifically listed in the individualized education program for the individual established pursuant to part B of the Individuals with Disabilities Education Act or, in the case of an infant or a toddler with a disability, in the individualized family service plan established for such infant or toddler pursuant to part C of such Act, or is furnished to the individual pursuant to section 504 of the Rehabilitation Act of 1973;

''(ii) the vehicle used to furnish such transportation service is specially equipped or staffed to accommodate individuals who have not attained age 21 with developmental, physical, or mental health needs; and

''(iii) payment for such service is made only for costs directly attributable to costs associated with transporting individuals who have not attained age 21 and whose developmental, physical, or mental health needs require transport in such a vehicle in order to receive the services for which medical assistance is provided under the State plan.

''(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as modifying the obligation of a State to ensure that an individual who has not attained age 21 and who is eligible for medical assistance under the State plan receives necessary transportation services to and from a provider of medical assistance in or through a program or setting other than an educational program or setting.''.

(b) REQUIREMENTS FOR THE PROVISION OF ITEMS AND SERVICES THROUGH MEDICAID MANAGED CARE ORGANIZATIONS.—

(1) CONTRACTUAL REQUIREMENTS.—Section 1903(m)(2) of the Social Security Act (42 U.S.C. 1396b(m)(2)) is amended—

(A) in subparagraph (A), by inserting after clause (i) the following new clause:

''(ii) the contract with the entity satisfies the requirements of subparagraph (C) (relating to payment for, and coverage of, such services under an individual's education program, an individualized family service plan, or when furnished in or through an educational program or setting);''; and

(B) by inserting after subparagraph (B), the following new subparagraph:

''(C) For purposes of clause (ii) of subparagraph (A), the requirements of this subparagraph are the following:

''(i) The contract with the entity specifies the coverage and payment responsibilities of the entity in relation to medical assistance for items and services that are covered under the State plan and included in the contract, when such items and services are furnished in or through an educational program or setting.

''(ii) In any case in which the entity is obligated under the contract to pay for items and services covered under the State plan, the contract with the entity requires the entity to—

''(I) enter into a provider network service agreement with the qualified provider or providers furnishing such items or services in or through an educational program or setting;

''(II) promptly pay such providers at a rate that is at least equal to the rate that would be paid to a provider furnishing the same service in a non-educational program or setting; and

''(III) treat as final and binding determinations by State licensed providers or providers eligible for reimbursement under the State plan working in an educational program or setting regarding the medical necessity of an item or service.

''(iii) The contract with the entity specifies the obligation of the entity to ensure that providers of items or services that are furnished in or through an educational program or setting refer children furnished such items or services to the entity and its provider network for additional services that are not available in or through such program or setting but that are covered under the State plan and included in the entity's contract with the State.

''(iv) The contract with the entity requires, with respect to payment for, and coverage of, services for which the entity is responsible for, that the entity must demonstrate that the entity has established procedures to—

''(I) ensure coordination between the State, a local educational agency and the lead agency in the State with responsibility for administering part C of the Individuals with Disabilities Education Act with respect to those services for an individual who has not attained age 21 and who is eligible for medical assistance under the State plan (including an individual who has an individualized education program established pursuant to part B of the Individuals with Disabilities Education Act or otherwise or an infant or toddler with a disability who has an individualized family service plan established pursuant to part C of such Act) which are required for the individual under the individual's education program or the individualized family service plan, or are furnished to the individual pursuant to section 504 of the Rehabilitation Act of 1973 and which are not specifically included in the services required under the contract, but are the responsibility of the State, a local educational agency, or the lead agency in the State with responsibility for administering part C of the Individuals with Disabilities Education Act; and

''(II) prevent duplication of services and payments under this title with respect to items and services covered under the State plan that are furnished in or through an educational program or setting to such individuals enrolled under the contract.''.

(2) PROHIBITION ON DUPLICATIVE PAYMENTS.—

(A) IN GENERAL.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)), as amended by subsection (a), is amended—

(i) in paragraph (24)(B), by striking the period and inserting ''; or''; and

(ii) by inserting after paragraph (24) the following new paragraph:

''(25) with respect to any amount expended under the State plan for an item, service, or administrative cost for which payment is or may be made directly to a person or entity (including a State, local educational agency, or the lead agency in the State with responsibility for administering part C of the Individuals with Disabilities Education Act) under the State plan if payment for such item, service, or administrative cost was included in the determination of a prepaid capitation or other risk-based rate of payment to an entity under a contract pursuant to section 1903(m).''.

(B) CONFORMING AMENDMENT.—The third sentence of section 1903(i) of such Act (42 U.S.C. 1396b(i)), as amended by subsection (a)(1)(C), is amended by striking ''and (24)'' and inserting ''(24), and (25)''.

(c) ALLOWABLE SHARE OF FFP WITH RESPECT TO PAYMENT FOR SERVICES FURNISHED IN OR THROUGH AN EDUCATIONAL PROGRAM OR SETTING.—Section 1903(w)(6) of the Social Security Act (42 U.S.C. 1396b(w)(6)) is amended—

(1) in subparagraph (A), by inserting ''subject to subparagraph (C),'' after ''subsection,''; and

(2) by adding at the end the following new subparagraph:

''(C) In the case of any Federal financial participation paid under subsection (a) with

respect to an expenditure for an item or service provided under the plan, or for any administrative cost incurred to carry out the plan, that is furnished in or through an educational program or setting, the State shall provide that—

''(i) if 0 percent of the expenditure was made or the cost was incurred directly by the State, the State shall pay the local educational agency in the State or the lead agency in the State with responsibility for administering part C of the Individuals with Disabilities Education Act that made the expenditure or incurred the cost (and, if applicable, any consortium of public agencies that incurred costs in connection with the collection or submission of claims for such expenditures or costs), 100 percent (divided, as appropriate, between such agencies and such a consortium, if applicable) of the amount of the Federal financial participation; and

''(ii) if 100 or any lesser percent of the expenditure was made or the cost was directly incurred by the State, the State shall retain only such percentage of the Federal financial participation paid for the expenditure or cost as does not exceed the percentage of such expenditure or cost that was funded by State revenues that are dedicated solely for the provision of such medical assistance (and shall pay out of any remaining percentage of such Federal financial participation, the percentage due to the local educational agency in the State or the lead agency in the State with responsibility for administering part C of the Individuals with Disabilities Education Act that made or incurred the remaining percentage of such expenditure or cost (and, if applicable, any consortium of public agencies that incurred costs in connection with the collection or submission of claims for such expenditures or costs)).''.

(d) ASSURANCE OF REIMBURSEMENT FOR ADMINISTRATIVE, ENROLLMENT, AND OUTREACH ACTIVITIES CONDUCTED BY LOCAL EDUCATIONAL AGENCIES.—

(1) MEDICAID.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by inserting after subsection (j) the following new subsection:

''(k) Nothing in this title shall be construed as authorizing the Secretary to prohibit the State agency with responsibility for the administration or supervision of the administration of the State plan from entering into interagency agreements with local educational agencies under which such local educational agencies shall be reimbursed for the Federal share of amounts expended for administrative, enrollment, and outreach activities for which payment is made to the State under section 1903(a)(7), including with respect to such activities as are conducted for purposes of satisfying the requirements of subsection (a)(43).''.

(2) SCHIP.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(B) by inserting after subparagraph (A) the following new subparagraph:

''(B) Section 1902(k) (relating to interagency agreements with local educational agencies for reimbursement for expenditures for administrative, enrollment, and outreach activities).''.

(e) CLARIFICATION OF COVERAGE OF EPSDT AND ITEMS AND SERVICES FURNISHED TO A DISABLED CHILD PURSUANT TO SECTION 504 OF THE REHABILITATION ACT OF 1973; DEFINITION OF ''EDUCATIONAL PROGRAM OR SETTING''.—Section 1903(c) of the Social Security Act (42 U.S.C. 1396b(c)) is amended—

(1) by inserting ''(1)'' after ''(c)'';

(2) by striking ''Education Act or'' and inserting ''Education Act,'';

(3) by inserting '', or furnished to a child with a disability pursuant to section 504 of the Rehabilitation Act of 1973'' before the period; and

(4) by adding at the end the following new paragraphs:

''(2) Nothing in this title shall be construed as prohibiting or restricting, or authorizing the Secretary to prohibit or restrict, payment under subsection (a) for the following items or services furnished in or through an educational program or setting, or costs incurred with respect to the furnishing of such items or services:

''(A) Medical assistance for items or services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and costs incurred for providing such items or services in accordance with the requirements of section 1902(a)(43).

''(B) Costs incurred for providing services related to the administration of the State plan, including providing information regarding the availability of, and eligibility for, medical assistance under the plan, and assistance with determinations of eligibility and enrollment and redeterminations of eligibility under the plan.

''(3) Nothing in this title shall be construed as prohibiting or restricting, or authorizing the Secretary to prohibit or restrict, payment under subsection (a) for medical assistance furnished in or through an educational program or setting or costs described in paragraph (2)(B) solely because—

''(A) the State utilizes an all-inclusive payment arrangement in making payments for medical assistance described in subsections (a) or (r) of section 1905; or

''(B) the State utilizes a cost allocation system that meets Federal requirements when paying for the cost of services described in section 1902(a)(43) or other administrative services directly related to the administration of the State plan.

''(4)(A) For purposes of this title, the term 'educational program or setting' means any location in which the items or services included in a child's individualized education plan established pursuant to part B of the Individuals with Disabilities Education Act or otherwise, or in an infant's or toddler's individualized family service plan established pursuant to part C of such Act, are delivered, including the home, child care setting, or school of the child, infant, or toddler.

''(B) Such term includes—

''(i) any location in which an evaluation or assessment is conducted, in accordance with the requirements of section 1902(a)(43) and subsections (a)(4)(B) and (r) of section 1905, to determine if a child is a child with a disability under section 614 of the Individuals with Disabilities Education Act (20 U.S.C. 1414) who requires an individualized education program (IEP) under section 614(d) of such Act (20 U.S.C. 1414(d)) or if an infant or toddler is an infant or toddler with a disability under section 635(a)(3) of such Act (20 U.S.C. 1435(a)(3)) who requires an individualized family service plan under section 636 of such Act (20 U.S.C. 1436) and any location in which a reevaluation or reassessment of such a determination is conducted; and

''(ii) for purposes of subsection (m)(2)(C), any location in which items or services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) are delivered and costs are incurred for providing such items or services in accordance with the requirements of section 1902(a)(43).''.

(f) ASSURANCE OF COMPLIANCE WITH FEDERAL AND STATE REQUIREMENTS.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (69), by striking ''and'' at the end;

(2) in paragraph (70)(B)(iv), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (70), the following new paragraph:

''(71) provide that—

''(A) the State will establish procedures to ensure that—

''(i) any provider of an item or service covered under the plan that is furnished in or through an educational program or setting complies with all Federal and State requirements applicable to providers of such items or services under the plan; and

''(ii) any educational entity that is engaged in the provision of an activity described in paragraph (43) or any other activity that is directly related to the administration of the plan complies with all Federal and State requirements applicable for payment for such activity; and

''(B) the State will not furnish medical assistance for an item or service covered under the plan in or through an educational program or setting, or undertake any activity described in paragraph (43) or any other activity that is directly related to the administration of the plan in or through such a program or setting, unless the entity responsible for providing the item or service, or undertaking such an activity, in or through the educational program or setting will be paid under the State plan for the costs related to the furnishing of such item or service or the undertaking of such activity.''.

(g) UNIFORM METHODOLOGY FOR EDUCATIONAL PROGRAM OR SETTING-BASED CLAIMS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Education, acting jointly and in consultation with State medicaid directors, State educational agencies, local educational agencies, and State agencies with responsibility for administering part C of the Individuals with Disabilities Education Act, shall develop and implement a uniform methodology for claims for payment of medical assistance and related administrative costs furnished under title XIX of the Social Security Act in an educational program or setting.

(2) REQUIREMENTS.—The methodology developed under paragraph (1)—

(A) shall not prohibit or restrict payment for medical assistance and administrative activities that are provided or conducted in accordance with section 1903(c) of the Social Security Act (42 U.S.C. 1396b(c)); and

(B) with respect to administrative costs, shall be based on—

(i) standards related to time studies and population estimates; and

(ii) a national standard for determining payment for such costs.

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply to items and services provided and expenditures made on or after such date, without regard to whether implementing regulations are in effect.

By Mr. MARTINEZ (for himself, Mrs. FEINSTEIN, Mr. NELSON of Florida, Mrs. HUTCHISON, Mr. SESSIONS, Mr. BINGAMAN, and Mr. CORNYN):

S. 3706. A bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules; to the Committee on Finance.

Mr. MARTINEZ. Mr. President, today I rise with my colleagues, Senators FEINSTEIN, NELSON of Florida, HUTCHISON, and BINGAMAN, on the 37th anniversary of the lunar landing when American astronauts Neil Armstrong and Edwin Aldrin set foot on the Moon, to introduce the Spaceport Equity Act of 2006—a bill to help bring additional investment to the space transportation industry.

On June 18th, the Washington Post reported on the launching of Kazakhstan's first satellite and their catapult into the space transportation industry. Home to the world's largest space center, the Baikonur Consmodrome, this ex-Soviet state is joining the list of rivals to the U.S. space industry. America's competitive edge is declining and will continue to do so unless we act now. My colleagues and I recognize this, and that is why we are introducing this most important legislation.

U.S. satellite manufacturers face increasing pressure to consider the use of foreign launch vehicles and launch sites, due to the lack of a sufficient domestic launch capability. The United States once dominated the commercial satellite-manufacturing field with an average market share of 83 percent; however, that market share has since declined to 50 percent. An even smaller share of U.S.-manufactured satellites is actually launched from U.S. spaceports. This comes at an estimated loss of $1.5 to $3.0 billion to the U.S. economy.

The space economy is made up infrastructure of manufacturers, service providers, and technologists in both the Government and private sector that deploy and operate launch vehicles, satellites, and space platforms. Many everyday goods and services rely on space infrastructure, including broadcast, cable, and satellite television, global internet services, satellite radio, cellular and international phone calls, etc.

Satellites are also used for global positioning systems, known as GPS, which enable us to have hands-on directions in our cars and vehicles. GPS is also influential in the trucking, aviation, and maritime industries for day-to-day operations and for our Nation's military operations. Thousands of gas stations use inexpensive small satellite dishes to connect to credit card networks so customers can pay instantly at the pump. Satellites also generate 90 percent of the weather forecasting data in the United States and are used to track hurricanes, tsunamis, and other weather phenomenon.

These satellites are launched vertically atop of rockets, propelling them into orbit in space. Because most U.S. space-launch facilities are operated by NASA, priority for launches at these facilities is given to Government projects. This means our commercial satellite needs take a back seat to Government operations. This often leaves U.S. commercial satellite ventures without reliable launch availability. This in turn has forced many companies seeking manufacturing and launch services toward our international competitors.

Spaceports are subdivisions of State governments that provide additional launch infrastructure than that available at Federal facilities. They attract and promote the U.S. commercial space transportation industry. Spaceport authorities function much like airport and port authorities by providing economic and transportation incentives to the industry, which in turn benefits the surrounding communities. Many States are forming space authorities to pursue ways of developing space transportation infrastructure.

The Florida Space Authority was the first such entity, which was created as a subdivision of the Florida State government by Florida's Governor and State legislature in 1989. Florida Space Authority is focused on leading the State's space industry in new directions through partnering with the commercial space industry to improve space transportation and provide innovative, forward-thinking solutions to the challenges facing this evolving industry.

The last few years have begun a new phase in space exploration. Spaceports presently operate in Florida, California, Virginia, and Alaska, but efforts are underway to establish 13 additional commercial spaceports in Alabama, California, Montana, Nevada, Oklahoma, South Dakota, Texas, Utah, Washington, and Wisconsin.

The commercial space transportation industry includes not only spaceports themselves but also companies that develop the needed infrastructure for testing and servicing launch vehicles. When including these industry partners with spaceports, at least 23 States are directly impacted by the commercial space transportation industry. Both spaceports and industry partners face increasing pressure from government-sponsored or subsidized competitors in Europe, China, Japan, India, Australia, Russia, and now Kazakhstan.

Commercial space transportation is a growing part of the U.S. economy. In 2004, this industry alone generated a total of nearly $98.1 billion dollars in economic activity, over $25 billion in earnings, and over 550,000 jobs; and $56.5 billion, more than half of this economic activity, was from satellite services. A 2004 Gallup poll shows overwhelming public support for space exploration. Roughly 80 percent of Americans agree that ''America's space program helps give America the scientific and technological edge it needs to compete in the international marketplace.'' And 76 percent agree that our space program ''benefits the nation's economy'' and inspires ''students to pursue careers in technical fields.''

The space industry has also led to a number of ''spin-off'' technologies—those influenced by space technology research and development. Home roof insulation and air filtration, antilock brakes, athletic shoes, vehicle protective airbags, cellular phones, and lasik surgery all owe thanks to NASA and space-based research. The list of space ''spin-off' technologies is estimated to exceed 40,000. These related technologies have helped employ tens of millions of Americans. Encouraging commercial investment in the space industry and increasing U.S. marketshare in this industry will certainly lead to additional innovation and technology that will impact other fields.

As you can see, this once government-dominated industry is now becoming a diverse mix of government and commercial entities—also leading way into future avenues of commercial space transportation, such as space tourism.

The increase in recent commercial launches includes the debut of the first commercial crewed suborbital launches of SpaceShipOne—leading the way to public space travel. ''Space tourism,'' as public space travel is now referred, has the potential to become a major growth industry. Recent market studies have shown space tourism has the potential to become a billion-dollar industry within 20 years.

Even though the average American may not be able to participate in public space travel, its potential impact on our economy and international competitiveness is something to be appreciated. Space tourism industry players expect there to be a market demand of at least 15,000 Americans per year to travel into suborbit and orbital flights. This would require an estimated 665 launches per year by 2010. If the United States continues as is, we will only be able to capture 10 percent market share, at best, of this emerging industry. If needed infrastructure is added, however, the United States is expected to pick up 60 to 70 percent of space flight demand by 2010. Every launch that we do not provide for in the United States means a loss to our economy and a gain for our international competitors. The Federal Aviation Administration's Commercial Space Transportation Division expects a $3 billion dollar loss to our economy if we do not meet the rising demand for space tourism.

Currently, U.S. launch facilities are few and most are owned and operated by the Federal Government, putting commercial users in direct competition with the U.S. military, NASA, and other Government entities, which get priority over commercial projects. If the United States is to remain competitive in the commercial space industry, added and improved infrastructure will be needed to support this growing industry.

On a more local note, my own State of Florida could stand to gain much by way of economic development from increased investment in spaceport infrastructure. According to recent studies by the Florida Space Authority, increase spaceport infrastructure and activity in Florida could mean as much as $29.7 million in additional economic activity by the year 2015—this does not include the economic activity generated from impacted tourism, secondary contracts, and spinoff technologies.

Other modes of transportation—highways, airports, and seaports—currently enjoy a tax incentive for meeting their infrastructure needs, so why not spaceports?

This Spaceport Equity Act of 2006 would provide spaceports with the same treatment provided for airports, seaports, rail, and other transit projects under the exempt facility bond rules. With international competition on the rise, our Nation's spaceports are a vital component of the infrastructure needed to expand and enhance the U.S. role in the international space arena. The Spaceport Equity Act is an important step to increasing our competitiveness in this field because it will stimulate investment in expanding and modernizing our space launch facilities and lower the costs of financing spaceport projects.

Since 1968, tax-exempt bonds have played a crucial role in meeting airport investment needs, with 50 percent or more of major airport projects being financed through municipal tax-exempt bonds. By extending this favorable tax treatment to spaceports, this bill will help meet spaceport needs and increase our Nation's ability to compete with expanded international interests in space exploration and technology. Similar legislation has been considered since the 1980s, and we cannot afford to wait any longer to address the needs of this important sector.

This proposal does not provide direct Federal spending for our commercial space transportation industry but, rather, creates the conditions necessary to stimulate private capital investment in industry infrastructure. By issuing tax-free bonds to finance spaceport infrastructure, space authorities could provide site-specific and vehicle-specific tailoring to promote the competition and innovation necessary to maintain the U.S. competitive edge in the space transportation industry.

This is an efficient means for achieving our space transportation needs, and I urge my colleagues in the Senate to join us in this most important effort by cosponsoring this bill.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3706

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 ''Spaceport Equality Act of 2006''.

SEC. 2. SPACEPORTS TREATED LIKE AIRPORTS UNDER EXEMPT FACILITY BOND RULES.

(a) IN GENERAL.—Paragraph (1) of section 142(a) of the Internal Revenue Code of 1986 (relating to exempt facility bonds) is amended to read as follows:

''(1) airports and spaceports,''.

(b) TREATMENT OF GROUND LEASES.—Paragraph (1) of section 142(b) of the Internal Revenue Code of 1986 (relating to certain facilities must be governmentally owned) is amended by adding at the end the following new subparagraph:

''(C) SPECIAL RULE FOR SPACEPORT GROUND LEASES.—For purposes of subparagraph (A), spaceport property which is located on land owned by the United States and which is used by a governmental unit pursuant to a lease (as defined in section 168(h)(7)) from the United States shall be treated as owned by such unit if—

''(i) the lease term (within the meaning of section 168(i)(3)) is at least 15 years, and

''(ii) such unit would be treated as owning such property if such lease term were equal to the useful life of such property.''.

(c) DEFINITION OF SPACEPORT.—Section 142 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(n) SPACEPORT.—

''(1) IN GENERAL.—For purposes of subsection (a)(1), the term 'spaceport' means—

''(A) any facility directly related and essential to servicing spacecraft, enabling spacecraft to launch or reenter, or transferring passengers or space cargo to or from spacecraft, but only if such facility is located at, or in close proximity to, the launch site or reentry site, and

''(B) any other functionally related and subordinate facility at or adjacent to the launch site or reentry site at which launch services or reentry services are provided, including a launch control center, repair shop, maintenance or overhaul facility, and rocket assembly facility.

''(2) ADDITIONAL TERMS.—For purposes of paragraph (1)—

''(A) SPACE CARGO.—The term 'space cargo' includes satellites, scientific experiments, other property transported into space, and any other type of payload, whether or not such property returns from space.

''(B) SPACECRAFT.—The term 'spacecraft' means a launch vehicle or a reentry vehicle.

''(C) OTHER TERMS.—The terms 'launch', 'launch site', 'launch services', 'launch vehicle', 'payload', 'reenter', 'reentry services', 'reentry site', and 'reentry vehicle' shall have the respective meanings given to such terms by section 70102 of title 49, United States Code (as in effect on the date of enactment of this subsection).''.

(d) EXCEPTION FROM FEDERALLY GUARANTEED BOND PROHIBITION.—Paragraph (3) of section 149(b) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by adding at the end the following new subparagraph:

''(E) EXCEPTION FOR SPACEPORTS.—Paragraph (1) shall not apply to any exempt facility bond issued as part of an issue described in paragraph (1) of section 142(a) to provide a spaceport in situations where—

''(i) the guarantee of the United States (or an agency or instrumentality thereof) is the result of payment of rent, user fees, or other charges by the United States (or any agency or instrumentality thereof), and

''(ii) the payment of the rent, user fees, or other charges is for, and conditioned upon, the use of the spaceport by the United States (or any agency or instrumentality thereof).''.

(e) CONFORMING AMENDMENT.—The heading for section 142(c) of the Internal Revenue Code of 1986 is amended by inserting ''SPACEPORTS,'' after ''AIRPORTS,''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

By Mr. KENNEDY:

S. 3710. A bill to amend the Elementary and Secondary Education Act of 1965 to improve retention of public elementary and secondary school teachers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, today I am introducing the Teacher Center Act of 2006, to help establish and fund teacher centers across the Nation. Its goal is to provide more effective and relevant professional development for teachers, and create a network of support for them to share best practices, improve classroom training, and improve working conditions in their schools. It's a privilege to join my distinguished colleague, Congressman GEORGE MILLER, who is introducing companion legislation for teacher centers in the House of Representatives.

As research makes clear, good teachers are the single most important factor in achieving the success of students, both academically and developmentally. Students who receive good instruction can reach new heights through the hard work, vision, and energy of their teachers. Good teaching can also overcome the harmful effects of poverty and other disadvantages on student learning.

In 2002, with the No Child Left Behind Act, we made a commitment to put a first-rate teacher in every classroom to help all students succeed in school and in life. But to reach that goal, we need to recruit, train, retain, and support our teachers. Today, about half of all teachers who enter the profession leave the classroom within five years. That's an unacceptable loss—the 5-year mark is just the time when teachers have mastered their work and are consistently able to improve the education of their students.

Too often, teachers lack the training and support needed to do well in the classroom. Eliminating this deficit can make all the difference in their decision to remain in the profession. Teacher centers can help see that teachers have the professional development, mentoring, and support they need in order to succeed. Developing and expanding these centers is an important step toward enriching teachers' lives, enhancing their knowledge and skills, and encouraging them to stay in the profession and succeed in the classroom.

The teacher centers model grew out of an innovative approach to supporting the professional development of teachers in England. That model enables teachers to become leaders and decision-makers in their own professional growth and in the environments in which they work. It enables them to collaboratively plan and implement staff development and reform that can be shared with their colleagues, as a means for reflection and improvement in their teaching practice.

Since the initial creation of teacher centers in the United States in the late 1970s, we have seen how effective they can be in supporting teachers, so that they can respond more effectively to student needs and help them reach the high standards now required by the No Child Left Behind Act.

Teacher centers offer valuable programs for educators when aligned with State standards and school district curriculums. The centers support new teachers during their first years in the profession, and their peer-to-peer networks facilitate communication and collaboration among teachers to improve instruction. The centers also help teachers incorporate new research into their daily routines, and support the use of technology and proven strategies to keep students engaged and help them do well in school.

Most important, teacher centers are essential to the development of teacher capability and leadership. The training provided is aimed at building the capability of teachers to reach all of their students through differentiated instruction—a goal central to the promise of leaving no child behind. And by taking advantage of the support provided by teacher centers, educators can have a more active role in their own professional growth and eventually hold leadership positions in their schools and communities.

As we know, teachers are on the front lines in the Nation's schools and in our efforts to improve public education. We cannot expect the quality of our classrooms to improve without investing more in the quality of our teachers. Teacher centers ensure that the nation's educators have the time, resources, and support they need to work and learn with one another.

I urge my colleagues to join in supporting this bill, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3710

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 ''Teacher Center Act of 2006''.

SEC. 2. FINDINGS.

Congress finds as follows:

(1) There are not enough qualified teachers in the Nation's classrooms, and an unprecedented number of teachers will retire over the next 5 years. Over the next decade, the Nation will need to bring 2,000,000 new teachers into public schools.

(2) Too many teachers do not receive adequate preparation for their jobs.

(3) More than one-third of children in grades 7 through 12 are taught by a teacher who lacks both a college major and certification in the subject being taught. Rates of ''out-of-field teaching'' are especially high in high-poverty schools.

(4) Teacher turnover is a serious problem, particularly in urban and rural areas. Over one-third of new teachers leave the profession within their first 3 years of teaching, and 14 percent of new teachers leave the field within the first year. After 5 years—the average time it takes for teachers to maximize students' learning—half of all new teachers will have exited the profession. Rates of teacher attrition are highest in high-poverty schools. Between 2000 and 2001, 1 out of 5 teachers in the Nation's high-poverty schools either left to teach in another school or dropped out of teaching altogether.

(5) African-American, Latino, and low-income students are much less likely than other students to have highly-qualified teachers.

(6) Research shows that individual teachers have a great impact on how well their students learn. The most effective teachers have been shown to be able to boost their pupils' learning by a full grade level relative to students taught by less effective teachers.

(7) Only 16 States finance new teacher induction programs, and fewer still require inductees to be matched with mentors who teach the same subject.

(8) Large-scale studies of effective professional development have documented that student achievement and teacher learning increases when professional development is teacher-led, ongoing, and collaborative.

(9) Research shows that the characteristics of successful professional development include a focus on concrete classroom applications and practice, and opportunities for teacher observation, critique, reflection, group support, and collaboration.

(10) Data on school reform shows that teachers are attracted to and continue to teach in academically challenged schools when appropriate supports are in place to help them succeed. Appropriate supports include high-quality induction programs, job-embedded professional development, and small classes which allow teachers to tailor instruction to meet the needs of individual students.

SEC. 3. IMPROVING RETENTION OF AND PROFESSIONAL DEVELOPMENT FOR PUBLIC ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended by adding at the end the following:

''PART E—TEACHER RETENTION

''SEC. 2501. IMPROVING PROFESSIONAL DEVELOPMENT OPPORTUNITIES THROUGH TEACHER CENTERS.

''(a) GRANTS.—The Secretary may make grants to eligible entities for the establishment and operation of new teacher centers or the support of existing teacher centers.

''(b) SPECIAL CONSIDERATION.—In making grants under this section, the Secretary shall give special consideration to any application submitted by an eligible entity that is—

''(1) a high-need local educational agency; or

''(2) a consortium that includes at least one high-need local educational agency.

''(c) DURATION.—Each grant under this section shall be for a period of 3 years.

''(d) REQUIRED ACTIVITIES.—A teacher center receiving assistance under this section shall carry out each of the following activities:

''(1) Providing high-quality professional development to teachers to assist the teachers in improving their knowledge, skills, and teaching practices in order to help students to improve the students' achievement and meet State academic standards.

''(2) Providing teachers with information on developments in curricula, assessments, and educational research, including the manner in which the research and data can be used to improve teaching skills and practice.

''(3) Providing training and support for new teachers.

''(e) PERMISSIBLE ACTIVITIES.—A teacher center may use assistance under this section for any of the following:

''(1) Assessing the professional development needs of the teachers and other instructional school employees, such as librarians, counselors, and paraprofessionals, to be served by the center.

''(2) Providing intensive support to staff to improve instruction in literacy, mathematics, science, and other curricular areas necessary to provide a well-rounded education to students.

''(3) Providing support to mentors working with new teachers.

''(4) Providing training in effective instructional services and classroom management strategies for mainstream teachers serving students with disabilities and students with limited English proficiency.

''(5) Enabling teachers to engage in study groups and other collaborative activities and collegial interactions regarding instruction.

''(6) Paying for release time and substitute teachers in order to enable teachers to participate in the activities of the teacher center.

''(7) Creating libraries of professional materials and educational technology.

''(8) Providing high-quality professional development for other instructional staff, such as paraprofessionals, librarians, and counselors.

''(9) Assisting teachers to become highly qualified and paraprofessionals to become teachers.

''(10) Assisting paraprofessionals to meet the requirements of section 1119.

''(11) Developing curricula.

''(12) Incorporating additional on-line professional development resources for participants.

''(13) Providing funding for individual- or group-initiated classroom projects.

''(14) Developing partnerships with businesses and community-based organizations.

''(15) Establishing a teacher center site.

''(f) TEACHER CENTER POLICY BOARD.—

''(1) IN GENERAL.—A teacher center receiving assistance under this section shall be operated under the supervision of a teacher center policy board.

''(2) MEMBERSHIP.—

''(A) TEACHER REPRESENTATIVES.—The majority of the members of a teacher center policy board shall be representatives of, and selected by, the elementary and secondary school teachers to be served by the teacher center. Such representatives shall be selected through the teacher organization, or if there is no teacher organization, by the teachers directly.

''(B) OTHER REPRESENTATIVES.—The members of a teacher center policy board—

''(i) shall include at least 2 members who are representatives of, or designated by, the school board of the local educational agency to be served by the teacher center;

''(ii) shall include at least 1 member who is a representative of, and is designated by, the institutions of higher education (with departments or schools of education) located in the area; and

''(iii) may include paraprofessionals.

''(g) APPLICATION.—

''(1) IN GENERAL.—To seek a grant under this section, an eligible entity shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(2) ASSURANCE OF COMPLIANCE.—An application under paragraph (1) shall include an assurance that the eligible entity will require any teacher center receiving assistance through the grant to comply with the requirements of this section.

''(3) TEACHER CENTER POLICY BOARD.—An application under paragraph (1) shall include the following:

''(A) An assurance that—

''(i) the eligible entity has established a teacher center policy board;

''(ii) the board participated fully in the preparation of the application; and

''(iii) the board approved the application as submitted.

''(B) A description of the membership of the board and the method of selection of the membership.

''(h) DEFINITIONS.—In this section:

''(1) The term 'eligible entity' means a local educational agency or a consortium of 2 or more local educational agencies.

''(2) The term 'high-need' means, with respect to an elementary school or a secondary school, a school—

''(A) that serves an eligible school attendance area (as defined in section 1113) in which not less than 65 percent of the children are from low-income families, based on the number of children eligible for free and reduced priced lunches under the Richard B. Russell National School Lunch Act; or

''(B) in which not less than 65 percent of the children enrolled are from such families.

''(3) The term 'high-need local educational agency' means a local educational agency—

''(A) that serves not fewer than 10,000 children from families with incomes below the poverty line, or for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and

''(B) that is having or expected to have difficulty filling teacher vacancies or hiring new teachers who are highly qualified.

''(4) The term 'teacher center policy board' means a teacher center policy board described in subsection (f).

''(i) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $100,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

(b) CONFORMING AMENDMENT.—The table of contents at section 2 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended by inserting after the item relating to section 2441 of such Act the following new items:

''PART E—TEACHER RETENTION

''Sec. 2501. Improving professional development opportunities.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 536—COMMENDING THE 25TH YEAR OF SERVICE IN THE FEDERAL JUDICIARY BY WILLIAM W. WILKINS, CHIEF JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

Mr. GRAHAM (for himself and Mr. DEMINT) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 536

Whereas Chief Judge William W. Wilkins entered public service in 1967 as an officer in the United States Army, eventually earning the rank of Colonel in the United States Army Reserves;

Whereas Chief Judge Wilkins served as the elected Solicitor in South Carolina and earned the reputation as a fearless prosecuting attorney;

Whereas, in 1981, newly-elected President Ronald Reagan appointed Chief Judge Wilkins as his first appointment as President to the position of United States District Judge for the District of South Carolina;

Whereas, in 1985, President Reagan appointed Chief Judge Wilkins to be the first Chair of the United States Sentencing Commission;

Whereas, under the determined leadership of Chief Judge Wilkins, the Sentencing Commission achieved major positive changes in the Federal criminal justice system;

Whereas, in 1986, President Reagan appointed Chief Judge Wilkins to the position of Circuit Judge for the United States Court of Appeals for the Fourth Circuit;

Whereas, in 2003, Chief Judge Wilkins was elevated to the position of Chief Judge of the United States Court of Appeals for the Fourth Circuit;

Whereas Chief Judge Wilkins has served as the Chair of the Criminal Law Committee of the Judicial Conference of the United States and, as of the date of approval of this resolution, serves as a member of this Conference; and

Whereas Chief Judge Wilkins is a nationally recognized jurist and is known for his scholarship, sharp wit, and unyielding allegiance to supporting and adhering to the rule of law: Now, therefore, be it

Resolved, That the Senate commends the 25th year of service in the Federal judiciary and a lifetime of dedicated public service by William W. Wilkins, Chief Judge of the United States Court of Appeals for the Fourth Circuit.

SENATE RESOLUTION 537—SUPPORTING THE NATIONAL SEXUAL ASSAULT HOTLINE AND COMMENDING THE HOTLINE FOR COUNSELING AND SUPPORTING MORE THAN 1,000,000 CALLERS

Mr. BIDEN (for himself and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 537

Whereas it is estimated that a sexual assault occurs every 2.5 minutes in the United States and more than 200,000 people in the United States each year are victims of sexual assault;

Whereas 1 of every 6 women and 1 of every 33 men in the United States have been victims of rape or attempted rape, according to the Department of Justice;

Whereas the Uniform Crime Reports of the Federal Bureau of Investigation rank rape second only to murder in the hierarchy of violent crimes;

Whereas research suggests that sexual assault victims who receive counseling are more likely to report the assault to the police and to participate in the prosecution of the offender;

Whereas, in June 2006, the National Sexual Assault Hotline (referred to in this preamble as ''Hotline'') helped its 1,000,000th caller;

Whereas the Hotline operates 24 hours per day, 365 days per year, offering important, free, and confidential crisis intervention, support, information, and referrals for victims of sexual assault and their friends and families;

Whereas the Hotline was created by the Rape, Abuse & Incest National Network (referred to in this preamble as ''RAINN''), a non-profit corporation, the headquarters of which are located in Washington, D.C.;

Whereas the Hotline answered its first call on July 27, 1994, and operated solely with private funds for the first 10 years the Hotline was in existence;

Whereas RAINN continues to operate the Hotline today, in partnership with 1,100 local rape crisis centers in the 50 States and the District of Columbia and with over 10,000 trained volunteers and staff, and in collaboration with coalitions against sexual assault in each of the 50 States;

Whereas the Hotline helps an average of 11,000 people each month and in 2005 helped 137,039 women, men, and children across the Nation;

Whereas the public education and outreach undertaken by RAINN and local rape crisis centers have increased public awareness of sexual violence and contributed to a 58-percent decline in crimes of sexual violence since 1993;

Whereas the Hotline has experienced a significant increase in call volume as public awareness of sexual violence has grown, with calls to the Hotline increasing by 43 percent since 2003;

Whereas millions of Americans have learned of the services available through the Hotline, thanks to the public service promotion contributed by every national broadcast television network, a dozen cable networks, and more than 1,000 radio stations, newspapers, and magazines; and

Whereas the Hotline serves as an outstanding example of a successful partnership between the Federal Government, the private sector, and individuals: Now, therefore, be it

Resolved, That the Senate—

(1) supports the National Sexual Assault Hotline; and

(2) commends the National Sexual Assault Hotline for counseling and supporting more than 1,000,000 callers.

Mr. BIDEN. Mr. President, I speak today to submit a resolution with my good friend and chairman of the Judiciary Committee, Senator SPECTER. Our resolution recognizes and commends the National Sexual Assault Hotline for counseling and helping more than 1 million callers. One of the most telling statistics since passage of the Violence Against Women Act in 1994 is the number of individuals reporting rape to the authorities. Almost half—42 percent of rape victims are now stepping forward and reporting these heinous crimes to the authorities, while prior to 2002, only 31 percent reported their attacks. Each number represents a brave victim who steps forward and says out loud that she has been raped. For years, rape was a crime of shame. Our society blamed the victim. Police, lawyers, and judges focused on her conduct—what did she wear? where was she walking? was she drinking alcohol? Slowly but surely, we are working to change societal attitudes about rape and improve our criminal justice system to encourage reporting and prosecution of rapes, whether committed by the neighbor next door or a stranger in an alley.

A critical partner in our fight to end sexual assault has been the National Sexual Assault Hotline operated by RAINN, the Rape, Abuse and Incest National Network. RAINN created this toll-free telephone hotline—1–800–656–HOPE—in 1994 and manages it with 1,100 local affiliates in 50 States, and the District of Columbia. Victims from across the country can telephone the Hotline and receive confidential, trained expertise from experienced professionals with the assistance of over 10,000 volunteers. In June 2006, the Hotline received its millionth call since it answered its first call in 1994. In 2005 alone, the Hotline helped 137,039 individuals, an average of 11,420 people a month.

The National Sexual Assault Hotline is truly a national treasure. It helps individuals and families recover from a horrendous violation. It provides a safe haven for victims to talk about the crime, and offers referrals on local psychological and physical help. A call to the National Sexual Assault Hotline is often the first step towards justice for a victim. Research shows that victims who receive counseling are significantly more likely to report the assault, and more likely to fully participate in the prosecution. Every 2.5 minutes, another American is sexually assaulted. We are fortunate to have the hotline there to answer victims' calls for help and healing. The hotline's volunteers are doing God's work, and deserve our gratitude. I am proud to rise with my good friend from Pennsylvania to introduce a resolution marking the hotline's millionth call and commemorating the hotline's tremendous work to help America's families and make our streets safer.

SENATE CONCURRENT RESOLUTION 111—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD EXPAND TRADE OPPORTUNITIES WITH MONGOLIA AND INITIATE NEGOTIATIONS TO ENTER INTO A FREE TRADE AGREEMENT WITH MONGOLIA

Mr. HAGEL (for himself, Mr. LUGAR, Mr. OBAMA, Ms. MURKOWSKI, and Mr. GREGG) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 111

Whereas Mongolia declared an end to a one-party Communist state in 1990 and embarked on democratic and free-market reforms;

Whereas these reforms included adopting democratic electoral processes, enacting further political reform measures, privatizing state enterprises, lifting price controls, and improving fiscal discipline;

Whereas since 1990, Mongolia has made progress to strengthen democratic governing institutions and protect individual rights;

Whereas the Department of State found in its 2005 Human Rights Report that Mongolia generally respected the human rights of its citizens although concerns remain, including the treatment of prisoners, freedom of the press and information, due process, and trafficking in persons;

Whereas the Department of State found in its 2005 Religious Freedom Report that Mongolia generally respects freedom of religion, although some concerns remain;

Whereas Mongolia has been a member of the World Trade Organization since 1997, and a member of the International Monetary Fund, the World Bank, and the Asian Development Bank since 1991;

Whereas in 1999 the United States provided permanent normal trade relations treatment to the products of Mongolia;

Whereas the United States and Mongolia signed a bilateral Trade and Investment Framework Agreement in 2004;

Whereas Mongolia has expressed steadfast commitment to greater economic reforms, including a commitment to encourage and expand the role of the private sector, increase transparency, strengthen the rule of law, combat corruption, and comply with international standards for labor and intellectual property rights protection;

Whereas bilateral trade between the United States and Mongolia in 2005 was valued at more than $165,000,000;

Whereas Mongolia has provided strong and consistent support to the United States in the global war on terror, including support for United States military forces and, since May 2003, contributed peace keepers to Operation Iraqi Freedom, artillery trainers to Operation Enduring Freedom, and personnel to the United Nations peace-keeping operations in Kosovo and Sierra Leone;

Whereas on August 6, 2002, the President signed into law H.R. 3009 (Public Law 107–210), the Trade Act of 2002, which provides for an expedited procedure for congressional consideration of international trade agreements;

Whereas on July 15, 2004, President Bush and President Bagabandi issued a joint statement that declared a new era of cooperation and comprehensive partnership between the two democratic countries based on shared values and common strategic interests;

Whereas in November 2005, President George W. Bush became the first President of the United States to visit Mongolia, and on November 21, 2005, President Bush and President Enkhbayar issued a joint statement declaring that the two countries are committed to defining guiding principles and expanding the framework of the comprehensive partnership between the United States and Mongolia; and

Whereas the United States and Mongolia would benefit from expanding and diversifying trade opportunities by reducing tariff and nontariff barriers to trade: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the United States should continue to work with Mongolia to expand bilateral United States-Mongolia trade opportunities and initiate negotiations to enter into a free trade agreement with Mongolia.

Mr. HAGEL. Mr. President, on behalf of my colleagues Senators LUGAR, OBAMA, MURKOWSKI and GREGG, I rise to submit a resolution that expresses the sense of the Senate that the United States should begin negotiations to establish a free trade agreement with Mongolia.

The United States and Mongolia enjoy healthy and deepening relations since the end of one-party Communist rule in Mongolia in 1990. Today, Mongolia is a strong and consistent partner of America, and has demonstrated its commitment to peace, democracy and international stability, notably by its involvement in Iraq and Afghanistan. America's relationship with Mongolia carries geostrategic importance.

Mongolia has made significant progress to strengthen its democratic governing institutions, to protect individuals rights and achieve free-market reforms. Its governments have adopted reforms that have enacted democratic electoral processes and the rule of law, privatized state enterprises, lifted price controls and improved fiscal discipline. Mongolia has achieved remarkable progress and continues to express its commitment to continued democratic and economic transition.

Mongolia has worked over the past years to become re-integrated in the international economic framework. In 1991, Mongolia joined the International Monetary Fund, the World Bank and the Asian Development Bank. In 1997, Mongolia joined the World Trade Organization. In 1999, the United States provided permanent normal trade relations to Mongolia. And, in 2004, the United States and Mongolia signed a bilateral Trade and Investment Framework Agreement. In 2005, bilateral trade was valued at more than $165 million.

This resolution recognizes the significance of the U.S.-Mongolia relationship and emphasizes that a deeper

and more lasting bilateral economic and trading relationship is in the interest of both countries. I urge my colleagues to support the adoption of this resolution.

SENATE CONCURRENT RESOLUTION 112—RELATING TO CORRECTING A CLERICAL ERROR IN THE ENROLLMENT OF S. 3693

Mr. REID submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 112

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill, S. 3693, the Secretary of the Senate shall insert ''or reentries'' after ''States, reentry'' in section 212(a)(9)(C)(iii)(II) of the Immigration and Nationality Act, as added by section 6(b)(1)(C) of the bill.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4685. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 466, to deauthorize a certain portion of the project for navigation, Rockland Harbor, Maine; which was referred to the Committee on Environment and Public Works.

SA 4686. Mr. HATCH (for himself, Mr. SPECTER, Mr. FRIST, Mr. BIDEN, Mr. NELSON, of Florida, Mr. DORGAN, Mr. GRASSLEY, Mr. KYL, Mr. SESSIONS, Mr. BURNS, Mr. SANTORUM, Mr. DAYTON, Mr. ALLEN, Mr. DEWINE, Mr. TALENT, Mr. GREGG, Ms. CANTWELL, Mr. MARTINEZ, Mr. ENSIGN, Mr. REID, Mr. COLEMAN, Ms. SNOWE, Ms. MURKOWSKI, Mr. THOMAS, and Mrs. HUTCHISON) proposed an amendment to the bill H.R. 4472, to protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote Internet safety, and to honor the memory of Adam Walsh and other child crime victims.

SA 4687. Mr. FRIST submitted an amendment intended to be proposed by him to the bill H.R. 4472, supra.

SA 4688. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1950, to promote global energy security through increased cooperation between the United States and India in diversifying sources of energy, stimulating development of alternative fuels, developing and deploying technologies that promote the clean and efficient use of coal, and improving energy efficiency; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4685. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 466, to deauthorize a certain portion of the project for navigation, Rockland Harbor, Maine; which was referred to the Committee on Environment and Public Works; as follows:

At the end, add the following:

SEC. 2. REDESIGNATION OF PROJECT FOR NAVIGATION, SACO RIVER, MAINE.

The portion of the project for navigation, Saco River, Maine, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and described as a 6-foot deep, 10-acre maneuvering basin located at the head of navigation, is redesignated as an anchorage area.

SA 4686. Mr. HATCH (for himself, Mr. SPECTER, Mr. FRIST, Mr. BIDEN, Mr. NELSON of Florida, Mr. DORGAN, Mr. GRASSLEY, Mr. KYL, Mr. SESSIONS, Mr. BURNS, Mr. SANTORUM, Mr. DAYTON, Mr. ALLEN, Mr. DEWINE, Mr. TALENT, Mr. GREGG, Ms. CANTWELL, Mr. MARTINEZ, Mr. ENSIGN, Mr. REID, Mr. COLEMAN, Ms. SNOWE, Ms. MURKOWSKI, Mr. THOMAS, and Mrs. HUTCHISON) proposed an amendment to the bill H.R. 4472, to protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote Internet safety, and to honor the memory of Adam Walsh and other child crime victims; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Adam Walsh Child Protection and Safety Act of 2006''.

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

Sec. 1. Short title; table of contents.
Sec. 2. In recognition of John and Revé Walsh on the occasion of the 25th anniversary of Adam Walsh's abduction and murder.

TITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

Sec. 101. Short title.
Sec. 102. Declaration of purpose.
Sec. 103. Establishment of program.

Subtitle A—Sex Offender Registration and Notification

Sec. 111. Relevant definitions, including Amie Zyla expansion of sex offender definition and expanded inclusion of child predators.
Sec. 112. Registry requirements for jurisdictions.
Sec. 113. Registry requirements for sex offenders.
Sec. 114. Information required in registration.
Sec. 115. Duration of registration requirement.
Sec. 116. Periodic in person verification.
Sec. 117. Duty to notify sex offenders of registration requirements and to register.
Sec. 118. Public access to sex offender information through the Internet.
Sec. 119. National Sex Offender Registry.
Sec. 120. Dru Sjodin National Sex Offender Public Website.
Sec. 121. Megan Nicole Kanka and Alexandra Nicole Zapp Community Notification Program.
Sec. 122. Actions to be taken when sex offender fails to comply.
Sec. 123. Development and availability of registry management and website software.
Sec. 124. Period for implementation by jurisdictions.
Sec. 125. Failure of jurisdiction to comply.
Sec. 126. Sex Offender Management Assistance (SOMA) Program.
Sec. 127. Election by Indian tribes.
Sec. 128. Registration of sex offenders entering the United States.
Sec. 129. Repeal of predecessor sex offender program.
Sec. 130. Limitation on liability for the national center for missing and exploited children.
Sec. 131. Immunity for good faith conduct.

Subtitle B—Improving Federal Criminal Law Enforcement To Ensure Sex Offender Compliance With Registration and Notification Requirements and Protection of Children From Violent Predators

Sec. 141. Amendments to title 18, United States Code, relating to sex offender registration.
Sec. 142. Federal assistance with respect to violations of registration requirements.
Sec. 143. Project Safe Childhood.
Sec. 144. Federal assistance in identification and location of sex offenders relocated as a result of a major disaster.
Sec. 145. Expansion of training and technology efforts.
Sec. 146. Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking.

Subtitle C—Access to Information and Resources Needed To Ensure That Children Are Not Attacked or Abused

Sec. 151 Access to national crime information databases.
Sec. 152. Requirement to complete background checks before approval of any foster or adoptive placement and to check national crime information databases and State child abuse registries; suspension and subsequent elimination of Opt-Out.
Sec. 153. Schools Safe Act.
Sec. 154. Missing child reporting requirements.
Sec. 155. DNA fingerprinting.

TITLE II—FEDERAL CRIMINAL LAW ENHANCEMENTS NEEDED TO PROTECT CHILDREN FROM SEXUAL ATTACKS AND OTHER VIOLENT CRIMES

Sec. 201. Prohibition on Internet sales of date rape drugs.
Sec. 202. Jetseta Gage assured punishment for violent crimes against children.
Sec. 203. Penalties for coercion and enticement by sex offenders.
Sec. 204. Penalties for conduct relating to child prostitution.
Sec. 205. Penalties for sexual abuse.
Sec. 206. Increased penalties for sexual offenses against children.
Sec. 207. Sexual abuse of wards.
Sec. 208. Mandatory penalties for sex-trafficking of children.
Sec. 209. Child abuse reporting.
Sec. 210. Sex offender submission to search as condition of release.
Sec. 211. No limitation for prosecution of felony sex offenses.
Sec. 212. Victims' rights associated with habeas corpus proceedings.
Sec. 213. Kidnapping jurisdiction.
Sec. 214. Marital communication and adverse spousal privilege.
Sec. 215. Abuse and neglect of Indian children.
Sec. 216. Improvements to the Bail Reform Act to address sex crimes and other matters.

TITLE III—CIVIL COMMITMENT OF DANGEROUS SEX OFFENDERS

Sec. 301. Jimmy Ryce State civil commitment programs for sexually dangerous persons.
Sec. 302. Jimmy Ryce civil commitment program.

TITLE IV—IMMIGRATION LAW REFORMS TO PREVENT SEX OFFENDERS FROM ABUSING CHILDREN

Sec. 401. Failure to register a deportable offense.

Sec. 402. Barring convicted sex offenders from having family-based petitions approved.

TITLE V—CHILD PORNOGRAPHY PREVENTION

Sec. 501. Findings.
Sec. 502. Other record keeping requirements.
Sec. 503. Record keeping requirements for simulated sexual conduct.
Sec. 504. Prevention of distribution of child pornography used as evidence in prosecutions.
Sec. 505. Authorizing civil and criminal asset forfeiture in child exploitation and obscenity cases.
Sec. 506. Prohibiting the production of obscenity as well as transportation, distribution, and sale.
Sec. 507. Guardians ad litem.

TITLE VI—GRANTS, STUDIES, AND PROGRAMS FOR CHILDREN AND COMMUNITY SAFETY

Subtitle A—Mentoring Matches for Youth Act

Sec. 601. Short title.
Sec. 602. Findings.
Sec. 603. Grant program for expanding Big Brothers Big Sisters mentoring program.
Sec. 604. Biannual report.
Sec. 605. Authorization of appropriations.

Subtitle B—National Police Athletic League Youth Enrichment Act

Sec. 611. Short title.
Sec. 612. Findings.
Sec. 613. Purpose.
Sec. 614. Grants authorized.
Sec. 615. Use of funds.
Sec. 616. Authorization of appropriations.
Sec. 617. Name of League.

Subtitle C—Grants, Studies, and Other Provisions

Sec. 621. Pilot program for monitoring sexual offenders.
Sec. 622. Treatment and management of sex offenders in the Bureau of Prisons.
Sec. 623. Sex offender apprehension grants; juvenile sex offender treatment grants.
Sec. 624. Assistance for prosecution of cases cleared through use of DNA backlog clearance funds.
Sec. 625. Grants to combat sexual abuse of children.
Sec. 626. Crime prevention campaign grant.
Sec. 627. Grants for fingerprinting programs for children.
Sec. 628. Grants for Rape, Abuse & Incest National Network.
Sec. 629. Children's safety online awareness campaigns.
Sec. 630. Grants for online child safety programs.
Sec. 631. Jessica Lunsford Address Verification Grant Program.
Sec. 632. Fugitive safe surrender.
Sec. 633. National registry of substantiated cases of child abuse.
Sec. 634. Comprehensive examination of sex offender issues.
Sec. 635. Annual report on enforcement of registration requirements.
Sec. 636. Government Accountability Office studies on feasibility of using driver's license registration processes as additional registration requirements for sex offenders.
Sec. 637. Sex offender risk classification study.
Sec. 638. Study of the effectiveness of restricting the activities of sex offenders to reduce the occurrence of repeat offenses.
Sec. 639. The justice for Crime Victims Family Act.

TITLE VII—INTERNET SAFETY ACT

Sec. 701. Child exploitation enterprises.
Sec. 702. Increased penalties for registered sex offenders.
Sec. 703. Deception by embedded words or images.
Sec. 704. Additional prosecutors for offenses relating to the sexual exploitation of children.
Sec. 705. Additional computer-related resources.
Sec. 706. Additional ICAC Task Forces.
Sec. 707. Masha's Law.

SEC. 2. IN RECOGNITION OF JOHN AND REVÉ WALSH ON THE OCCASION OF THE 25TH ANNIVERSARY OF ADAM WALSH'S ABDUCTION AND MURDER.

(a) ADAM WALSH'S ABDUCTION AND MURDER.—On July 27, 1981, in Hollywood, Florida, 6-year-old Adam Walsh was abducted at a mall. Two weeks later, some of Adam's remains were discovered in a canal more than 100 miles from his home.

(b) JOHN AND REVÉ WALSH'S COMMITMENT TO THE SAFETY OF CHILDREN.—Since the abduction and murder of their son Adam, both John and Revé Walsh have dedicated themselves to protecting children from child predators, preventing attacks on our children, and bringing child predators to justice. Their commitment has saved the lives of numerous children. Congress, and the American people, honor John and Revé Walsh for their dedication to the well-being and safety of America's children.

TITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Sex Offender Registration and Notification Act''.

SEC. 102. DECLARATION OF PURPOSE.

In order to protect the public from sex offenders and offenders against children, and in response to the vicious attacks by violent predators against the victims listed below, Congress in this Act establishes a comprehensive national system for the registration of those offenders:

(1) Jacob Wetterling, who was 11 years old, was abducted in 1989 in Minnesota, and remains missing.

(2) Megan Nicole Kanka, who was 7 years old, was abducted, sexually assaulted, and murdered in 1994, in New Jersey.

(3) Pam Lychner, who was 31 years old, was attacked by a career offender in Houston, Texas.

(4) Jetseta Gage, who was 10 years old, was kidnapped, sexually assaulted, and murdered in 2005, in Cedar Rapids, Iowa.

(5) Dru Sjodin, who was 22 years old, was sexually assaulted and murdered in 2003, in North Dakota.

(6) Jessica Lunsford, who was 9 years old, was abducted, sexually assaulted, buried alive, and murdered in 2005, in Homosassa, Florida.

(7) Sarah Lunde, who was 13 years old, was strangled and murdered in 2005, in Ruskin, Florida.

(8) Amie Zyla, who was 8 years old, was sexually assaulted in 1996 by a juvenile offender in Waukesha, Wisconsin, and has become an advocate for child victims and protection of children from juvenile sex offenders.

(9) Christy Ann Fornoff, who was 13 years old, was abducted, sexually assaulted, and murdered in 1984, in Tempe, Arizona.

(10) Alexandra Nicole Zapp, who was 30 years old, was brutally attacked and murdered in a public restroom by a repeat sex offender in 2002, in Bridgewater, Massachusetts.

(11) Polly Klaas, who was 12 years old, was abducted, sexually assaulted, and murdered in 1993 by a career offender in California.

(12) Jimmy Ryce, who was 9 years old, was kidnapped and murdered in Florida on September 11, 1995.

(13) Carlie Brucia, who was 11 years old, was abducted and murdered in Florida in February, 2004.

(14) Amanda Brown, who was 7 years old, was abducted and murdered in Florida in 1998.

(15) Elizabeth Smart, who was 14 years old, was abducted in Salt Lake City, Utah in June 2002.

(16) Molly Bish, who was 16 years old, was abducted in 2000 while working as a lifeguard in Warren, Massachusetts, where her remains were found 3 years later.

(17) Samantha Runnion, who was 5 years old, was abducted, sexually assaulted, and murdered in California on July 15, 2002.

SEC. 103. ESTABLISHMENT OF PROGRAM.

This Act establishes the Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Program.

Subtitle A—Sex Offender Registration and Notification

SEC. 111. RELEVANT DEFINITIONS, INCLUDING AMIE ZYLA EXPANSION OF SEX OFFENDER DEFINITION AND EXPANDED INCLUSION OF CHILD PREDATORS.

In this title the following definitions apply:

(1) SEX OFFENDER.—The term ''sex offender'' means an individual who was convicted of a sex offense.

(2) TIER I SEX OFFENDER.—The term ''tier I sex offender'' means a sex offender other than a tier II or tier III sex offender.

(3) TIER II SEX OFFENDER.—The term ''tier II sex offender'' means a sex offender other than a tier III sex offender whose offense is punishable by imprisonment for more than 1 year and—

(A) is comparable to or more severe than the following offenses, when committed against a minor, or an attempt or conspiracy to commit such an offense against a minor:

(i) sex trafficking (as described in section 1591 of title 18, United States Code);

(ii) coercion and enticement (as described in section 2422(b) of title 18, United States Code);

(iii) transportation with intent to engage in criminal sexual activity (as described in section 2423(a)) of title 18, United States Code;

(iv) abusive sexual contact (as described in section 2244 of title 18, United States Code);

(B) involves—

(i) use of a minor in a sexual performance;

(ii) solicitation of a minor to practice prostitution; or

(iii) production or distribution of child pornography; or

(C) occurs after the offender becomes a tier I sex offender.

(4) TIER III SEX OFFENDER.—The term ''tier III sex offender'' means a sex offender whose offense is punishable by imprisonment for more than 1 year and—

(A) is comparable to or more severe than the following offenses, or an attempt or conspiracy to commit such an offense:

(i) aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of title 18, United States Code); or

(ii) abusive sexual contact (as described in section 2244 of title 18, United States Code)

against a minor who has not attained the age of 13 years;

(B) involves kidnapping of a minor (unless committed by a parent or guardian); or

(C) occurs after the offender becomes a tier II sex offender.

(5) AMIE ZYLA EXPANSION OF SEX OFFENSE DEFINITION.—

(A) GENERALLY.—Except as limited by subparagraph (B) or (C), the term ''sex offense'' means—

(i) a criminal offense that has an element involving a sexual act or sexual contact with another;

(ii) a criminal offense that is a specified offense against a minor;

(iii) a Federal offense (including an offense prosecuted under section 1152 or 1153 of title 18, United States Code) under section 1591, or chapter 109A, 110 (other than section 2257, 2257A, or 2258), or 117, of title 18, United States Code;

(iv) a military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105–119 (10 U.S.C. 951 note); or

(v) an attempt or conspiracy to commit an offense described in clauses (i) through (iv).

(B) FOREIGN CONVICTIONS.—A foreign conviction is not a sex offense for the purposes of this title if it was not obtained with sufficient safeguards for fundamental fairness and due process for the accused under guidelines or regulations established under section 112.

(C) OFFENSES INVOLVING CONSENSUAL SEXUAL CONDUCT.—An offense involving consensual sexual conduct is not a sex offense for the purposes of this title if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years old and the offender was not more than 4 years older than the victim.

(6) CRIMINAL OFFENSE.—The term ''criminal offense'' means a State, local, tribal, foreign, or military offense (to the extent specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105–119 (10 U.S.C. 951 note)) or other criminal offense.

(7) EXPANSION OF DEFINITION OF ''SPECIFIED OFFENSE AGAINST A MINOR'' TO INCLUDE ALL OFFENSES BY CHILD PREDATORS.—The term ''specified offense against a minor'' means an offense against a minor that involves any of the following:

(A) An offense (unless committed by a parent or guardian) involving kidnapping.

(B) An offense (unless committed by a parent or guardian) involving false imprisonment.

(C) Solicitation to engage in sexual conduct.

(D) Use in a sexual performance.

(E) Solicitation to practice prostitution.

(F) Video voyeurism as described in section 1801 of title 18, United States Code.

(G) Possession, production, or distribution of child pornography.

(H) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.

(I) Any conduct that by its nature is a sex offense against a minor.

(8) CONVICTED AS INCLUDING CERTAIN JUVENILE ADJUDICATIONS.—The term ''convicted'' or a variant thereof, used with respect to a sex offense, includes adjudicated delinquent as a juvenile for that offense, but only if the offender is 14 years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in section 2241 of title 18, United States Code), or was an attempt or conspiracy to commit such an offense.

(9) SEX OFFENDER REGISTRY.—The term ''sex offender registry'' means a registry of sex offenders, and a notification program, maintained by a jurisdiction.

(10) JURISDICTION.—The term ''jurisdiction'' means any of the following:

(A) A State.

(B) The District of Columbia.

(C) The Commonwealth of Puerto Rico.

(D) Guam.

(E) American Samoa.

(F) The Northern Mariana Islands.

(G) The United States Virgin Islands.

(H) To the extent provided and subject to the requirements of section 127, a federally recognized Indian tribe.

(11) STUDENT.—The term ''student'' means an individual who enrolls in or attends an educational institution, including (whether public or private) a secondary school, trade or professional school, and institution of higher education.

(12) EMPLOYEE.—The term ''employee'' includes an individual who is self-employed or works for any other entity, whether compensated or not.

(13) RESIDES.—The term ''resides'' means, with respect to an individual, the location of the individual's home or other place where the individual habitually lives.

(14) MINOR.—The term ''minor'' means an individual who has not attained the age of 18 years.

SEC. 112. REGISTRY REQUIREMENTS FOR JURISDICTIONS.

(a) JURISDICTION TO MAINTAIN A REGISTRY.—Each jurisdiction shall maintain a jurisdiction-wide sex offender registry conforming to the requirements of this title.

(b) GUIDELINES AND REGULATIONS.—The Attorney General shall issue guidelines and regulations to interpret and implement this title.

SEC. 113. REGISTRY REQUIREMENTS FOR SEX OFFENDERS.

(a) IN GENERAL.—A sex offender shall register, and keep the registration current, in each jurisdiction where the offender resides, where the offender is an employee, and where the offender is a student. For initial registration purposes only, a sex offender shall also register in the jurisdiction in which convicted if such jurisdiction is different from the jurisdiction of residence.

(b) INITIAL REGISTRATION.—The sex offender shall initially register—

(1) before completing a sentence of imprisonment with respect to the offense giving rise to the registration requirement; or

(2) not later than 3 business days after being sentenced for that offense, if the sex offender is not sentenced to a term of imprisonment.

(c) KEEPING THE REGISTRATION CURRENT.—A sex offender shall, not later than 3 business days after each change of name, residence, employment, or student status, appear in person in at least 1 jurisdiction involved pursuant to subsection (a) and inform that jurisdiction of all changes in the information required for that offender in the sex offender registry. That jurisdiction shall immediately provide that information to all other jurisdictions in which the offender is required to register.

(d) INITIAL REGISTRATION OF SEX OFFENDERS UNABLE TO COMPLY WITH SUBSECTION (b).—The Attorney General shall have the authority to specify the applicability of the requirements of this title to sex offenders convicted before the enactment of this Act or its implementation in a particular jurisdiction, and to prescribe rules for the registration of any such sex offenders and for other categories of sex offenders who are unable to comply with subsection (b).

(e) STATE PENALTY FOR FAILURE TO COMPLY.—Each jurisdiction, other than a Federally recognized Indian tribe, shall provide a criminal penalty that includes a maximum term of imprisonment that is greater than 1 year for the failure of a sex offender to comply with the requirements of this title.

SEC. 114. INFORMATION REQUIRED IN REGISTRATION.

(a) PROVIDED BY THE OFFENDER.—The sex offender shall provide the following information to the appropriate official for inclusion in the sex offender registry:

(1) The name of the sex offender (including any alias used by the individual).

(2) The Social Security number of the sex offender.

(3) The address of each residence at which the sex offender resides or will reside.

(4) The name and address of any place where the sex offender is an employee or will be an employee.

(5) The name and address of any place where the sex offender is a student or will be a student.

(6) The license plate number and a description of any vehicle owned or operated by the sex offender.

(7) Any other information required by the Attorney General.

(b) PROVIDED BY THE JURISDICTION.—The jurisdiction in which the sex offender registers shall ensure that the following information is included in the registry for that sex offender:

(1) A physical description of the sex offender.

(2) The text of the provision of law defining the criminal offense for which the sex offender is registered.

(3) The criminal history of the sex offender, including the date of all arrests and convictions; the status of parole, probation, or supervised release; registration status; and the existence of any outstanding arrest warrants for the sex offender.

(4) A current photograph of the sex offender.

(5) A set of fingerprints and palm prints of the sex offender.

(6) A DNA sample of the sex offender.

(7) A photocopy of a valid driver's license or identification card issued to the sex offender by a jurisdiction.

(8) Any other information required by the Attorney General.

SEC. 115. DURATION OF REGISTRATION REQUIREMENT.

(a) FULL REGISTRATION PERIOD.—A sex offender shall keep the registration current for the full registration period (excluding any time the sex offender is in custody or civilly committed) unless the offender is allowed a reduction under subsection (b). The full registration period is—

(1) 15 years, if the offender is a tier I sex offender;

(2) 25 years, if the offender is a tier II sex offender; and

(3) the life of the offender, if the offender is a tier III sex offender.

(b) REDUCED PERIOD FOR CLEAN RECORD.—

(1) CLEAN RECORD.—The full registration period shall be reduced as described in paragraph (3) for a sex offender who maintains a clean record for the period described in paragraph (2) by—

(A) not being convicted of any offense for which imprisonment for more than 1 year may be imposed;

(B) not being convicted of any sex offense;

(C) successfully completing any periods of supervised release, probation, and parole; and

(D) successfully completing of an appropriate sex offender treatment program certified by a jurisdiction or by the Attorney General.

(2) PERIOD.—In the case of—

(A) a tier I sex offender, the period during which the clean record shall be maintained is 10 years; and

(B) a tier III sex offender adjudicated delinquent for the offense which required registration in a sex registry under this title, the period during which the clean record shall be maintained is 25 years.

(3) REDUCTION.—In the case of—

(A) a tier I sex offender, the reduction is 5 years;

(B) a tier III sex offender adjudicated delinquent, the reduction is from life to that period for which the clean record under paragraph (2) is maintained.

SEC. 116. PERIODIC IN PERSON VERIFICATION.

A sex offender shall appear in person, allow the jurisdiction to take a current photograph, and verify the information in each registry in which that offender is required to be registered not less frequently than—

(1) each year, if the offender is a tier I sex offender;

(2) every 6 months, if the offender is a tier II sex offender; and

(3) every 3 months, if the offender is a tier III sex offender.

SEC. 117. DUTY TO NOTIFY SEX OFFENDERS OF REGISTRATION REQUIREMENTS AND TO REGISTER.

(a) IN GENERAL.—An appropriate official shall, shortly before release of the sex offender from custody, or, if the sex offender is not in custody, immediately after the sentencing of the sex offender, for the offense giving rise to the duty to register—

(1) inform the sex offender of the duties of a sex offender under this title and explain those duties;

(2) require the sex offender to read and sign a form stating that the duty to register has been explained and that the sex offender understands the registration requirement; and

(3) ensure that the sex offender is registered.

(b) NOTIFICATION OF SEX OFFENDERS WHO CANNOT COMPLY WITH SUBSECTION (a).—The Attorney General shall prescribe rules for the notification of sex offenders who cannot be registered in accordance with subsection (a).

SEC. 118. PUBLIC ACCESS TO SEX OFFENDER INFORMATION THROUGH THE INTERNET.

(a) IN GENERAL.—Except as provided in this section, each jurisdiction shall make available on the Internet, in a manner that is readily accessible to all jurisdictions and to the public, all information about each sex offender in the registry. The jurisdiction shall maintain the Internet site in a manner that will permit the public to obtain relevant information for each sex offender by a single query for any given zip code or geographic radius set by the user. The jurisdiction shall also include in the design of its Internet site all field search capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website and shall participate in that website as provided by the Attorney General.

(b) MANDATORY EXEMPTIONS.—A jurisdiction shall exempt from disclosure—

(1) the identity of any victim of a sex offense;

(2) the Social Security number of the sex offender;

(3) any reference to arrests of the sex offender that did not result in conviction; and

(4) any other information exempted from disclosure by the Attorney General.

(c) OPTIONAL EXEMPTIONS.—A jurisdiction may exempt from disclosure—

(1) any information about a tier I sex offender convicted of an offense other than a specified offense against a minor;

(2) the name of an employer of the sex offender;

(3) the name of an educational institution where the sex offender is a student; and

(4) any other information exempted from disclosure by the Attorney General.

(d) LINKS.—The site shall include, to the extent practicable, links to sex offender safety and education resources.

(e) CORRECTION OF ERRORS.—The site shall include instructions on how to seek correction of information that an individual contends is erroneous.

(f) WARNING.—The site shall include a warning that information on the site should not be used to unlawfully injure, harass, or commit a crime against any individual named in the registry or residing or working at any reported address. The warning shall note that any such action could result in civil or criminal penalties.

SEC. 119. NATIONAL SEX OFFENDER REGISTRY.

(a) INTERNET.—The Attorney General shall maintain a national database at the Federal Bureau of Investigation for each sex offender and any other person required to register in a jurisdiction's sex offender registry. The database shall be known as the National Sex Offender Registry.

(b) ELECTRONIC FORWARDING.—The Attorney General shall ensure (through the National Sex Offender Registry or otherwise) that updated information about a sex offender is immediately transmitted by electronic forwarding to all relevant jurisdictions.

SEC. 120. DRU SJODIN NATIONAL SEX OFFENDER PUBLIC WEBSITE.

(a) ESTABLISHMENT.—There is established the Dru Sjodin National Sex Offender Public Website (hereinafter in this section referred to as the ''Website''), which the Attorney General shall maintain.

(b) INFORMATION TO BE PROVIDED.—The Website shall include relevant information for each sex offender and other person listed on a jurisdiction's Internet site. The Website shall allow the public to obtain relevant information for each sex offender by a single query for any given zip code or geographical radius set by the user in a form and with such limitations as may be established by the Attorney General and shall have such other field search capabilities as the Attorney General may provide.

SEC. 121. MEGAN NICOLE KANKA AND ALEXANDRA NICOLE ZAPP COMMUNITY NOTIFICATION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—There is established the Megan Nicole Kanka and Alexandra Nicole Zapp Community Notification Program (hereinafter in this section referred to as the ''Program'').

(b) PROGRAM NOTIFICATION.—Except as provided in subsection (c), immediately after a sex offender registers or updates a registration, an appropriate official in the jurisdiction shall provide the information in the registry (other than information exempted from disclosure by the Attorney General) about that offender to the following:

(1) The Attorney General, who shall include that information in the National Sex Offender Registry or other appropriate databases.

(2) Appropriate law enforcement agencies (including probation agencies, if appropriate), and each school and public housing agency, in each area in which the individual resides, is an employee or is a student.

(3) Each jurisdiction where the sex offender resides, is an employee, or is a student, and each jurisdiction from or to which a change of residence, employment, or student status occurs.

(4) Any agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).

(5) Social service entities responsible for protecting minors in the child welfare system.

(6) Volunteer organizations in which contact with minors or other vulnerable individuals might occur.

(7) Any organization, company, or individual who requests such notification pursuant to procedures established by the jurisdiction.

(c) FREQUENCY.—Notwithstanding subsection (b), an organization or individual described in subsection (b)(6) or (b)(7) may opt to receive the notification described in that subsection no less frequently than once every five business days.

SEC. 122. ACTIONS TO BE TAKEN WHEN SEX OFFENDER FAILS TO COMPLY.

An appropriate official shall notify the Attorney General and appropriate law enforcement agencies of any failure by a sex offender to comply with the requirements of a registry and revise the jurisdiction's registry to reflect the nature of that failure. The appropriate official, the Attorney General, and each such law enforcement agency shall take any appropriate action to ensure compliance.

SEC. 123. DEVELOPMENT AND AVAILABILITY OF REGISTRY MANAGEMENT AND WEBSITE SOFTWARE.

(a) DUTY TO DEVELOP AND SUPPORT.—The Attorney General shall, in consultation with the jurisdictions, develop and support software to enable jurisdictions to establish and operate uniform sex offender registries and Internet sites.

(b) CRITERIA.—The software should facilitate—

(1) immediate exchange of information among jurisdictions;

(2) public access over the Internet to appropriate information, including the number of registered sex offenders in each jurisdiction on a current basis;

(3) full compliance with the requirements of this title; and

(4) communication of information to community notification program participants as required under section 121.

(c) DEADLINE.—The Attorney General shall make the first complete edition of this software available to jurisdictions within 2 years of the date of the enactment of this Act.

SEC. 124. PERIOD FOR IMPLEMENTATION BY JURISDICTIONS.

(a) DEADLINE.—Each jurisdiction shall implement this title before the later of—

(1) 3 years after the date of the enactment of this Act; and

(2) 1 year after the date on which the software described in section 123 is available.

(b) EXTENSIONS.—The Attorney General may authorize up to two 1-year extensions of the deadline.

SEC. 125. FAILURE OF JURISDICTION TO COMPLY.

(a) IN GENERAL.—For any fiscal year after the end of the period for implementation, a jurisdiction that fails, as determined by the Attorney General, to substantially implement this title shall not receive 10 percent of

the funds that would otherwise be allocated for that fiscal year to the jurisdiction under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.).

(b) STATE CONSTITUTIONALITY.—

(1) IN GENERAL.—When evaluating whether a jurisdiction has substantially implemented this title, the Attorney General shall consider whether the jurisdiction is unable to substantially implement this title because of a demonstrated inability to implement certain provisions that would place the jurisdiction in violation of its constitution, as determined by a ruling of the jurisdiction's highest court.

(2) EFFORTS.—If the circumstances arise under paragraph (1), then the Attorney General and the jurisdiction shall make good faith efforts to accomplish substantial implementation of this title and to reconcile any conflicts between this title and the jurisdiction's constitution. In considering whether compliance with the requirements of this title would likely violate the jurisdiction's constitution or an interpretation thereof by the jurisdiction's highest court, the Attorney General shall consult with the chief executive and chief legal officer of the jurisdiction concerning the jurisdiction's interpretation of the jurisdiction's constitution and rulings thereon by the jurisdiction's highest court.

(3) ALTERNATIVE PROCEDURES.—If the jurisdiction is unable to substantially implement this title because of a limitation imposed by the jurisdiction's constitution, the Attorney General may determine that the jurisdiction is in compliance with this Act if the jurisdiction has made, or is in the process of implementing reasonable alternative procedures or accommodations, which are consistent with the purposes of this Act.

(4) FUNDING REDUCTION.—If a jurisdiction does not comply with paragraph (3), then the jurisdiction shall be subject to a funding reduction as specified in subsection (a).

(c) REALLOCATION.—Amounts not allocated under a program referred to in this section to a jurisdiction for failure to substantially implement this title shall be reallocated under that program to jurisdictions that have not failed to substantially implement this title or may be reallocated to a jurisdiction from which they were withheld to be used solely for the purpose of implementing this title.

(d) RULE OF CONSTRUCTION.—The provisions of this title that are cast as directions to jurisdictions or their officials constitute, in relation to States, only conditions required to avoid the reduction of Federal funding under this section.

SEC. 126. SEX OFFENDER MANAGEMENT ASSISTANCE (SOMA) PROGRAM.

(a) IN GENERAL.—The Attorney General shall establish and implement a Sex Offender Management Assistance program (in this title referred to as the ''SOMA program''), under which the Attorney General may award a grant to a jurisdiction to offset the costs of implementing this title.

(b) APPLICATION.—The chief executive of a jurisdiction desiring a grant under this section shall, on an annual basis, submit to the Attorney General an application in such form and containing such information as the Attorney General may require.

(c) BONUS PAYMENTS FOR PROMPT COMPLIANCE.—A jurisdiction that, as determined by the Attorney General, has substantially implemented this title not later than 2 years after the date of the enactment of this Act is eligible for a bonus payment. The Attorney General may make such a payment under the SOMA program for the first fiscal year beginning after that determination. The amount of the payment shall be—

(1) 10 percent of the total received by the jurisdiction under the SOMA program for the preceding fiscal year, if that implementation is not later than 1 year after the date of enactment of this Act; and

(2) 5 percent of such total, if not later than 2 years after that date.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary to the Attorney General, to be available only for the SOMA program, for fiscal years 2007 through 2009.

SEC. 127. ELECTION BY INDIAN TRIBES.

(a) ELECTION.—

(1) IN GENERAL.—A federally recognized Indian tribe may, by resolution or other enactment of the tribal council or comparable governmental body—

(A) elect to carry out this subtitle as a jurisdiction subject to its provisions; or

(B) elect to delegate its functions under this subtitle to another jurisdiction or jurisdictions within which the territory of the tribe is located and to provide access to its territory and such other cooperation and assistance as may be needed to enable such other jurisdiction or jurisdictions to carry out and enforce the requirements of this subtitle.

(2) IMPUTED ELECTION IN CERTAIN CASES.—A tribe shall be treated as if it had made the election described in paragraph (1)(B) if—

(A) it is a tribe subject to the law enforcement jurisdiction of a State under section 1162 of title 18, United States Code;

(B) the tribe does not make an election under paragraph (1) within 1 year of the enactment of this Act or rescinds an election under paragraph (1)(A); or

(C) the Attorney General determines that the tribe has not substantially implemented the requirements of this subtitle and is not likely to become capable of doing so within a reasonable amount of time.

(b) COOPERATION BETWEEN TRIBAL AUTHORITIES AND OTHER JURISDICTIONS.—

(1) NONDUPLICATION.—A tribe subject to this subtitle is not required to duplicate functions under this subtitle which are fully carried out by another jurisdiction or jurisdictions within which the territory of the tribe is located.

(2) COOPERATIVE AGREEMENTS.—A tribe may, through cooperative agreements with such a jurisdiction or jurisdictions—

(A) arrange for the tribe to carry out any function of such a jurisdiction under this subtitle with respect to sex offenders subject to the tribe's jurisdiction; and

(B) arrange for such a jurisdiction to carry out any function of the tribe under this subtitle with respect to sex offenders subject to the tribe's jurisdiction.

SEC. 128. REGISTRATION OF SEX OFFENDERS ENTERING THE UNITED STATES.

The Attorney General, in consultation with the Secretary of State and the Secretary of Homeland Security, shall establish and maintain a system for informing the relevant jurisdictions about persons entering the United States who are required to register under this title. The Secretary of State and the Secretary of Homeland Security shall provide such information and carry out such functions as the Attorney General may direct in the operation of the system.

SEC. 129. REPEAL OF PREDECESSOR SEX OFFENDER PROGRAM.

(a) REPEAL.—Sections 170101 (42 U.S.C. 14071) and 170102 (42 U.S.C. 14072) of the Violent Crime Control and Law Enforcement Act of 1994, and section 8 of the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 (42 U.S.C. 14073), are repealed.

(b) EFFECTIVE DATE.—Notwithstanding any other provision of this Act, this section shall take effect on the date of the deadline determined in accordance with section 124(a).

SEC. 130. LIMITATION ON LIABILITY FOR THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended by adding at the end the following:

''(g) LIMITATION ON LIABILITY.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the National Center for Missing and Exploited Children, including any of its directors, officers, employees, or agents, is not liable in any civil or criminal action arising from the performance of its CyberTipline responsibilities and functions, as defined by this section, or from its efforts to identify child victims.

''(2) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Paragraph (1) does not apply in an action in which a party proves that the National Center for Missing and Exploited Children, or its officer, employee, or agent as the case may be, engaged in intentional misconduct or acted, or failed to act, with actual malice, with reckless disregard to a substantial risk of causing injury without legal justification, or for a purpose unrelated to the performance of responsibilities or functions under this section.

''(3) ORDINARY BUSINESS ACTIVITIES.—Paragraph (1) does not apply to an act or omission related to an ordinary business activity, such as an activity involving general administration or operations, the use of motor vehicles, or personnel management.''.

SEC. 131. IMMUNITY FOR GOOD FAITH CONDUCT.

The Federal Government, jurisdictions, political subdivisions of jurisdictions, and their agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this title.

Subtitle B—Improving Federal Criminal Law Enforcement To Ensure Sex Offender Compliance With Registration and Notification Requirements and Protection of Children From Violent Predators

SEC. 141. AMENDMENTS TO TITLE 18, UNITED STATES CODE, RELATING TO SEX OFFENDER REGISTRATION.

(a) CRIMINAL PENALTIES FOR NONREGISTRATION.—

(1) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 109A the following:

''CHAPTER 109B—SEX OFFENDER AND CRIMES AGAINST CHILDREN REGISTRY

''Sec

''2250. Failure to register

''§ 2250. Failure to register

''(a) IN GENERAL.—Whoever—

''(1) is required to register under the Sex Offender Registration and Notification Act;

''(2)(A) is a sex offender as defined for the purposes of the Sex Offender Registration and Notification Act by reason of a conviction under Federal law (including the Uniform Code of Military Justice), the law of the District of Columbia, Indian tribal law, or the law of any territory or possession of the United States; or

''(B) travels in interstate or foreign commerce, or enters or leaves, or resides in, Indian country; and

''(3) knowingly fails to register or update a registration as required by the Sex Offender Registration and Notification Act;

shall be fined under this title or imprisoned not more than 10 years, or both.

''(b) AFFIRMATIVE DEFENSE.—In a prosecution for a violation under subsection (a), it is an affirmative defense that—

''(1) uncontrollable circumstances prevented the individual from complying;

''(2) the individual did not contribute to the creation of such circumstances in reckless disregard of the requirement to comply; and

''(3) the individual complied as soon as such circumstances ceased to exist.

''(c) CRIME OF VIOLENCE.—

''(1) IN GENERAL.—An individual described in subsection (a) who commits a crime of violence under Federal law (including the Uniform Code of Military Justice), the law of the District of Columbia, Indian tribal law, or the law of any territory or possession of the United States shall be imprisoned for not less than 5 years and not more than 30 years.

''(2) ADDITIONAL PUNISHMENT.—The punishment provided in paragraph (1) shall be in addition and consecutive to the punishment provided for the violation described in subsection (a).''.

(2) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 109A the following:

''109B. Sex offender and crimes against children registry ..... 2250''.

(b) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—In promulgating guidelines for use of a sentencing court in determining the sentence to be imposed for the offense specified in subsection (a), the United States Sentencing Commission shall consider the following matters, in addition to the matters specified in section 994 of title 28, United States Code:

(1) Whether the person committed another sex offense in connection with, or during, the period for which the person failed to register.

(2) Whether the person committed an offense against a minor in connection with, or during, the period for which the person failed to register.

(3) Whether the person voluntarily attempted to correct the failure to register.

(4) The seriousness of the offense which gave rise to the requirement to register, including whether such offense is a tier I, tier II, or tier III offense, as those terms are defined in section 111.

(5) Whether the person has been convicted or adjudicated delinquent for any offense other than the offense which gave rise to the requirement to register.

(c) FALSE STATEMENT OFFENSE.—Section 1001(a) of title 18, United States Code, is amended by adding at the end the following: ''If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.''.

(d) PROBATION.—Paragraph (8) of section 3563(a) of title 18, United States Code, is amended to read as follows:

''(8) for a person required to register under the Sex Offender Registration and Notification Act, that the person comply with the requirements of that Act; and''.

(e) SUPERVISED RELEASE.—Section 3583 of title 18, United States Code, is amended—

(1) in subsection (d), in the sentence beginning with ''The court shall order, as an explicit condition of supervised release for a person described in section 4042(c)(4)'', by striking ''described in section 4042(c)(4)'' and all that follows through the end of the sentence and inserting ''required to register under the Sex Offender Registration and Notification Act, that the person comply with the requirements of that Act.''.

(2) in subsection (k)—

(A) by striking ''2244(a)(1), 2244(a)(2)'' and inserting ''2243, 2244, 2245, 2250'';

(B) by inserting ''not less than 5,'' after ''any term of years''; and

(C) by adding at the end the following: ''If a defendant required to register under the Sex Offender Registration and Notification Act commits any criminal offense under any of chapters 109A, 110, or 117, or sections 1201 or 1591, for which imprisonment for a term longer than 1 year can be imposed, the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment under subsection (e)(3) without regard to the exception contained therein. Such term shall be not less than 5 years.''.

(f) DUTIES OF THE BUREAU OF PRISONS.—Paragraph (3) of section 4042(c) of title 18, United States Code, is amended to read as follows:

''(3) The Director of the Bureau of Prisons shall inform a person who is released from prison and required to register under the Sex Offender Registration and Notification Act of the requirements of that Act as they apply to that person and the same information shall be provided to a person sentenced to probation by the probation officer responsible for supervision of that person.''.

(g) CONFORMING AMENDMENTS TO CROSS REFERENCES.—Section 4042(c) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''(4)'' and inserting ''(3), or any other person in a category specified by the Attorney General,''; and

(2) in paragraph (2)—

(A) in the first sentence, by striking ''shall be subject to a registration requirement as a sex offender'' and inserting ''shall register as required by the Sex Offender Registration and Notification Act''; and

(B) in the fourth sentence, by striking ''(4)'' and inserting ''(3)''.

(h) CONFORMING REPEAL OF DEADWOOD.—Paragraph (4) of section 4042(c) of title 18, United States Code, is repealed.

(i) MILITARY OFFENSES.—

(1) Section 115(a)(8)(C)(i) of Public Law 105–119 (111 Stat. 2466) is amended by striking ''which encompass'' and all that follows through ''and (B))'' and inserting ''which are sex offenses as that term is defined in the Sex Offender Registration and Notification Act''.

(2) Section 115(a)(8)(C)(iii) of Public Law 105–119 (111 Stat. 2466; 10 U.S.C. 951 note) is amended by striking ''the amendments made by subparagraphs (A) and (B)'' and inserting ''the Sex Offender Registration and Notification Act''.

(j) CONFORMING AMENDMENT RELATING TO PAROLE.—Section 4209(a) of title 18, United States Code, is amended in the second sentence by striking ''described'' and all that follows through the end of the sentence and inserting ''required to register under the Sex Offender Registration and Notification Act that the person comply with the requirements of that Act.''.

SEC. 142. FEDERAL ASSISTANCE WITH RESPECT TO VIOLATIONS OF REGISTRATION REQUIREMENTS.

(a) IN GENERAL.—The Attorney General shall use the resources of Federal law enforcement, including the United States Marshals Service, to assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements. For the purposes of section 566(e)(1)(B) of title 28, United States Code, a sex offender who violates a sex offender registration requirement shall be deemed a fugitive.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2007 through 2009 to implement this section.

SEC. 143. PROJECT SAFE CHILDHOOD.

(a) ESTABLISHMENT OF PROGRAM.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall create and maintain a Project Safe Childhood program in accordance with this section.

(b) INITIAL IMPLEMENTATION.—Except as authorized under subsection (c), funds authorized under this section may only be used for the following 5 purposes:

(1) Integrated Federal, State, and local efforts to investigate and prosecute child exploitation cases, including—

(A) the partnership by each United States Attorney with each Internet Crimes Against Children Task Force that is a part of the Internet Crimes Against Children Task Force Program authorized and funded under title IV of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5771 et seq.) (referred to in this section as the ''ICAC Task Force Program'') that exists within the district of such attorney;

(B) the partnership by each United States Attorney with other Federal, State, and local law enforcement partners working in the district of such attorney to implement the program described in subsection (a);

(C) the development by each United States Attorney of a district-specific strategic plan to coordinate the investigation and prosecution of child exploitation crimes;

(D) efforts to identify and rescue victims of child exploitation crimes; and

(E) local training, educational, and awareness programs of such crimes.

(2) Major case coordination by the Department of Justice (or other Federal agencies as appropriate), including specific integration or cooperation, as appropriate, of—

(A) the Child Exploitation and Obscenity Section within the Department of Justice;

(B) the Innocent Images Unit of the Federal Bureau of Investigation;

(C) any task forces established in connection with the Project Safe Childhood program set forth under subsection (a); and

(D) the High Tech Investigative Unit within the Criminal Division of the Department of Justice.

(3) Increased Federal involvement in child pornography and enticement cases by providing additional investigative tools and increased penalties under Federal law.

(4) Training of Federal, State, and local law enforcement through programs facilitated by—

(A) the National Center for Missing and Exploited Children;

(B) the ICAC Task Force Program; and

(C) any other ongoing program regarding the investigation and prosecution of computer-facilitated crimes against children, including training and coordination regarding leads from—

(i) Federal law enforcement operations; and

(ii) the CyberTipline and Child Victim-Identification programs managed and maintained by the National Center for Missing and Exploited Children.

(5) Community awareness and educational programs through partnerships to provide

national public awareness and educational programs through—

(A) the National Center for Missing and Exploited Children;

(B) the ICAC Task Force Program; and

(C) any other ongoing programs that—

(i) raises national awareness about the threat of online sexual predators; or

(ii) provides information to parents and children seeking to report possible violations of computer-facilitated crimes against children.

(c) EXPANSION OF PROJECT SAFE CHILDHOOD.—Notwithstanding subsection (b), funds authorized under this section may be also be used for the following purposes:

(1) The addition of not less than 8 Assistant United States Attorneys at the Department of Justice dedicated to the prosecution of cases in connection with the Project Safe Childhood program set forth under subsection (a).

(2) The creation, development, training, and deployment of not less than 10 new Internet Crimes Against Children task forces within the ICAC Task Force Program consisting of Federal, State, and local law enforcement personnel dedicated to the Project Safe Childhood program set forth under subsection (a), and the enhancement of the forensic capacities of existing Internet Crimes Against Children task forces.

(3) The development and enhancement by the Federal Bureau of Investigation of the Innocent Images task forces.

(4) Such other additional and related purposes as the Attorney General determines appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated—

(1) for the activities described under subsection (b)—

(A) $18,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for each of the 5 succeeding fiscal years; and

(2) for the activities described under subsection (c)—

(A) for fiscal year 2007—

(i) $15,000,000 for the activities under paragraph (1);

(ii) $10,000,000 for activities under paragraph (2); and

(iii) $4,000,000 for activities under paragraph (3); and

(B) such sums as may be necessary for each of the 5 succeeding fiscal years.

SEC. 144. FEDERAL ASSISTANCE IN IDENTIFICATION AND LOCATION OF SEX OFFENDERS RELOCATED AS A RESULT OF A MAJOR DISASTER.

The Attorney General shall provide assistance to jurisdictions in the identification and location of a sex offender relocated as a result of a major disaster.

SEC. 145. EXPANSION OF TRAINING AND TECHNOLOGY EFFORTS.

(a) TRAINING.—The Attorney General shall—

(1) expand training efforts with Federal, State, and local law enforcement officers and prosecutors to effectively respond to the threat to children and the public posed by sex offenders who use the Internet and technology to solicit or otherwise exploit children;

(2) facilitate meetings involving corporations that sell computer hardware and software or provide services to the general public related to use of the Internet, to identify problems associated with the use of technology for the purpose of exploiting children;

(3) host national conferences to train Federal, State, and local law enforcement officers, probation and parole officers, and prosecutors regarding pro-active approaches to monitoring sex offender activity on the Internet;

(4) develop and distribute, for personnel listed in paragraph (3), information regarding multidisciplinary approaches to holding offenders accountable to the terms of their probation, parole, and sex offender registration laws; and

(5) partner with other agencies to improve the coordination of joint investigations among agencies to effectively combat online solicitation of children by sex offenders.

(b) TECHNOLOGY.—The Attorney General shall—

(1) deploy, to all Internet Crimes Against Children Task Forces and their partner agencies, technology modeled after the Canadian Child Exploitation Tracking System; and

(2) conduct training in the use of that technology.

(c) REPORT.—Not later than July 1, 2007, the Attorney General, shall submit to Congress a report on the activities carried out under this section. The report shall include any recommendations that the Attorney General considers appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General, for fiscal year 2007—

(1) $1,000,000 to carry out subsection (a); and

(2) $2,000,000 to carry out subsection (b).

SEC. 146. OFFICE OF SEX OFFENDER SENTENCING, MONITORING, APPREHENDING, REGISTERING, AND TRACKING.

(a) ESTABLISHMENT.—There is established within the Department of Justice, under the general authority of the Attorney General, an Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (hereinafter in this section referred to as the ''SMART Office'').

(b) DIRECTOR.—The SMART Office shall be headed by a Director who shall be appointed by the President. The Director shall report to the Attorney General through the Assistant Attorney General for the Office of Justice Programs and shall have final authority for all grants, cooperative agreements, and contracts awarded by the SMART Office. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other arrangement.

(c) DUTIES AND FUNCTIONS.—The SMART Office is authorized to—

(1) administer the standards for the sex offender registration and notification program set forth in this Act;

(2) administer grant programs relating to sex offender registration and notification authorized by this Act and other grant programs authorized by this Act as directed by the Attorney General;

(3) cooperate with and provide technical assistance to States, units of local government, tribal governments, and other public and private entities involved in activities related to sex offender registration or notification or to other measures for the protection of children or other members of the public from sexual abuse or exploitation; and

(4) perform such other functions as the Attorney General may delegate.

Subtitle C—Access to Information and Resources Needed To Ensure That Children Are Not Attacked or Abused

SEC. 151. ACCESS TO NATIONAL CRIME INFORMATION DATABASES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Attorney General shall ensure access to the national crime information databases (as defined in section 534 of title 28, United States Code) by—

(1) the National Center for Missing and Exploited Children, to be used only within the scope of the Center's duties and responsibilities under Federal law to assist or support law enforcement agencies in administration of criminal justice functions; and

(2) governmental social service agencies with child protection responsibilities, to be used by such agencies only in investigating or responding to reports of child abuse, neglect, or exploitation.

(b) CONDITIONS OF ACCESS.—The access provided under this section, and associated rules of dissemination, shall be—

(1) defined by the Attorney General; and

(2) limited to personnel of the Center or such agencies that have met all requirements set by the Attorney General, including training, certification, and background screening.

SEC. 152. REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES; SUSPENSION AND SUBSEQUENT ELIMINATION OF OPT-OUT.

(a) REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES; SUSPENSION OF OPT-OUT.—

(1) REQUIREMENT TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES.—Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(A) in subparagraph (A)—

(i) in the matter preceding clause (I)—

(I) by inserting '', including fingerprint-based checks of national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code),'' after ''criminal records checks''; and

(II) by striking ''on whose behalf foster care maintenance payments or adoption assistance payments are to be made'' and inserting ''regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child''; and

(ii) in each of clauses (i) and (ii), by inserting ''involving a child on whose behalf such payments are to be so made'' after ''in any case''; and

(B) by adding at the end the following:

''(C) provides that the State shall—

''(i) check any child abuse and neglect registry maintained by the State for information on any prospective foster or adoptive parent and on any other adult living in the home of such a prospective parent, and request any other State in which any such prospective parent or other adult has resided in the preceding 5 years, to enable the State to check any child abuse and neglect registry maintained by such other State for such information, before the prospective foster or adoptive parent may be finally approved for placement of a child, regardless of whether foster care maintenance payments or adoption assistance payments are to be made on

behalf of the child under the State plan under this part;

''(ii) comply with any request described in clause (i) that is received from another State; and

''(iii) have in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the State, and to prevent any such information obtained pursuant to this subparagraph from being used for a purpose other than the conducting of background checks in foster or adoptive placement cases;''.

(2) SUSPENSION OF OPT-OUT.—Section 471(a)(20)(B) of such Act (42 U.S.C. 671(a)(20)(B)) is amended—

(A) by inserting '', on or before September 30, 2005,'' after ''plan if''; and

(B) by inserting '', on or before such date,'' after ''or if''.

(b) ELIMINATION OF OPT-OUT.—Section 471(a)(20) of such Act (42 U.S.C. 671(a)(20)), as amended by subsection (a) of this section, is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking ''unless an election provided for in subparagraph (B) is made with respect to the State,''; and

(2) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B).

(c) EFFECTIVE DATE.—

(1) GENERAL.—The amendments made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to payments under part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(2) ELIMINATION OF OPT-OUT.—The amendments made by subsection (b) shall take effect on October 1, 2008, and shall apply with respect to payments under part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(3) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under section 471 of the Social Security Act to meet the additional requirements imposed by the amendments made by a subsection of this section, the plan shall not be regarded as failing to meet any of the additional requirements before the first day of the first calendar quarter beginning after the first regular session of the State legislature that begins after the otherwise applicable effective date of the amendments. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

SEC. 153. SCHOOLS SAFE ACT.

(a) SHORT TITLE.—This section may be cited as the ''Schools Safely Acquiring Faculty Excellence Act of 2006''.

(b) IN GENERAL.—The Attorney General of the United States shall, upon request of the chief executive officer of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(f)(3)(A) of title 28, United States Code as redesignated under subsection (e)) pursuant to a request submitted by—

(1) a child welfare agency for the purpose of—

(A) conducting a background check required under section 471(a)(20) of the Social Security Act on individuals under consideration as prospective foster or adoptive parents; or

(B) an investigation relating to an incident of abuse or neglect of a minor; or

(2) a private or public elementary school, a private or public secondary school, a local educational agency, or State educational agency in that State, on individuals employed by, under consideration for employment by, or otherwise in a position in which the individual would work with or around children in the school or agency.

(c) FINGERPRINT-BASED CHECK.—Where possible, the check shall include a fingerprint-based check of State criminal history databases.

(d) FEES.—The Attorney General and the States may charge any applicable fees for the checks.

(e) PROTECTION OF INFORMATION.—An individual having information derived as a result of a check under subsection (b) may release that information only to appropriate officers of child welfare agencies, public or private elementary or secondary schools, or educational agencies or other persons authorized by law to receive that information.

(f) CRIMINAL PENALTIES.—An individual who knowingly exceeds the authority in subsection (b), or knowingly releases information in violation of subsection (e), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(g) CHILD WELFARE AGENCY DEFINED.—In this section, the term ''child welfare agency'' means—

(1) the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act; and

(2) any other public agency, or any other private agency under contract with the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act, that is responsible for the licensing or approval of foster or adoptive parents.

(h) DEFINITION OF EDUCATION TERMS.—In this section, the terms ''elementary school'', ''local educational agency'', ''secondary school'', and ''State educational agency'' have the meanings given to those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(i) TECHNICAL CORRECTION.—Section 534 of title 28, United States Code, is amended by redesignating the second subsection (e) as subsection (f).

SEC. 154. MISSING CHILD REPORTING REQUIREMENTS.

(a) IN GENERAL.—Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

''(2) ensure that no law enforcement agency within the State establishes or maintains any policy that requires the removal of a missing person entry from its State law enforcement system or the National Crime Information Center computer database based solely on the age of the person; and''; and

(3) in paragraph (3), as redesignated, by striking ''immediately'' and inserting ''within 2 hours of receipt''.

(b) DEFINITIONS.—Section 403(1) of the Comprehensive Crime Control Act of 1984 (42 U.S.C. 5772) is amended by striking ''if'' through subparagraph (B) and inserting a semicolon.

SEC. 155. DNA FINGERPRINTING.

The first sentence of section 3(a)(1)(A) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(a)(1)(A)) is amended by striking ''arrested'' and inserting ''arrested, facing charges, or convicted''.

TITLE II—FEDERAL CRIMINAL LAW ENHANCEMENTS NEEDED TO PROTECT CHILDREN FROM SEXUAL ATTACKS AND OTHER VIOLENT CRIMES

SEC. 201. PROHIBITION ON INTERNET SALES OF DATE RAPE DRUGS.

Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by adding at the end the following:

''(g) INTERNET SALES OF DATE RAPE DRUGS.—

''(1) Whoever knowingly uses the Internet to distribute a date rape drug to any person, knowing or with reasonable cause to believe that—

''(A) the drug would be used in the commission of criminal sexual conduct; or

''(B) the person is not an authorized purchaser;

shall be fined under this title or imprisoned not more than 20 years, or both.

''(2) As used in this subsection:

''(A) The term 'date rape drug' means—

''(i) gamma hydroxybutyric acid (GHB) or any controlled substance analogue of GHB, including gamma butyrolactone (GBL) or 1,4–butanediol;

''(ii) ketamine;

''(iii) flunitrazepam; or

''(iv) any substance which the Attorney General designates, pursuant to the rulemaking procedures prescribed by section 553 of title 5, United States Code, to be used in committing rape or sexual assault.

The Attorney General is authorized to remove any substance from the list of date rape drugs pursuant to the same rulemaking authority.

''(B) The term 'authorized purchaser' means any of the following persons, provided such person has acquired the controlled substance in accordance with this Act:

''(i) A person with a valid prescription that is issued for a legitimate medical purpose in the usual course of professional practice that is based upon a qualifying medical relationship by a practitioner registered by the Attorney General. A 'qualifying medical relationship' means a medical relationship that exists when the practitioner has conducted at least 1 medical evaluation with the authorized purchaser in the physical presence of the practitioner, without regard to whether portions of the evaluation are conducted by other heath professionals. The preceding sentence shall not be construed to imply that 1 medical evaluation demonstrates that a prescription has been issued for a legitimate medical purpose within the usual course of professional practice.

''(ii) Any practitioner or other registrant who is otherwise authorized by their registration to dispense, procure, purchase, manufacture, transfer, distribute, import, or export the substance under this Act.

''(iii) A person or entity providing documentation that establishes the name, address, and business of the person or entity and which provides a legitimate purpose for using any 'date rape drug' for which a prescription is not required.

''(3) The Attorney General is authorized to promulgate regulations for record-keeping and reporting by persons handling 1,4–butanediol in order to implement and enforce the provisions of this section. Any record or report required by such regulations shall be considered a record or report required under this Act.''.

SEC. 202. JETSETA GAGE ASSURED PUNISHMENT FOR VIOLENT CRIMES AGAINST CHILDREN.

Section 3559 of title 18, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

''(f) MANDATORY MINIMUM TERMS OF IMPRISONMENT FOR VIOLENT CRIMES AGAINST CHILDREN.—A person who is convicted of a Federal offense that is a crime of violence against the person of an individual who has not attained the age of 18 years shall, unless a greater mandatory minimum sentence of imprisonment is otherwise provided by law and regardless of any maximum term of imprisonment otherwise provided for the offense—

''(1) if the crime of violence is murder, be imprisoned for life or for any term of years not less than 30, except that such person shall be punished by death or life imprisonment if the circumstances satisfy any of subparagraphs (A) through (D) of section 3591(a)(2) of this title;

''(2) if the crime of violence is kidnapping (as defined in section 1201) or maiming (as defined in section 114), be imprisoned for life or any term of years not less than 25; and

''(3) if the crime of violence results in serious bodily injury (as defined in section 1365), or if a dangerous weapon was used during and in relation to the crime of violence, be imprisoned for life or for any term of years not less than 10.''.

SEC. 203. PENALTIES FOR COERCION AND ENTICEMENT BY SEX OFFENDERS.

Section 2422(b) of title 18, United States Code, is amended by striking ''not less than 5 years and not more than 30 years'' and inserting ''not less than 10 years or for life''.

SEC. 204. PENALTIES FOR CONDUCT RELATING TO CHILD PROSTITUTION.

Section 2423(a) of title 18, United States Code, is amended by striking ''5 years and not more than 30 years'' and inserting ''10 years or for life''.

SEC. 205. PENALTIES FOR SEXUAL ABUSE.

Section 2242 of title 18, United States Code, is amended by striking '', imprisoned not more than 20 years, or both'' and inserting ''and imprisoned for any term of years or for life''.

SEC. 206. INCREASED PENALTIES FOR SEXUAL OFFENSES AGAINST CHILDREN.

(a) SEXUAL ABUSE AND CONTACT.—

(1) AGGRAVATED SEXUAL ABUSE OF CHILDREN.—Section 2241(c) of title 18, United States Code, is amended by striking '', imprisoned for any term of years or life, or both'' and inserting ''and imprisoned for not less than 30 years or for life''.

(2) ABUSIVE SEXUAL CONTACT WITH CHILDREN.—Section 2244 of chapter 109A of title 18, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting ''subsection (a) or (b) of'' before ''section 2241'';

(ii) by striking ''or'' at the end of paragraph (3);

(iii) by striking the period at the end of paragraph (4) and inserting ''; or''; and

(iv) by inserting after paragraph (4) the following:

''(5) subsection (c) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title and imprisoned for any term of years or for life.''; and

(B) in subsection (c), by inserting ''(other than subsection (a)(5))'' after ''violates this section''.

(3) SEXUAL ABUSE OF CHILDREN RESULTING IN DEATH.—Section 2245 of title 18, United States Code, is amended to read as follows:

''§ 2245. Offenses resulting in death

''(a) IN GENERAL.—A person who, in the course of an offense under this chapter, or sections 1591, 2251, 2251A, 2260, 2421, 2422, 2423, or 2425, murders an individual, shall be punished by death or imprisoned for any term of years or for life.''.

(4) DEATH PENALTY AGGRAVATING FACTOR.—Section 3592(c)(1) of title 18, United States Code, is amended by inserting ''section 2245 (offenses resulting in death),'' after ''(wrecking trains),''.

(b) SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN.—

(1) SEXUAL EXPLOITATION OF CHILDREN.—Section 2251(e) of title 18, United States Code, is amended—

(A) by inserting ''section 1591,'' after ''this chapter,'' the first place it appears;

(B) by striking ''the sexual exploitation of children'' the first place it appears and inserting ''aggravated sexual abuse, sexual abuse, abusive sexual contact involving a minor or ward, or sex trafficking of children, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography''; and

(C) by striking ''any term of years or for life'' and inserting ''not less than 30 years or for life''.

(2) ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF CHILDREN.—Section 2252(b) of title 18, United States Code, is amended in paragraph (1)—

(A) by striking ''paragraphs (1)'' and inserting ''paragraph (1)'';

(B) by inserting ''section 1591,'' after ''this chapter,''; and

(C) by inserting '', or sex trafficking of children'' after ''pornography''.

(3) ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(b) of title 18, United States Code, is amended in paragraph (1)—

(A) by inserting ''section 1591,'' after ''this chapter,''; and

(B) by inserting '', or sex trafficking of children'' after ''pornography''.

(4) USING MISLEADING DOMAIN NAMES TO DIRECT CHILDREN TO HARMFUL MATERIAL ON THE INTERNET.—Section 2252B(b) of title 18, United States Code, is amended by striking ''4'' and inserting ''10''.

(5) EXTRATERRITORIAL CHILD PORNOGRAPHY OFFENSES.—Section 2260(c) of title 18, United States Code, is amended to read as follows:

''(c) PENALTIES.—

''(1) A person who violates subsection (a), or attempts or conspires to do so, shall be subject to the penalties provided in subsection (e) of section 2251 for a violation of that section, including the penalties provided for such a violation by a person with a prior conviction or convictions as described in that subsection.

''(2) A person who violates subsection (b), or attempts or conspires to do so, shall be subject to the penalties provided in subsection (b)(1) of section 2252 for a violation of paragraph (1), (2), or (3) of subsection (a) of that section, including the penalties provided for such a violation by a person with a prior conviction or convictions as described in subsection (b)(1) of section 2252.''.

(c) MANDATORY LIFE IMPRISONMENT FOR CERTAIN REPEATED SEX OFFENSES AGAINST CHILDREN.—Section 3559(e)(2)(A) of title 18, United States Code, is amended by inserting ''1591 (relating to sex trafficking of children),'' after ''under section''.

SEC. 207. SEXUAL ABUSE OF WARDS.

Chapter 109A of title 18, United States Code, is amended—

(1) in section 2243(b), by striking ''five years'' and inserting ''15 years''; and

(2) by inserting a comma after ''Attorney General'' each place it appears.

SEC. 208. MANDATORY PENALTIES FOR SEX-TRAFFICKING OF CHILDREN.

Section 1591(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''or imprisonment'' and inserting ''and imprisonment'';

(B) by inserting ''not less than 15'' after ''any term of years''; and

(C) by striking '', or both''; and

(2) in paragraph (2)—

(A) by striking ''or imprisonment for not more than 40 years, or both'' and inserting ''and imprisonment for not less than 10 years or for life''; and

(B) by striking '', or both''.

SEC. 209. CHILD ABUSE REPORTING.

Section 2258 of title 18, United States Code, is amended by striking ''guilty of a Class B misdemeanor'' and inserting ''fined under this title or imprisoned not more than 1 year or both''.

SEC. 210. SEX OFFENDER SUBMISSION TO SEARCH AS CONDITION OF RELEASE.

(a) CONDITIONS OF PROBATION.—Section 3563(b) of title 18, United States Code, is amended—

(1) in paragraph (21), by striking ''or'' ;

(2) in paragraph (22) by striking the period at the end and inserting ''or;'' and

(3) by inserting after paragraph (22) the following:

''(23) if required to register under the Sex Offender Registration and Notification Act, submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of probation or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.''.

(b) SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by adding at the end the following: ''The court may order, as an explicit condition of supervised release for a person who is a felon and required to register under the Sex Offender Registration and Notification Act, that the person submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communications or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of supervised release or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.''.

SEC. 211. NO LIMITATION FOR PROSECUTION OF FELONY SEX OFFENSES.

Chapter 213 of title 18, United States Code, is amended—

(1) by adding at the end the following:

''§ 3299. Child abduction and sex offenses

''Notwithstanding any other law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim, and for any felony under chapter

109A, 110 (except for section 2257 and 2257A), or 117, or section 1591.''; and

(2) by adding at the end of the table of sections at the beginning of the chapter the following new item:

''3299. Child abduction and sex offenses''.

SEC. 212. VICTIMS' RIGHTS ASSOCIATED WITH HABEAS CORPUS PROCEEDINGS.

Section 3771(b) of title 18, United States Code, is amended—

(1) by striking ''In any court proceeding'' and inserting the following:

''(1) IN GENERAL.—In any court proceeding''; and

(2) by adding at the end the following:

''(2) HABEAS CORPUS PROCEEDINGS.—

''(A) IN GENERAL.—In a Federal habeas corpus proceeding arising out of a State conviction, the court shall ensure that a crime victim is afforded the rights described in paragraphs (3), (4), (7), and (8) of subsection (a).

''(B) ENFORCEMENT.—

''(i) IN GENERAL.—These rights may be enforced by the crime victim or the crime victim's lawful representative in the manner described in paragraphs (1) and (3) of subsection (d).

''(ii) MULTIPLE VICTIMS.—In a case involving multiple victims, subsection (d)(2) shall also apply.

''(C) LIMITATION.—This paragraph relates to the duties of a court in relation to the rights of a crime victim in Federal habeas corpus proceedings arising out of a State conviction, and does not give rise to any obligation or requirement applicable to personnel of any agency of the Executive Branch of the Federal Government.

''(D) DEFINITION.—For purposes of this paragraph, the term 'crime victim' means the person against whom the State offense is committed or, if that person is killed or incapacitated, that person's family member or other lawful representative.''.

SEC. 213. KIDNAPPING JURISDICTION.

Section 1201 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking ''if the person was alive when the transportation began'' and inserting '', or the offender travels in interstate or foreign commerce or uses the mail or any means, facility, or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense''; and

(2) in subsection (b), by striking ''to interstate'' and inserting ''in interstate''.

SEC. 214. MARITAL COMMUNICATION AND ADVERSE SPOUSAL PRIVILEGE.

The Committee on Rules, Practice, Procedure, and Evidence of the Judicial Conference of the United States shall study the necessity and desirability of amending the Federal Rules of Evidence to provide that the confidential marital communications privilege and the adverse spousal privilege shall be inapplicable in any Federal proceeding in which a spouse is charged with a crime against—

(1) a child of either spouse; or

(2) a child under the custody or control of either spouse.

SEC. 215. ABUSE AND NEGLECT OF INDIAN CHILDREN.

Section 1153(a) of title 18, United States Code, is amended by inserting ''felony child abuse or neglect,'' after ''years,''.

SEC. 216. IMPROVEMENTS TO THE BAIL REFORM ACT TO ADDRESS SEX CRIMES AND OTHER MATTERS.

Section 3142 of title 18, United States Code, is amended—

(1) in subsection (c)(1)(B), by inserting at the end the following: ''In any case that involves a minor victim under section 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425 of this title, or a failure to register offense under section 2250 of this title, any release order shall contain, at a minimum, a condition of electronic monitoring and each of the conditions specified at subparagraphs (iv), (v), (vi), (vii), and (viii).''

(2) in subsection (f)(1)—

(A) in subparagraph (C), by striking ''or'' at the end; and

(B) by adding at the end the following:

''(E) any felony that is not otherwise a crime of violence that involves a minor victim or that involves the possession or use of a firearm or destructive device (as those terms are defined in section 921), or any other dangerous weapon, or involves a failure to register under section 2250 of title 18, United States Code; or''; and

(3) in subsection (g), by striking paragraph (1) and inserting the following:

''(1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device;''.

TITLE III—CIVIL COMMITMENT OF DANGEROUS SEX OFFENDERS

SEC. 301. JIMMY RYCE STATE CIVIL COMMITMENT PROGRAMS FOR SEXUALLY DANGEROUS PERSONS.

(a) GRANTS AUTHORIZED.—Except as provided in subsection (b), the Attorney General shall make grants to jurisdictions for the purpose of establishing, enhancing, or operating effective civil commitment programs for sexually dangerous persons.

(b) LIMITATION.—The Attorney General shall not make any grant under this section for the purpose of establishing, enhancing, or operating any transitional housing for a sexually dangerous person in or near a location where minors or other vulnerable persons are likely to come into contact with that person.

(c) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a jurisdiction shall, before the expiration of the compliance period—

(A) have established a civil commitment program for sexually dangerous persons that is consistent with guidelines issued by the Attorney General; or

(B) submit a plan for the establishment of such a program.

(2) COMPLIANCE PERIOD.—The compliance period referred to in paragraph (1) expires on the date that is 2 years after the date of the enactment of this Act. However, the Attorney General may, on a case-by-case basis, extend the compliance period that applies to a jurisdiction if the Attorney General considers such an extension to be appropriate.

(3) RELEASE NOTICE.—

(A) Each civil commitment program for which funding is required under this section shall require the issuance of timely notice to a State official responsible for considering whether to pursue civil commitment proceedings upon the impending release of any person incarcerated by the State who—

(i) has been convicted of a sexually violent offense; or

(ii) has been deemed by the State to be at high risk for recommitting any sexual offense against a minor.

(B) The program shall further require that upon receiving notice under subparagraph (A), the State official shall consider whether or not to pursue a civil commitment proceeding, or any equivalent proceeding required under State law.

(d) ATTORNEY GENERAL REPORTS.—Not later than January 31 of each year, beginning with 2008, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of jurisdictions in implementing this section and the rate of sexually violent offenses for each jurisdiction.

(e) DEFINITIONS.—As used in this section:

(1) The term ''civil commitment program'' means a program that involves—

(A) secure civil confinement, including appropriate control, care, and treatment during such confinement; and

(B) appropriate supervision, care, and treatment for individuals released following such confinement.

(2) The term ''sexually dangerous person'' means a person suffering from a serious mental illness, abnormality, or disorder, as a result of which the individual would have serious difficulty in refraining from sexually violent conduct or child molestation.

(3) The term ''jurisdiction'' has the meaning given such term in section 111.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2007 through 2010.

SEC. 302. JIMMY RYCE CIVIL COMMITMENT PROGRAM.

Chapter 313 of title 18, United States Code, is amended—

(1) in the chapter analysis—

(A) in the item relating to section 4241, by inserting ''or to undergo postrelease proceedings'' after ''trial''; and

(B) by inserting at the end the following:

''4248. Civil commitment of a sexually dangerous person'';

(2) in section 4241—

(A) in the heading, by inserting or ''**TO UNDERGO POSTRELEASE PROCEEDINGS**'' after ''**TRIAL**'';

(B) in the first sentence of subsection (a), by inserting ''or at any time after the commencement of probation or supervised release and prior to the completion of the sentence,'' after ''defendant,'';

(C) in subsection (d)—

(i) by striking ''trial to proceed'' each place it appears and inserting ''proceedings to go forward''; and

(ii) by striking ''section 4246'' and inserting ''sections 4246 and 4248''; and

(D) in subsection (e)—

(i) by inserting ''or other proceedings'' after ''trial''; and

(ii) by striking ''chapter 207'' and inserting ''chapters 207 and 227'';

(3) in section 4247—

(A) by striking '', or 4246'' each place it appears and inserting '', 4246, or 4248'';

(B) in subsections (g) and (i), by striking ''4243 or 4246'' each place it appears and inserting ''4243, 4246, or 4248'';

(C) in subsection (a)—

(i) by amending subparagraph (1)(C) to read as follows:

''(C) drug, alcohol, and sex offender treatment programs, and other treatment programs that will assist the individual in overcoming a psychological or physical dependence or any condition that makes the individual dangerous to others; and'';

(ii) in paragraph (2), by striking ''and'' at the end;

(iii) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(iv) by inserting at the end the following:

''(4) 'bodily injury' includes sexual abuse;

''(5) 'sexually dangerous person' means a person who has engaged or attempted to engage in sexually violent conduct or child molestation and who is sexually dangerous to others; and

''(6) 'sexually dangerous to others' with respect a person, means that the person suffers from a serious mental illness, abnormality, or disorder as a result of which he would have serious difficulty in refraining from sexually violent conduct or child molestation if released.'';

(D) in subsection (b), by striking ''4245 or 4246'' and inserting ''4245, 4246, or 4248'';

(E) in subsection (c)(4)—

(i) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) respectively; and

(ii) by inserting after subparagraph (C) the following:

''(D) if the examination is ordered under section 4248, whether the person is a sexually dangerous person;''; and

(F) in subsections (e) and (h)—

(i) by striking ''hospitalized'' each place it appears and inserting ''committed''; and

(ii) by striking ''hospitalization'' each place it appears and inserting ''commitment'' ; and

(4) by inserting at the end the following:

''§ 4248. Civil commitment of a sexually dangerous person

''(a) INSTITUTION OF PROCEEDINGS.—In relation to a person who is in the custody of the Bureau of Prisons, or who has been committed to the custody of the Attorney General pursuant to section 4241(d), or against whom all criminal charges have been dismissed solely for reasons relating to the mental condition of the person, the Attorney General or any individual authorized by the Attorney General or the Director of the Bureau of Prisons may certify that the person is a sexually dangerous person, and transmit the certificate to the clerk of the court for the district in which the person is confined. The clerk shall send a copy of the certificate to the person, and to the attorney for the Government, and, if the person was committed pursuant to section 4241(d), to the clerk of the court that ordered the commitment. The court shall order a hearing to determine whether the person is a sexually dangerous person. A certificate filed under this subsection shall stay the release of the person pending completion of procedures contained in this section.

''(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247(b) and (c).

''(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

''(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by clear and convincing evidence that the person is a sexually dangerous person, the court shall commit the person to the custody of the Attorney General. The Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried if such State will assume responsibility for his custody, care, and treatment. The Attorney General shall make all reasonable efforts to cause such a State to assume such responsibility. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall place the person for treatment in a suitable facility, until—

''(1) such a State will assume such responsibility; or

''(2) the person's condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment;

whichever is earlier.

''(e) DISCHARGE.—When the Director of the facility in which a person is placed pursuant to subsection (d) determines that the person's condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person's counsel and to the attorney for the Government. The court shall order the discharge of the person or, on motion of the attorney for the Government or on its own motion, shall hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine whether he should be released. If, after the hearing, the court finds by a preponderance of the evidence that the person's condition is such that—

''(1) he will not be sexually dangerous to others if released unconditionally, the court shall order that he be immediately discharged; or

''(2) he will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, the court shall—

''(A) order that he be conditionally discharged under a prescribed regimen of medical, psychiatric, or psychological care or treatment that has been prepared for him, that has been certified to the court as appropriate by the Director of the facility in which he is committed, and that has been found by the court to be appropriate; and

''(B) order, as an explicit condition of release, that he comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

The court at any time may, after a hearing employing the same criteria, modify or eliminate the regimen of medical, psychiatric, or psychological care or treatment.

''(f) REVOCATION OF CONDITIONAL DISCHARGE.—The director of a facility responsible for administering a regimen imposed on a person conditionally discharged under subsection (e) shall notify the Attorney General and the court having jurisdiction over the person of any failure of the person to comply with the regimen. Upon such notice, or upon other probable cause to believe that the person has failed to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, the person may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. The court shall, after a hearing, determine whether the person should be remanded to a suitable facility on the ground that he is sexually dangerous to others in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

''(g) RELEASE TO STATE OF CERTAIN OTHER PERSONS.—If the director of the facility in which a person is hospitalized or placed pursuant to this chapter certifies to the Attorney General that a person, against whom all charges have been dismissed for reasons not related to the mental condition of the person, is a sexually dangerous person, the Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried for the purpose of institution of State proceedings for civil commitment. If neither such State will assume such responsibility, the Attorney General shall release the person upon receipt of notice from the State that it will not assume such responsibility, but not later than 10 days after certification by the director of the facility.''.

TITLE IV—IMMIGRATION LAW REFORMS TO PREVENT SEX OFFENDERS FROM ABUSING CHILDREN

SEC. 401. FAILURE TO REGISTER A DEPORTABLE OFFENSE.

Section 237(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by inserting after clause (iv) the following new clause:

''(v) FAILURE TO REGISTER AS A SEX OFFENDER.—Any alien who is convicted under section 2250 of title 18, United States Code, is deportable.''.

SEC. 402. BARRING CONVICTED SEX OFFENDERS FROM HAVING FAMILY-BASED PETITIONS APPROVED.

(a) IMMIGRANT FAMILY MEMBERS.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)), is amended—

(1) in subparagraph (A)(i), by striking ''Any'' and inserting ''Except as provided in clause (viii), any'';

(2) in subparagraph (A), by inserting after clause (vii) the following:

''(viii)(I) Clause (i) shall not apply to a citizen of the United States who has been convicted of a specified offense against a minor, unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed.

''(II) For purposes of subclause (I), the term 'specified offense against a minor' is defined as in section 111 of the Adam Walsh Child Protection and Safety Act of 2006.''; and

(3) in subparagraph (B)(i)—

(A) by striking ''(B)(i) Any alien'' and inserting the following: ''(B)(i)(I) Except as provided in subclause (II), any alien''; and

(B) by adding at the end the following:

''(I) Subclause (I) shall not apply in the case of an alien lawfully admitted for permanent residence who has been convicted of a specified offense against a minor (as defined in subparagraph (A)(viii)(II)), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that such person poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.''.

(b) NONIMMIGRANTS.—Section 101(a)(15)(K) (8 U.S.C. 1101(a)(15)(K)), is amended by inserting ''(other than a citizen described in section 204(a)(1)(A)(viii)(I))'' after ''citizen of the United States'' each place that phrase appears.

TITLE V—CHILD PORNOGRAPHY PREVENTION

SEC. 501. FINDINGS.

Congress makes the following findings:

(1) The effect of the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography on the interstate market in child pornography.

(A) The illegal production, transportation, distribution, receipt, advertising and possession of child pornography, as defined in section 2256(8) of title 18, United States Code, as well as the transfer of custody of children for the production of child pornography, is harmful to the physiological, emotional, and mental health of the children depicted in child pornography and has a substantial and detrimental effect on society as a whole.

(B) A substantial interstate market in child pornography exists, including not only a multimillion dollar industry, but also a nationwide network of individuals openly advertising their desire to exploit children and to traffic in child pornography. Many of these individuals distribute child pornography with the expectation of receiving other child pornography in return.

(C) The interstate market in child pornography is carried on to a substantial extent through the mails and other instrumentalities of interstate and foreign commerce, such as the Internet. The advent of the Internet has greatly increased the ease of transporting, distributing, receiving, and advertising child pornography in interstate commerce. The advent of digital cameras and digital video cameras, as well as videotape cameras, has greatly increased the ease of producing child pornography. The advent of inexpensive computer equipment with the capacity to store large numbers of digital images of child pornography has greatly increased the ease of possessing child pornography. Taken together, these technological advances have had the unfortunate result of greatly increasing the interstate market in child pornography.

(D) Intrastate incidents of production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the transfer of custody of children for the production of child pornography, have a substantial and direct effect upon interstate commerce because:

(i) Some persons engaged in the production, transportation, distribution, receipt, advertising, and possession of child pornography conduct such activities entirely within the boundaries of one state. These persons are unlikely to be content with the amount of child pornography they produce, transport, distribute, receive, advertise, or possess. These persons are therefore likely to enter the interstate market in child pornography in search of additional child pornography, thereby stimulating demand in the interstate market in child pornography.

(ii) When the persons described in subparagraph (D)(i) enter the interstate market in search of additional child pornography, they are likely to distribute the child pornography they already produce, transport, distribute, receive, advertise, or possess to persons who will distribute additional child pornography to them, thereby stimulating supply in the interstate market in child pornography.

(iii) Much of the child pornography that supplies the interstate market in child pornography is produced entirely within the boundaries of one state, is not traceable, and enters the interstate market surreptitiously. This child pornography supports demand in the interstate market in child pornography and is essential to its existence.

(E) Prohibiting the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of custody of children for the production of child pornography, will cause some persons engaged in such intrastate activities to cease all such activities, thereby reducing both supply and demand in the interstate market for child pornography.

(F) Federal control of the intrastate incidents of the production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of children for the production of child pornography, is essential to the effective control of the interstate market in child pornography.

(2) The importance of protecting children from repeat exploitation in child pornography:

(A) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, and related media.

(B) Child pornography is not entitled to protection under the First Amendment and thus may be prohibited.

(C) The government has a compelling State interest in protecting children from those who sexually exploit them, and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain.

(D) Every instance of viewing images of child pornography represents a renewed violation of the privacy of the victims and a repetition of their abuse.

(E) Child pornography constitutes prima facie contraband, and as such should not be distributed to, or copied by, child pornography defendants or their attorneys.

(F) It is imperative to prohibit the reproduction of child pornography in criminal cases so as to avoid repeated violation and abuse of victims, so long as the government makes reasonable accommodations for the inspection, viewing, and examination of such material for the purposes of mounting a criminal defense.

SEC. 502. OTHER RECORD KEEPING REQUIREMENTS.

(a) IN GENERAL.—Section 2257 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting after ''videotape,'' the following: ''digital image, digitally- or computer-manipulated image of an actual human being, picture,'';

(2) in subsection (e)(1), by adding at the end the following: ''In this paragraph, the term 'copy' includes every page of a website on which matter described in subsection (a) appears.'';

(3) in subsection (f), by—

(A) in paragraph (3), by striking ''and'' after the semicolon;

(B) in paragraph (4), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(5) for any person to whom subsection (a) applies to refuse to permit the Attorney General or his or her designee to conduct an inspection under subsection (c).''; and

(4) by striking subsection (h) and inserting the following:

''(h) In this section—

''(1) the term 'actual sexually explicit conduct' means actual but not simulated conduct as defined in clauses (i) through (v) of section 2256(2)(A) of this title;

''(2) the term 'produces'—

''(A) means—

''(i) actually filming, videotaping, photographing, creating a picture, digital image, or digitally- or computer-manipulated image of an actual human being;

''(ii) digitizing an image, of a visual depiction of sexually explicit conduct; or, assembling, manufacturing, publishing, duplicating, reproducing, or reissuing a book, magazine, periodical, film, videotape, digital image, or picture, or other matter intended for commercial distribution, that contains a visual depiction of sexually explicit conduct; or

''(iii) inserting on a computer site or service a digital image of, or otherwise managing the sexually explicit content, of a computer site or service that contains a visual depiction of, sexually explicit conduct; and

''(B) does not include activities that are limited to—

''(i) photo or film processing, including digitization of previously existing visual depictions, as part of a commercial enterprise, with no other commercial interest in the sexually explicit material, printing, and video duplication;

''(ii) distribution;

''(iii) any activity, other than those activities identified in subparagraph (A), that does not involve the hiring, contracting for, managing, or otherwise arranging for the participation of the depicted performers;

''(iv) the provision of a telecommunications service, or of an Internet access service or Internet information location tool (as those terms are defined in section 231 of the Communications Act of 1934 (47 U.S.C. 231)); or

''(v) the transmission, storage, retrieval, hosting, formatting, or translation (or any combination thereof) of a communication, without selection or alteration of the content of the communication, except that deletion of a particular communication or material made by another person in a manner consistent with section 230(c) of the Communications Act of 1934 (47 U.S.C. 230(c)) shall not constitute such selection or alteration of the content of the communication; and

''(3) the term 'performer' includes any person portrayed in a visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct.''.

(b) CONSTRUCTION.—The provisions of section 2257 shall not apply to any depiction of actual sexually explicit conduct as described in clause (v) of section 2256(2)(A) of title 18, United States Code, produced in whole or in part, prior to the effective date of this section unless that depiction also includes actual sexually explicit conduct as described in clauses (i) through (iv) of section 2256(2)(A) of title 18, United States Code.

SEC. 503. RECORD KEEPING REQUIREMENTS FOR SIMULATED SEXUAL CONDUCT.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2257 the following:

''SEC. 2257A. RECORD KEEPING REQUIREMENTS FOR SIMULATED SEXUAL CONDUCT.

''(a) Whoever produces any book, magazine, periodical, film, videotape, digital image, digitally- or computer-manipulated image of an actual human being, picture, or other matter that—

''(1) contains 1 or more visual depictions of simulated sexually explicit conduct; and

''(2) is produced in whole or in part with materials which have been mailed or shipped in interstate or foreign commerce, or is shipped or transported or is intended for shipment or transportation in interstate or foreign commerce;

shall create and maintain individually identifiable records pertaining to every performer portrayed in such a visual depiction.

''(b) Any person to whom subsection (a) applies shall, with respect to every performer portrayed in a visual depiction of simulated sexually explicit conduct—

''(1) ascertain, by examination of an identification document containing such information, the performer's name and date of birth,

and require the performer to provide such other indicia of his or her identity as may be prescribed by regulations;

''(2) ascertain any name, other than the performer's present and correct name, ever used by the performer including maiden name, alias, nickname, stage, or professional name; and

''(3) record in the records required by subsection (a) the information required by paragraphs (1) and (2) and such other identifying information as may be prescribed by regulation.

''(c) Any person to whom subsection (a) applies shall maintain the records required by this section at their business premises, or at such other place as the Attorney General may by regulation prescribe and shall make such records available to the Attorney General for inspection at all reasonable times.

''(d)(1) No information or evidence obtained from records required to be created or maintained by this section shall, except as provided in this section, directly or indirectly, be used as evidence against any person with respect to any violation of law.

''(2) Paragraph (1) shall not preclude the use of such information or evidence in a prosecution or other action for a violation of this chapter or chapter 71, or for a violation of any applicable provision of law with respect to the furnishing of false information.

''(e)(1) Any person to whom subsection (a) applies shall cause to be affixed to every copy of any matter described in subsection (a)(1) in such manner and in such form as the Attorney General shall by regulations prescribe, a statement describing where the records required by this section with respect to all performers depicted in that copy of the matter may be located. In this paragraph, the term 'copy' includes every page of a website on which matter described in subsection (a) appears.

''(2) If the person to whom subsection (a) applies is an organization the statement required by this subsection shall include the name, title, and business address of the individual employed by such organization responsible for maintaining the records required by this section.

''(f) It shall be unlawful—

''(1) for any person to whom subsection (a) applies to fail to create or maintain the records as required by subsections (a) and (c) or by any regulation promulgated under this section;

''(2) for any person to whom subsection (a) applies knowingly to make any false entry in or knowingly to fail to make an appropriate entry in, any record required by subsection (b) or any regulation promulgated under this section;

''(3) for any person to whom subsection (a) applies knowingly to fail to comply with the provisions of subsection (e) or any regulation promulgated pursuant to that subsection; or

''(4) for any person knowingly to sell or otherwise transfer, or offer for sale or transfer, any book, magazine, periodical, film, video, or other matter, produced in whole or in part with materials which have been mailed or shipped in interstate or foreign commerce or which is intended for shipment in interstate or foreign commerce, that—

''(A) contains 1 or more visual depictions made after the date of enactment of this subsection of simulated sexually explicit conduct; and

''(B) is produced in whole or in part with materials which have been mailed or shipped in interstate or foreign commerce, or is shipped or transported or is intended for shipment or transportation in interstate or foreign commerce;

which does not have affixed thereto, in a manner prescribed as set forth in subsection (e)(1), a statement describing where the records required by this section may be located, but such person shall have no duty to determine the accuracy of the contents of the statement or the records required to be kept.

''(5) for any person to whom subsection (a) applies to refuse to permit the Attorney General or his or her designee to conduct an inspection under subsection (c).

''(g) As used in this section, the terms 'produces' and 'performer' have the same meaning as in section 2257(h) of this title.

''(h)(1) The provisions of this section and section 2257 shall not apply to matter, or any image therein, containing one or more visual depictions of simulated sexually explicit conduct, or actual sexually explicit conduct as described in clause (v) of section 2256(2)(A), if such matter—

''(A)(i) is intended for commercial distribution;

''(ii) is created as a part of a commercial enterprise by a person who certifies to the Attorney General that such person regularly and in the normal course of business collects and maintains individually identifiable information regarding all performers, including minor performers, employed by that person, pursuant to Federal and State tax, labor, and other laws, labor agreements, or otherwise pursuant to industry standards, where such information includes the name, address, and date of birth of the performer; and

''(iii) is not produced, marketed or made available by the person described in clause (ii) to another in circumstances such than an ordinary person would conclude that the matter contains a visual depiction that is child pornography as defined in section 2256(8); or

''(B)(i) is subject to the authority and regulation of the Federal Communications Commission acting in its capacity to enforce section 1464 of this title, regarding the broadcast of obscene, indecent or profane programming; and

''(ii) is created as a part of a commercial enterprise by a person who certifies to the Attorney General that such person regularly and in the normal course of business collects and maintains individually identifiable information regarding all performers, including minor performers, employed by that person, pursuant to Federal and State tax, labor, and other laws, labor agreements, or otherwise pursuant to industry standards, where such information includes the name, address, and date of birth of the performer.

''(2) Nothing in subparagraphs (A) and (B) of paragraph (1) shall be construed to exempt any matter that contains any visual depiction that is child pornography, as defined in section 2256(8), or is actual sexually explicit conduct within the definitions in clauses (i) through (iv) of section 2256(2)(A).

''(i)(1) Whoever violates this section shall be imprisoned for not more than 1 year, and fined in accordance with the provisions of this title, or both.

''(2) Whoever violates this section in an effort to conceal a substantive offense involving the causing, transporting, permitting or offering or seeking by notice or advertisement, a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct in violation of this title, or to conceal a substantive offense that involved trafficking in material involving the sexual exploitation of a minor, including receiving, transporting, advertising, or possessing material involving the sexual exploitation of a minor with intent to traffic, in violation of this title, shall be imprisoned for not more than 5 years and fined in accordance with the provisions of this title, or both.

''(3) Whoever violates paragraph (2) after having been previously convicted of a violation punishable under that paragraph shall be imprisoned for any period of years not more than 10 years but not less than 2 years, and fined in accordance with the provisions of this title, or both.

''(j) The provisions of this section shall not become effective until 90 days after the final regulations implementing this section are published in the Federal Register. The provisions of this section shall not apply to any matter, or image therein, produced, in whole or in part, prior to the effective date of this section.

''(k) On an annual basis, the Attorney General shall submit a report to Congress—

''(1) concerning the enforcement of this section and section 2257 by the Department of Justice during the previous 12-month period; and

''(2) including—

''(A) the number of inspections undertaken pursuant to this section and section 2257;

''(B) the number of open investigations pursuant to this section and section 2257;

''(C) the number of cases in which a person has been charged with a violation of this section and section 2257; and

''(D) for each case listed in response to subparagraph (C), the name of the lead defendant, the federal district in which the case was brought, the court tracking number, and a synopsis of the violation and its disposition, if any, including settlements, sentences, recoveries and penalties.''.

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 110 of title 18, United States Code, is amended by inserting after the item for section 2257 the following:

''2257A. Recordkeeping requirements for simulated sexual conduct.''.

SEC. 504. PREVENTION OF DISTRIBUTION OF CHILD PORNOGRAPHY USED AS EVIDENCE IN PROSECUTIONS.

Section 3509 of title 18, United States Code, is amended by adding at the end the following:

''(m) PROHIBITION ON REPRODUCTION OF CHILD PORNOGRAPHY.—

''(1) In any criminal proceeding, any property or material that constitutes child pornography (as defined by section 2256 of this title) shall remain in the care, custody, and control of either the Government or the court.

''(2)(A) Notwithstanding Rule 16 of the Federal Rules of Criminal Procedure, a court shall deny, in any criminal proceeding, any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any property or material that constitutes child pornography (as defined by section 2256 of this title), so long as the Government makes the property or material reasonably available to the defendant.

''(B) For the purposes of subparagraph (A), property or material shall be deemed to be reasonably available to the defendant if the Government provides ample opportunity for inspection, viewing, and examination at a Government facility of the property or material by the defendant, his or her attorney, and any individual the defendant may seek to qualify to furnish expert testimony at trial.''.

SEC. 505. AUTHORIZING CIVIL AND CRIMINAL ASSET FORFEITURE IN CHILD EXPLOITATION AND OBSCENITY CASES.

(a) CONFORMING FORFEITURE PROCEDURES FOR OBSCENITY OFFENSES.—Section 1467 of title 18, United States Code, is amended—

(1) in subsection (a)(3), by inserting a period after ''of such offense'' and striking all that follows; and

(2) by striking subsections (b) through (n) and inserting the following:

''(b) The provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853), with the exception of subsections (a) and (d), shall apply to the criminal forfeiture of property pursuant to subsection (a).

''(c) Any property subject to forfeiture pursuant to subsection (a) may be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46 of this title.''.

(b) PROPERTY SUBJECT TO CRIMINAL FORFEITURE.—Section 2253(a) of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1)—

(A) by inserting ''or who is convicted of an offense under section 2252B of this chapter,'' after ''2260 of this chapter''; and

(B) by striking ''an offense under section 2421, 2422, or 2423 of chapter 117'' and inserting ''an offense under chapter 109A'';

(2) in paragraph (1), by inserting ''2252A, 2252B, or 2260'' after ''2252''; and

(3) in paragraph (3), by inserting ''or any property traceable to such property'' before the period.

(c) CRIMINAL FORFEITURE PROCEDURE.—Section 2253 of title 18, United States Code, is amended by striking subsections (b) through (o) and inserting the following:

''(b) Section 413 of the Controlled Substances Act (21 U.S.C. 853) with the exception of subsections (a) and (d), applies to the criminal forfeiture of property pursuant to subsection (a).''.

(d) CIVIL FORFEITURE.—Section 2254 of title 18, United States Code, is amended to read as follows:

''§ 2254. Civil forfeiture

''Any property subject to forfeiture pursuant to section 2253 may be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46.''.

SEC. 506. PROHIBITING THE PRODUCTION OF OBSCENITY AS WELL AS TRANSPORTATION, DISTRIBUTION, AND SALE.

(a) SECTION 1465.—Section 1465 of title 18 of the United States Code is amended—

(1) by inserting ''**PRODUCTION AND**'' before ''**TRANSPORTATION**'' in the heading of the section;

(2) by inserting ''produces with the intent to transport, distribute, or transmit in interstate or foreign commerce, or whoever knowingly'' after ''whoever knowingly'' and before ''transports or travels in''; and

(3) by inserting a comma after ''in or affecting such commerce''.

(b) SECTION 1466.—Section 1466 of title 18 of the United States Code is amended—

(1) in subsection (a), by inserting ''producing with intent to distribute or sell, or'' before ''selling or transferring obscene matter,'';

(2) in subsection (b), by inserting, ''produces'' before ''sells or transfers or offers to sell or transfer obscene matter''; and

(3) in subsection (b) by inserting ''production,'' before ''selling or transferring or offering to sell or transfer such material.''.

SEC. 507. GUARDIANS AD LITEM.

Section 3509(h)(1) of title 18, United States Code, is amended by inserting '', and provide reasonable compensation and payment of expenses for,'' before ''a guardian''.

TITLE VI—GRANTS, STUDIES, AND PROGRAMS FOR CHILDREN AND COMMUNITY SAFETY

Subtitle A—Mentoring Matches for Youth Act

SEC. 601. SHORT TITLE.

This subtitle may be cited as the ''Mentoring Matches for Youth Act of 2006''.

SEC. 602. FINDINGS.

Congress finds the following:

(1) Big Brothers Big Sisters of America, which was founded in 1904 and chartered by Congress in 1958, is the oldest and largest mentoring organization in the United States.

(2) There are over 450 Big Brothers Big Sisters of America local agencies providing mentoring programs for at-risk children in over 5,000 communities throughout every State, Guam, and Puerto Rico.

(3) Over the last decade, Big Brothers Big Sisters of America has raised a minimum of 75 percent of its annual operating budget from private sources and is continually working to grow private sources of funding to maintain this ratio of private to Federal funds.

(4) In 2005, Big Brothers Big Sisters of America provided mentors for over 235,000 children.

(5) Big Brothers Big Sisters of America has a goal to provide mentors for 1,000,000 children per year.

SEC. 603. GRANT PROGRAM FOR EXPANDING BIG BROTHERS BIG SISTERS MENTORING PROGRAM.

In each of fiscal years 2007 through 2012, the Administrator of the Office of Juvenile Justice and Delinquency Prevention (hereafter in this Act referred to as the ''Administrator'') may make grants to Big Brothers Big Sisters of America to use for expanding the capacity of and carrying out the Big Brothers Big Sisters mentoring programs for at-risk youth.

SEC. 604. BIANNUAL REPORT.

(a) IN GENERAL.—Big Brothers Big Sisters of America shall submit 2 reports to the Administrator in each of fiscal years 2007 through 2013. Big Brothers Big Sisters of America shall submit the first report in a fiscal year not later than April 1 of that fiscal year and the second report in a fiscal year not later than September 30 of that fiscal year.

(b) REQUIRED CONTENT.—Each such report shall include the following:

(1) A detailed statement of the progress made by Big Brothers Big Sisters of America in expanding the capacity of and carrying out mentoring programs for at-risk youth.

(2) A detailed statement of how the amounts received under this Act have been used.

(3) A detailed assessment of the effectiveness of the mentoring programs.

(4) Recommendations for continued grants and the appropriate amounts for such grants.

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $9,000,000 for fiscal year 2007;

(2) $10,000,000 for fiscal year 2008;

(3) $11,500,000 for fiscal year 2009;

(4) $13,000,000 for fiscal year 2010; and

(5) $15,000,000 for fiscal year 2011.

Subtitle B—National Police Athletic League Youth Enrichment Act

SEC. 611. SHORT TITLE.

This subtitle may be cited as the ''National Police Athletic League Youth Enrichment Reauthorization Act of 2006''.

SEC. 612. FINDINGS.

Section 2 of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (C) through (G) as subparagraphs (D) through (H), respectively; and

(B) by inserting after subparagraph (B) the following:

''(C) develop life enhancing character and leadership skills in young people;'';

(2) in paragraph (2) by striking ''55-year'' and inserting ''90-year'';

(3) in paragraph (3)—

(A) by striking ''320 PAL chapters'' and inserting ''350 PAL chapters''; and

(B) by striking ''1,500,000 youth'' and inserting ''2,000,000 youth'';

(4) in paragraph (4), by striking ''82 percent''and inserting ''85 percent'';

(5) in paragraph (5), in the second sentence, by striking ''receive no'' and inserting ''rarely receive'';

(6) in paragraph (6), by striking ''17 are at risk'' and inserting ''18 are at risk''; and

(7) in paragraph (7), by striking ''1999'' and inserting ''2005''.

SEC. 613. PURPOSE.

Section 3 of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended—

(1) in paragraph (1)—

(A) by striking ''320 established PAL chapters'' and inserting ''342 established PAL chapters''; and

(B) by striking ''and'' at the end;

(2) in paragraph (2), by striking ''2006.'' and inserting ''2010; and''; and

(3) by adding at the end the following:

''(3) support of an annual gathering of PAL chapters and designated youth leaders from such chapters to participate in a 3-day conference that addresses national and local issues impacting the youth of America and includes educational sessions to advance character and leadership skills.''.

SEC. 614. GRANTS AUTHORIZED.

Section 5 of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended—

(1) in subsection (a), by striking ''2001 through 2005'' and inserting ''2006 through 2010''; and

(2) in subsection (b)(1)(B), by striking ''not less than 570 PAL chapters in operation before January 1, 2004'' and inserting ''not fewer than 500 PAL chapters in operation before January 1, 2010''.

SEC. 615. USE OF FUNDS.

Section 6(a)(2) of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended—

(1) in the matter preceding subparagraph (A), by striking ''four'' and inserting ''two''; and

(2) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''two programs'' and inserting ''one program'';

(B) in clause (iii), by striking ''or'';

(C) in clause (iv), by striking ''and'' and inserting ''or''; and

(D) by inserting after clause (iv) the following:

''(v) character development and leadership training; and''.

SEC. 616. AUTHORIZATION OF APPROPRIATIONS.

Section 8(a) of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended by striking ''2001 through 2005'' and inserting ''2006 through 2010''.

SEC. 617. NAME OF LEAGUE.

(a) DEFINITIONS.—Section 4(4) of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is

amended in the paragraph heading, by striking ''Athletic'' and inserting ''Athletic/activities''.

(b) TEXT.—The National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended by striking ''Police Athletic League'' each place such term appears and inserting ''Police Athletic/Activities League''.

Subtitle C—Grants, Studies, and Other Provisions

SEC. 621. PILOT PROGRAM FOR MONITORING SEXUAL OFFENDERS.

(a) SEX OFFENDER MONITORING PROGRAM.—

(1) GRANTS AUTHORIZED.—

(A) IN GENERAL.—The Attorney General is authorized to award grants (referred to as ''Jessica Lunsford and Sarah Lunde Grants'') to States, local governments, and Indian tribal governments to assist in—

(i) carrying out programs to outfit sex offenders with electronic monitoring units; and

(ii) the employment of law enforcement officials necessary to carry out such programs.

(B) DURATION.—The Attorney General shall award grants under this section for a period not to exceed 3 years.

(C) MINIMUM STANDARDS.—The electronic monitoring units used in the pilot program shall at a minimum—

(i) provide a single-unit tracking device for each offender that—

(I) contains a central processing unit with global positioning system and cellular technology in a single unit; and

(II) provides two- and three-way voice communication; and

(ii) permit active, real-time, and continuous monitoring of offenders 24 hours a day.

(2) APPLICATION.—

(A) IN GENERAL.—Each State, local government, or Indian tribal government desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(B) CONTENTS.—Each application submitted pursuant to subparagraph (A) shall—

(i) describe the activities for which assistance under this section is sought; and

(ii) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this section.

(b) INNOVATION.—In making grants under this section, the Attorney General shall ensure that different approaches to monitoring are funded to allow an assessment of effectiveness.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $5,000,000 for each of the fiscal years 2007 through 2009 to carry out this section.

(2) REPORT.—Not later than September 1, 2010, the Attorney General shall report to Congress—

(A) assessing the effectiveness and value of this section;

(B) comparing the cost effectiveness of the electronic monitoring to reduce sex offenses compared to other alternatives; and

(C) making recommendations for continuing funding and the appropriate levels for such funding.

SEC. 622. TREATMENT AND MANAGEMENT OF SEX OFFENDERS IN THE BUREAU OF PRISONS.

Section 3621 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(f) SEX OFFENDER MANAGEMENT.—

''(1) IN GENERAL.—The Bureau of Prisons shall make available appropriate treatment to sex offenders who are in need of and suitable for treatment, as follows:

''(A) SEX OFFENDER MANAGEMENT PROGRAMS.—The Bureau of Prisons shall establish non-residential sex offender management programs to provide appropriate treatment, monitoring, and supervision of sex offenders and to provide aftercare during prerelease custody.

''(B) RESIDENTIAL SEX OFFENDER TREATMENT PROGRAMS.—The Bureau of Prisons shall establish residential sex offender treatment programs to provide treatment to sex offenders who volunteer for such programs and are deemed by the Bureau of Prisons to be in need of and suitable for residential treatment.

''(2) REGIONS.—At least 1 sex offender management program under paragraph (1)(A), and at least one residential sex offender treatment program under paragraph (1)(B), shall be established in each region within the Bureau of Prisons.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Bureau of Prisons for each fiscal year such sums as may be necessary to carry out this subsection.''.

SEC. 623. SEX OFFENDER APPREHENSION GRANTS; JUVENILE SEX OFFENDER TREATMENT GRANTS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following new part:

''PART X—SEX OFFENDER APPREHENSION GRANTS; JUVENILE SEX OFFENDER TREATMENT GRANTS

''SEC. 3011. SEX OFFENDER APPREHENSION GRANTS.

''(a) AUTHORITY TO MAKE SEX OFFENDER APPREHENSION GRANTS.—

''(1) IN GENERAL.—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia thereof for activities specified in paragraph (2).

''(2) COVERED ACTIVITIES.—An activity referred to in paragraph (1) is any program, project, or other activity to assist a State in enforcing sex offender registration requirements.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2007 through 2009 to carry out this part.

''SEC. 3012. JUVENILE SEX OFFENDER TREATMENT GRANTS.

''(a) AUTHORITY TO MAKE JUVENILE SEX OFFENDER TREATMENT GRANTS.—

''(1) IN GENERAL.—From amounts made available to carry out this part, the Attorney General may make grants to units of local government, Indian tribal governments, correctional facilities, other public and private entities, and multijurisdictional or regional consortia thereof for activities specified in paragraph (2).

''(2) COVERED ACTIVITIES.—An activity referred to in paragraph (1) is any program, project, or other activity to assist in the treatment of juvenile sex offenders.

''(b) JUVENILE SEX OFFENDER DEFINED.—For purposes of this section, the term 'juvenile sex offender' is a sex offender who had not attained the age of 18 years at the time of his or her offense.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2007 through 2009 to carry out this part.''.

SEC. 624. ASSISTANCE FOR PROSECUTION OF CASES CLEARED THROUGH USE OF DNA BACKLOG CLEARANCE FUNDS.

(a) IN GENERAL.—The Attorney General may make grants to train and employ personnel to help prosecute cases cleared through use of funds provided for DNA backlog elimination.

(b) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 625. GRANTS TO COMBAT SEXUAL ABUSE OF CHILDREN.

(a) IN GENERAL.—The Bureau of Justice Assistance is authorized to make grants under this section—

(1) to any law enforcement agency that serves a jurisdiction with 50,000 or more residents; and

(2) to any law enforcement agency that serves a jurisdiction with fewer than 50,000 residents, upon a showing of need.

(b) USE OF GRANT AMOUNTS.—Grants under this section may be used by the law enforcement agency to—

(1) hire additional law enforcement personnel or train existing staff to combat the sexual abuse of children through community education and outreach, investigation of complaints, enforcement of laws relating to sex offender registries, and management of released sex offenders;

(2) investigate the use of the Internet to facilitate the sexual abuse of children; and

(3) purchase computer hardware and software necessary to investigate sexual abuse of children over the Internet, access local, State, and Federal databases needed to apprehend sex offenders, and facilitate the creation and enforcement of sex offender registries.

(c) CRITERIA.—The Attorney General shall give priority to law enforcement agencies making a showing of need.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2007 through 2009 to carry out this section.

SEC. 626. CRIME PREVENTION CAMPAIGN GRANT.

Subpart 2 of part E of title I of the Omnibus Crime Control and Safe Street Act of 1968 is amended by adding at the end the following new chapter:

''CHAPTER 4—GRANTS TO PRIVATE ENTITIES

''SEC. 519. CRIME PREVENTION CAMPAIGN GRANT.

''(a) GRANT AUTHORIZATION.—The Attorney General may provide a grant to a national private, nonprofit organization that has expertise in promoting crime prevention through public outreach and media campaigns in coordination with law enforcement agencies and other local government officials, and representatives of community public interest organizations, including schools and youth-serving organizations, faith-based, and victims' organizations and employers.

''(b) APPLICATION.—To request a grant under this section, an organization described in subsection (a) shall submit an application to the Attorney General in such form and containing such information as the Attorney General may require.

''(c) USE OF FUNDS.—An organization that receives a grant under this section shall—

''(1) create and promote national public communications campaigns;

''(2) develop and distribute publications and other educational materials that promote crime prevention;

''(3) design and maintain web sites and related web-based materials and tools;

''(4) design and deliver training for law enforcement personnel, community leaders, and other partners in public safety and hometown security initiatives;

''(5) design and deliver technical assistance to States, local jurisdictions, and crime prevention practitioners and associations;

''(6) coordinate a coalition of Federal, national, and statewide organizations and communities supporting crime prevention;

''(7) design, deliver, and assess demonstration programs;

''(8) operate McGruff-related programs, including McGruff Club;

''(9) operate the Teens, Crime, and Community Program; and

''(10) evaluate crime prevention programs and trends.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) for fiscal year 2007, $7,000,000;

''(2) for fiscal year 2008, $8,000,000;

''(3) for fiscal year 2009, $9,000,000; and

''(4) for fiscal year 2010, $10,000,000.''.

SEC. 627. GRANTS FOR FINGERPRINTING PROGRAMS FOR CHILDREN.

(a) IN GENERAL.—The Attorney General shall establish and implement a program under which the Attorney General may make grants to States, units of local government, and Indian tribal governments in accordance with this section.

(b) USE OF GRANT AMOUNTS.—A grant made to a State, unit of local government, or Indian tribal government under subsection (a) shall be distributed to law enforcement agencies within the jurisdiction of such State, unit, or tribal government to be used for any of the following activities:

(1) To establish a voluntary fingerprinting program for children, which may include the taking of palm prints of children.

(2) To hire additional law enforcement personnel, or train existing law enforcement personnel, to take fingerprints of children.

(3) To provide information within the community involved about the existence of such a fingerprinting program.

(4) To provide for computer hardware, computer software, or other materials necessary to carry out such a fingerprinting program.

(c) LIMITATION.—Fingerprints of a child derived from a program funded under this section—

(1) may be released only to a parent or guardian of the child; and

(2) may not be copied or retained by any Federal, State, local, or tribal law enforcement officer unless written permission is given by the parent or guardian.

(d) CRIMINAL PENALTY.—Any person who uses the fingerprints of a child derived from a program funded under this section for any purpose other than the purpose described in subsection (c)(1) shall be subject to imprisonment for not more than 1 year, a fine under title 18, United States Code, or both.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 to carry out this section for the 5-year period beginning on the first day of fiscal year 2007.

SEC. 628. GRANTS FOR RAPE, ABUSE & INCEST NATIONAL NETWORK.

(a) FINDINGS.—Congress finds as follows:

(1) More than 200,000 Americans each year are victims of sexual assault, according to the Department of Justice.

(2) In 2004, 1 American was sexually assaulted every 2.5 minutes.

(3) One of every 6 women, and 1 of every 133 men, in America has been the victim of a completed or attempted rape, according to the Department of Justice.

(4) The Federal Bureau of Investigation ranks rape second in the hierarchy of violent crimes for its Uniform Crime Reports, trailing only murder.

(5) The Federal Government, through the Victims of Crime Act, Violence Against Women Act, and other laws, has long played a role in providing services to sexual assault victims and in seeking policies to increase the number of rapists brought to justice.

(6) Research suggests that sexual assault victims who receive counseling support are more likely to report their attack to the police and to participate in the prosecution of the offender.

(7) Due in part to the combined efforts of law enforcement officials at the local, State, and Federal level, as well as the efforts of the Rape, Abuse & Incest National Network (RAINN) and its affiliated rape crisis centers across the United States, sexual violence in America has fallen by more than half since 1994.

(8) RAINN, a 501(c)(3) nonprofit corporation headquartered in the District of Columbia, has since 1994 provided help to victims of sexual assault and educated the public about sexual assault prevention, prosecution, and recovery.

(9) RAINN established and continues to operate the National Sexual Assault Hotline, a free, confidential telephone hotline that provides help, 24 hours a day, to victims nationally.

(10) More than 1,100 local rape crisis centers in the 50 States and the District of Columbia partner with RAINN and are members of the National Sexual Assault Hotline network (which has helped more than 970,000 people since its inception in 1994).

(11) To better serve victims of sexual assault, 80 percent of whom are under age 30 and 44 percent of whom are under age 18, RAINN will soon launch the National Sexual Assault Online Hotline, the web's first secure hotline service offering live help 24 hours a day.

(12) Congress and the Department of Justice have given RAINN funding to conduct its crucial work.

(13) RAINN is a national model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the communications and technology industries to launch the National Sexual Assault Hotline and the National Sexual Assault Online Hotline.

(14) Worth magazine selected RAINN as one of ''America's 100 Best Charities'', in recognition of the organization's ''efficiency and effectiveness.''

(15) In fiscal year 2005, RAINN spent more than 91 cents of every dollar received directly on program services.

(16) The demand for RAINN's services is growing dramatically, as evidenced by the fact that, in 2005, the National Sexual Assault Hotline helped 137,039 people, an all-time record.

(17) The programs sponsored by RAINN and its local affiliates have contributed to the increase in the percentage of victims who report their rape to law enforcement.

(18) According to a recent poll, 92 percent of American women said that fighting sexual and domestic violence should be a top public policy priority (a higher percentage than chose health care, child care, or any other issue).

(19) Authorizing Federal funds for RAINN's national programs would promote continued progress with this interstate problem and would make a significant difference in the prosecution of rapists and the overall incidence of sexual violence.

(b) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—

(1) DESCRIPTION OF ACTIVITIES.—The Administrator shall—

(A) issue such rules as the Administrator considers necessary or appropriate to carry out this section;

(B) make such arrangements as may be necessary and appropriate to facilitate effective coordination among all Federally funded programs relating to victims of sexual assault; and

(C) provide adequate staff and agency resources which are necessary to properly carry out the responsibilities pursuant to this section.

(2) ANNUAL GRANT TO RAPE, ABUSE & INCEST NATIONAL NETWORK.—The Administrator shall annually make a grant to RAINN, which shall be used for the performance of the organization's national programs, which may include—

(A) operation of the National Sexual Assault Hotline, a 24-hour toll-free telephone line by which individuals may receive help and information from trained volunteers;

(B) operation of the National Sexual Assault Online Hotline, a 24-hour free online service by which individuals may receive help and information from trained volunteers;

(C) education of the media, the general public, and populations at risk of sexual assault about the incidence of sexual violence and sexual violence prevention, prosecution, and recovery;

(D) dissemination, on a national basis, of information relating to innovative and model programs, services, laws, legislation, and policies that benefit victims of sexual assault; and

(E) provision of technical assistance to law enforcement agencies, State and local governments, the criminal justice system, public and private nonprofit agencies, and individuals in the investigation and prosecution of cases involving victims of sexual assault.

(c) DEFINITIONS.—For the purposes of this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Office of Juvenile Justice and Delinquency Prevention.

(2) RAINN.—The term ''RAINN'' means the Rape, Abuse & Incest National Network, a 501(c)(3) nonprofit corporation headquartered in the District of Columbia.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section, $3,000,000 for each of fiscal years 2007 through 2010.

SEC. 629. CHILDREN'S SAFETY ONLINE AWARENESS CAMPAIGNS.

(a) AWARENESS CAMPAIGN FOR CHILDREN'S SAFETY ONLINE.—

(1) IN GENERAL.—The Attorney General, in consultation with the National Center for Missing and Exploited Children, is authorized to develop and carry out a public awareness campaign to demonstrate, explain, and encourage children, parents, and community leaders to better protect children when such children are on the Internet.

(2) REQUIRED COMPONENTS.—The public awareness campaign described under paragraph (1) shall include components that compliment and reinforce the campaign message in a variety of media, including the Internet, television, radio, and billboards.

(b) AWARENESS CAMPAIGN REGARDING THE ACCESSIBILITY AND UTILIZATION OF SEX OFFENDER REGISTRIES.—The Attorney General, in consultation with the National Center for Missing and Exploited Children, is authorized to develop and carry out a public awareness campaign to demonstrate, explain, and encourage parents and community leaders to better access and utilize the Federal and State sex offender registries.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal years 2007 through 2011.

SEC. 630. GRANTS FOR ONLINE CHILD SAFETY PROGRAMS.

(a) IN GENERAL.—The Attorney General shall, subject to the availability of appropriations, make grants to States, units of local government, and nonprofit organizations for the purposes of establishing and maintaining programs with respect to improving and educating children and parents in the best ways for children to be safe when on the Internet.

(b) DEFINITION OF STATE.—For purposes of this section, the term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal years 2007 through 2011.

SEC. 631. JESSICA LUNSFORD ADDRESS VERIFICATION GRANT PROGRAM.

(a) ESTABLISHMENT.—There is established the Jessica Lunsford Address Verification Grant Program (hereinafter in this section referred to as the ''Program'').

(b) GRANTS AUTHORIZED.—Under the Program, the Attorney General is authorized to award grants to State, local governments, and Indian tribal governments to assist in carrying out programs requiring an appropriate official to verify, at appropriate intervals, the residence of all or some registered sex offenders.

(c) APPLICATION.—

(1) IN GENERAL.—Each State or local government seeking a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this section.

(d) INNOVATION.—In making grants under this section, the Attorney General shall ensure that different approaches to address verification are funded to allow an assessment of effectiveness.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated for each of the fiscal years 2007 through 2009 such sums as may be necessary to carry out this section.

(2) REPORT.—Not later than April 1, 2009, the Attorney General shall report to Congress—

(A) assessing the effectiveness and value of this section;

(B) comparing the cost effectiveness of address verification to reduce sex offenses compared to other alternatives; and

(C) making recommendations for continuing funding and the appropriate levels for such funding.

SEC. 632. FUGITIVE SAFE SURRENDER.

(a) FINDINGS.—Congress finds the following:

(1) Fugitive Safe Surrender is a program of the United States Marshals Service, in partnership with public, private, and faith-based organizations, which temporarily transforms a church into a courthouse, so fugitives can turn themselves in, in an atmosphere where they feel more comfortable to do so, and have nonviolent cases adjudicated immediately.

(2) In the 4-day pilot program in Cleveland, Ohio, over 800 fugitives turned themselves in. By contrast, a successful Fugitive Task Force sweep, conducted for 3 days after Fugitive Safe Surrender, resulted in the arrest of 65 individuals.

(3) Fugitive Safe Surrender is safer for defendants, law enforcement, and innocent bystanders than needing to conduct a sweep.

(4) Based upon the success of the pilot program, Fugitive Safe Surrender should be expanded to other cities throughout the United States.

(b) ESTABLISHMENT.—The United States Marshals Service shall establish, direct, and coordinate a program (to be known as the ''Fugitive Safe Surrender Program''), under which the United States Marshals Service shall apprehend Federal, State, and local fugitives in a safe, secure, and peaceful manner to be coordinated with law enforcement and community leaders in designated cities throughout the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the United States Marshals Service to carry out this section—

(1) $3,000,000 for fiscal year 2007;

(2) $5,000,000 for fiscal year 2008; and

(3) $8,000,000 for fiscal year 2009.

(d) OTHER EXISTING APPLICABLE LAW.—Nothing in this section shall be construed to limit any existing authority under any other provision of Federal or State law for law enforcement agencies to locate or apprehend fugitives through task forces or any other means.

SEC. 633. NATIONAL REGISTRY OF SUBSTANTIATED CASES OF CHILD ABUSE.

(a) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Attorney General, shall create a national registry of substantiated cases of child abuse or neglect.

(b) INFORMATION.—

(1) COLLECTION.—The information in the registry described in subsection (a) shall be supplied by States and Indian tribes, or, at the option of a State, by political subdivisions of such State, to the Secretary of Health and Human Services.

(2) TYPE OF INFORMATION.—The registry described in subsection (a) shall collect in a central electronic registry information on persons reported to a State, Indian tribe, or political subdivision of a State as perpetrators of a substantiated case of child abuse or neglect.

(c) SCOPE OF INFORMATION.—

(1) IN GENERAL.—

(A) TREATMENT OF REPORTS.—The information to be provided to the Secretary of Health and Human Services under this section shall relate to substantiated reports of child abuse or neglect.

(B) EXCEPTION.—If a State, Indian tribe, or political subdivision of a State has an electronic register of cases of child abuse or neglect equivalent to the registry established under this section that it maintains pursuant to a requirement or authorization under any other provision of law, the information provided to the Secretary of Health and Human Services under this section shall be coextensive with that in such register.

(2) FORM.—Information provided to the Secretary of Health and Human Services under this section—

(A) shall be in a standardized electronic form determined by the Secretary of Health and Human Services; and

(B) shall contain case-specific identifying information that is limited to the name of the perpetrator and the nature of the substantiated case of child abuse or neglect, and that complies with clauses (viii) and (ix) of section 106(b)(2)(A) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)(2)(A) (viii) and (ix)).

(d) CONSTRUCTION.—This section shall not be construed to require a State, Indian tribe, or political subdivision of a State to modify—

(1) an equivalent register of cases of child abuse or neglect that it maintains pursuant to a requirement or authorization under any other provision of law; or

(2) any other record relating to child abuse or neglect, regardless of whether the report of abuse or neglect was substantiated, unsubstantiated, or determined to be unfounded.

(e) ACCESSIBILITY.—Information contained in the national registry shall only be accessible to any Federal, State, Indian tribe, or local government entity, or any agent of such entities, that has a need for such information in order to carry out its responsibilities under law to protect children from child abuse and neglect.

(f) DISSEMINATION.—The Secretary of Health and Human Services shall establish standards for the dissemination of information in the national registry of substantiated cases of child abuse or neglect. Such standards shall comply with clauses (viii) and (ix) of section 106(b)(2)(A) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)(2)(A) (viii) and (ix)).

(g) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study on the feasibility of establishing data collection standards for a national child abuse and neglect registry with recommendations and findings concerning—

(A) costs and benefits of such data collection standards;

(B) data collection standards currently employed by each State, Indian tribe, or political subdivision of a State;

(C) data collection standards that should be considered to establish a model of promising practices; and

(D) a due process procedure for a national registry

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on the Judiciary in the House of Representatives and the United States Senate and the Senate Committee on Health, Education, Labor and Pensions and the House Committee on Education and the Workforce a report containing the recommendations and findings of the study on data collection standards for a national child abuse registry authorized under this subsection.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $500,000 for the period of fiscal years 2006 and 2007 to carry out the study required by this subsection.

SEC. 634. COMPREHENSIVE EXAMINATION OF SEX OFFENDER ISSUES.

(a) IN GENERAL.—The National Institute of Justice shall conduct a comprehensive study

to examine the control, prosecution, treatment, and monitoring of sex offenders, with a particular focus on—

(1) the effectiveness of the Sex Offender Registration and Notification Act in increasing compliance with sex offender registration and notification requirements, and the costs and burdens associated with such compliance;

(2) the effectiveness of sex offender registration and notification requirements in increasing public safety, and the costs and burdens associated with such requirements;

(3) the effectiveness of public dissemination of sex offender information on the Internet in increasing public safety, and the costs and burdens associated with such dissemination; and

(4) the effectiveness of treatment programs in reducing recidivism among sex offenders, and the costs and burdens associated with such programs.

(b) RECOMMENDATIONS.—The study described in subsection (a) shall include recommendations for reducing the number of sex crimes against children and adults and increasing the effectiveness of registration requirements.

(c) REPORTS.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the National Institute of Justice shall report the results of the study conducted under subsection (a) together with findings to Congress, through the Internet to the public, to each of the 50 governors, to the Mayor of the District of Columbia, to territory heads, and to the top official of the various Indian tribes.

(2) INTERIM REPORTS.—The National Institute of Justice shall submit yearly interim reports.

(d) APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 to carry out this section.

SEC. 635. ANNUAL REPORT ON ENFORCEMENT OF REGISTRATION REQUIREMENTS.

Not later than July 1 of each year, the Attorney General shall submit a report to Congress describing—

(1) the use by the Department of Justice of the United States Marshals Service to assist jurisdictions in locating and apprehending sex offenders who fail to comply with sex offender registration requirements, as authorized by this Act;

(2) the use of section 2250 of title 18, United States Code (as added by section 151 of this Act), to punish offenders for failure to register;

(3) a detailed explanation of each jurisdiction's compliance with the Sex Offender Registration and Notification Act;

(4) a detailed description of Justice Department efforts to ensure compliance and any funding reductions, the basis for any decision to reduce funding or not to reduce funding under section 125; and

(5) the denial or grant of any extensions to comply with the Sex Offender Registration and Notification Act, and the reasons for such denial or grant.

SEC. 636. GOVERNMENT ACCOUNTABILITY OFFICE STUDIES ON FEASIBILITY OF USING DRIVER'S LICENSE REGISTRATION PROCESSES AS ADDITIONAL REGISTRATION REQUIREMENTS FOR SEX OFFENDERS.

For the purposes of determining the feasibility of using driver's license registration processes as additional registration requirements for sex offenders to improve the level of compliance with sex offender registration requirements for change of address upon relocation and other related updates of personal information, the Congress requires the following studies:

(1) Not later than 180 days after the date of the enactment of this Act, the Government Accountability Office shall complete a study for the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives to survey a majority of the States to assess the relative systems capabilities to comply with a Federal law that required all State driver's license systems to automatically access State and national databases of registered sex offenders in a form similar to the requirement of the Nevada law described in paragraph (2). The Government Accountability Office shall use the information drawn from this survey, along with other expert sources, to determine what the potential costs to the States would be if such a Federal law came into effect, and what level of Federal grants would be required to prevent an unfunded mandate. In addition, the Government Accountability Office shall seek the views of Federal and State law enforcement agencies, including in particular the Federal Bureau of Investigation, with regard to the anticipated effects of such a national requirement, including potential for undesired side effects in terms of actual compliance with this Act and related laws.

(2) Not later than February 1, 2007, the Government Accountability Office shall complete a study to evaluate the provisions of Chapter 507 of Statutes of Nevada 2005 to determine—

(A) if those provisions are effective in increasing the registration compliance rates of sex offenders;

(B) the aggregate direct and indirect costs for the State of Nevada to bring those provisions into effect; and

(C) how those provisions might be modified to improve compliance by registered sex offenders.

SEC. 637. SEX OFFENDER RISK CLASSIFICATION STUDY.

(a) STUDY.—The Attorney General shall conduct a study of risk-based sex offender classification systems, which shall include an analysis of—

(1) various risk-based sex offender classification systems;

(2) the methods and assessment tools available to assess the risks posed by sex offenders;

(3) the efficiency and effectiveness of risk-based sex offender classification systems, in comparison to offense-based sex offender classification systems, in—

(A) reducing threats to public safety posed by sex offenders; and

(B) assisting law enforcement agencies and the public in identifying the most dangerous sex offenders;

(4) the resources necessary to implement, and the legal implications of implementing, risk-based sex offender classification systems for sex offender registries; and

(5) any other information the Attorney General determines necessary to evaluate risk-based sex offender classification systems.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Attorney General shall report to the Congress the results of the study under this section.

(c) STUDY CONDUCTED BY TASK FORCE.—The Attorney General may establish a task force to conduct the study and prepare the report required under this section. Any task force established under this section shall be composed of members, appointed by the Attorney General, who—

(1) represent national, State, and local interests; and

(2) are especially qualified to serve on the task force by virtue of their education, training, or experience, particularly in the fields of sex offender management, community education, risk assessment of sex offenders, and sex offender victim issues.

SEC. 638. STUDY OF THE EFFECTIVENESS OF RESTRICTING THE ACTIVITIES OF SEX OFFENDERS TO REDUCE THE OCCURRENCE OF REPEAT OFFENSES.

(a) STUDY.—The Attorney General shall conduct a study to evaluate the effectiveness of monitoring and restricting the activities of sex offenders to reduce the occurrence of repeat offenses by such sex offenders, through conditions imposed as part of supervised release or probation conditions. The study shall evaluate—

(1) the effectiveness of methods of monitoring and restricting the activities of sex offenders, including restrictions—

(A) on the areas in which sex offenders can reside, work, and attend school;

(B) limiting access by sex offenders to the Internet or to specific Internet sites; and

(C) preventing access by sex offenders to pornography and other obscene materials;

(2) the ability of law enforcement agencies and courts to enforce such restrictions; and

(3) the efficacy of any other restrictions that may reduce the occurrence of repeat offenses by sex offenders.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate the results of the study under this section.

SEC. 639. THE JUSTICE FOR CRIME VICTIMS FAMILY ACT.

(a) SHORT TITLE.—This section may be cited as the ''Justice for Crime Victims Family Act''.

(b) STUDY OF MEASURES NEEDED TO IMPROVE PERFORMANCE OF HOMICIDE INVESTIGATORS.—Not later than 6 months after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report—

(1) outlining what measures are needed to improve the performance of Federal, State, and local criminal investigators of homicide; and

(2) including an examination of—

(A) the benefits of increasing training and resources for such investigators, with respect to investigative techniques, best practices, and forensic services;

(B) the existence of any uniformity among State and local jurisdictions in the measurement of homicide rates and clearance of homicide cases;

(C) the coordination in the sharing of information among Federal, State, and local law enforcement and coroners and medical examiners; and

(D) the sources of funding that are in existence on the date of the enactment of this Act for State and local criminal investigators of homicide.

(c) IMPROVEMENTS NEEDED FOR SOLVING HOMICIDES INVOLVING MISSING PERSONS AND UNIDENTIFIED HUMAN REMAINS.—Not later than 6 months after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report—

(1) evaluating measures to improve the ability of Federal, State, and local criminal investigators of homicide to solve homicides involving missing persons and unidentified human remains; and

(2) including an examination of—

(A) measures to expand national criminal records databases with accurate information relating to missing persons and unidentified human remains;

(B) the collection of DNA samples from potential 'high-risk' missing persons;

(C) the benefits of increasing access to national criminal records databases for medical examiners and coroners;

(D) any improvement in the performance of postmortem examinations, autopsies, and reporting procedures of unidentified persons or remains;

(E) any coordination between the National Center for Missing Children and the National Center for Missing Adults;

(F) website postings (or other uses of the Internet) of information of identifiable information such as physical features and characteristics, clothing, and photographs of missing persons and unidentified human remains; and

(G) any improvement with respect to—

(i) the collection of DNA information for missing persons and unidentified human remains; and

(ii) entering such information into the Combined DNA Index System of the Federal Bureau of Investigation and national criminal records databases.

TITLE VII—INTERNET SAFETY ACT

SEC. 701. CHILD EXPLOITATION ENTERPRISES.

Section 2252A of title 18, United States Code, is amended by adding at the end the following:

''(g) CHILD EXPLOITATION ENTERPRISES.—

''(1) Whoever engages in a child exploitation enterprise shall be fined under this title and imprisoned for any term of years not less than 20 or for life.

''(2) A person engages in a child exploitation enterprise for the purposes of this section if the person violates section 1591, section 1201 if the victim is a minor, or chapter 109A (involving a minor victim), 110 (except for sections 2257 and 2257A), or 117 (involving a minor victim), as a part of a series of felony violations constituting three or more separate incidents and involving more than one victim, and commits those offenses in concert with three or more other persons.''.

SEC. 702. INCREASED PENALTIES FOR REGISTERED SEX OFFENDERS.

(a) OFFENSE.—Chapter 110 of title 18, United States Code, is amended by adding at the end the following:

''§ 2260A. Penalties for registered sex offenders

''Whoever, being required by Federal or other law to register as a sex offender, commits a felony offense involving a minor under section 1201, 1466A, 1470, 1591, 2241, 2242, 2243, 2244, 2245, 2251, 2251A, 2260, 2421, 2422, 2423, or 2425, shall be sentenced to a term of imprisonment of 10 years in addition to the imprisonment imposed for the offense under that provision. The sentence imposed under this section shall be consecutive to any sentence imposed for the offense under that provision.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110 of title 18, United States Code, is amended by adding at the end the following new item:

''2260A. Increased penalties for registered sex offenders.''.

SEC. 703. DECEPTION BY EMBEDDED WORDS OR IMAGES.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2252B the following:

''§ 2252C. Misleading words or digital images on the Internet

''(a) IN GENERAL.—Whoever knowingly embeds words or digital images into the source code of a website with the intent to deceive a person into viewing material constituting obscenity shall be fined under this title and imprisoned for not more than 10 years.

''(b) MINORS.—Whoever knowingly embeds words or digital images into the source code of a website with the intent to deceive a minor into viewing material harmful to minors on the Internet shall be fined under this title and imprisoned for not more than 20 years.

''(c) CONSTRUCTION.—For the purposes of this section, a word or digital image that clearly indicates the sexual content of the site, such as 'sex' or 'porn', is not misleading.

''(d) DEFINITIONS.—As used in this section—

''(1) the terms 'material that is harmful to minors' and 'sex' have the meaning given such terms in section 2252B; and

''(2) the term 'source code' means the combination of text and other characters comprising the content, both viewable and nonviewable, of a web page, including any website publishing language, programming language, protocol or functional content, as well as any successor languages or protocols.''.

(b) TABLE OF SECTIONS.—The table of sections for chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2252B the following:

''2252C. Misleading words or digital images on the Internet.''.

SEC. 704. ADDITIONAL PROSECUTORS FOR OFFENSES RELATING TO THE SEXUAL EXPLOITATION OF CHILDREN.

(a) DEFINITION.—In this section, the term ''offenses relating to the sexual exploitation of children'' shall include any offense committed in violation of—

(1) chapter 71 of title 18, United States Code, involving an obscene visual depiction of a minor, or transfer of obscene materials to a minor;

(2) chapter 109A of title 18, United States Code, involving a victim who is a minor;

(3) chapter 109B of title 18, United States Code;

(4) chapter 110 of title 18, United States Code;

(5) chapter 117 of title 18, United States Code involving a victim who is a minor; and

(6) section 1591 of title 18, United States Code.

(b) ADDITIONAL PROSECUTORS.—In fiscal year 2007, the Attorney General shall, subject to the availability of appropriations for such purposes, increase by not less than 200 the number of attorneys in United States Attorneys' Offices. The additional attorneys shall be assigned to prosecute offenses relating to the sexual exploitation of children.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice for fiscal year 2007 such sums as may be necessary to carry out this section.

SEC. 705. ADDITIONAL COMPUTER-RELATED RESOURCES.

(a) DEPARTMENT OF JUSTICE RESOURCES.—In fiscal year 2007, the Attorney General shall, subject to the availability of appropriations for such purposes, increase by not less than 30 the number of computer forensic examiners within the Regional Computer Forensic Laboratories (RCFL). The additional computer forensic examiners shall be dedicated to investigating crimes involving the sexual exploitation of children and related offenses.

(b) DEPARTMENT OF HOMELAND SECURITY RESOURCES.—In fiscal year 2007, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purposes, increase by not less than 15 the number of computer forensic examiners within the Cyber Crimes Center (C3). The additional computer forensic examiners shall be dedicated to investigating crimes involving the sexual exploitation of children and related offenses.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice and the Department of Homeland Security for fiscal year 2007 such sums as may be necessary to carry out this section.

SEC. 706. ADDITIONAL ICAC TASK FORCES.

(a) ADDITIONAL TASK FORCES.—In fiscal year 2007, the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall, subject to the availability of appropriations for such purpose, increase by not less than 10 the number of Internet Crimes Against Children Task Forces that are part of the Internet Crimes Against Children Task Force Program authorized and funded under title IV of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5771 et seq.). These Task Forces shall be in addition to the ones authorized in section 143 of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the Office of Juvenile Justice and Delinquency Prevention for fiscal year 2007 such sums as may be necessary to carry out this section.

SEC. 707. MASHA'S LAW.

(a) SHORT TITLE.—This section may be cited as ''Masha's Law''.

(b) IN GENERAL.—Section 2255(a) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking ''(a) Any minor who is'' and inserting the following:

''(a) IN GENERAL.—Any person who, while a minor, was'';

(B) by inserting after ''such violation'' the following: '', regardless of whether the injury occurred while such person was a minor,''; and

(C) by striking ''such minor'' and inserting ''such person''; and

(2) in the second sentence—

(A) by striking ''Any minor'' and inserting ''Any person''; and

(B) by striking ''$50,000'' and inserting ''$150,000''.

(c) CONFORMING AMENDMENT.—Section 2255(b) of title 18, United States Code, is amended by striking ''(b) Any action'' and inserting the following:

''(b) STATUTE OF LIMITATIONS.—Any action''.

SA 4687. Mr. FRIST submitted an amendment intended to be proposed by him to the bill H.R. 4472, to protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote Internet safety, and to honor the memory of Adam Walsh and other child crime victims; as follows:

Amend the title to read as follows: ''To protect children from sexual exploitation

and violent crime, to prevent child abuse and child pornography, to promote Internet safety, and to honor the memory of Adam Walsh and other child crime victims.''.

SA 4688. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1950, to promote global energy security through increased cooperation between the United States and India in diversifying sources of energy, stimulating development of alternative fuels, developing and deploying technologies that promote the clean and efficient use of coal, and improving energy efficiency; which was ordered to lie on the table; as follows:

On page 5, line 23, strike ''energy efficiency projects'' and insert ''energy efficiency and renewable energy projects and technologies''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MCCONNELL. 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 Thursday, July 20, 2006 at 10 a.m. in 328A, Senate Russell Office Building. The purpose of this committee hearing will be review United States Department of Agriculture dairy programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, July 20, 2006, at 9:30 a.m., in closed session, to receive a classified briefing on overhead imagery systems.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the Session of the Senate on Thursday, July 20, 2006, at 10 a.m. The purpose of this meeting is to consider the nomination of John Ray Correll, of Indiana, to be Director of the Office of Surface Mine Reclamation and Enforcement, Department of the Interior, vice Jeffery D. Jarrett. Mark Myers, of Alaska, to be Director of the United States Geological Survey, Department of the Interior, vice Charles G. Groat, resigned. Drue Pearce, of Alaska, to be Federal Coordinator for Alaska Natural Gas Transportation Projects for the term prescribed by law (New position).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 20, 2006, at 9:30 a.m. to hold a hearing on North Korea.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, July 20, 2006, at 9:30 a.m in the Dirksen Senate Office Building Room 226.

Agenda

I. Nominations

Kimberly Ann Moore, to be U.S. Circuit Judge for the Federal Circuit; Frances M. Tydingco-Gatewood, to be Judge for the District Court of Guam; Steven G. Bradbury, to be an Assistant Attorney General for the Office of Legal Counsel; R. Alexander Acosta, to be U.S. Attorney for the Southern District of Florida.

II. Bills

S. 2453, National Security Surveillance Act of 2006, Specter;

S. 2455, Terrorist Surveillance Act of 2006, De Wine, Graham

S. 2468, A bill to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, and for other purposes, Schumer;

S. 3001, Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006, Specter, Feinstein;

S. 2831, Free Flow of Information Act of 2006, Lugar, Specter, Graham, Schumer, Biden, Grassley;

S. 155, Gang Prevention and Effective Deterrence Act of 2005, Feinstein, Hatch, Grassley, Cornyn, Kyl, Specter;

S. 2703, Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, Specter, Leahy, Grassley, Kennedy, De Wine, Feinstein, Brownback, Durbin, Schumer, Kohl, Biden, Feingold;

S. 1845, Circuit Court of Appeals Restructuring and Modernization Act of 2005, Ensign, Kyl;

S. 2679, Unsolved Civil Rights Crime Act, Talent, De Wine, Cornyn.

III. Matters

Subpoenas Relating to ABA Reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, July 20, 2006, to hold a hearing titled ''VA Data Privacy Breach: Twenty-Six Million People Deserve Assurance of Future Security''. The hearing will take place in room 418 of the Russell Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 20, 2006, at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet tomorrow, July 20, 2006, from 10 a.m.–12 p.m. in Dirksen 106 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, July 20, 2006, at 11 a.m. for a briefing on Iran from the State Department.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, July 20, 2006, at 1:30 p.m. for a hearing regarding ''Iran's Nuclear Impasse: Next Steps''.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Bill Yeomans, my Senate Judiciary counsel, be accorded floor privileges for the duration of the debate on H.R. 9 and any votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent to grant floor privileges to Tovah Calderon, a detailee from the Department of Justice who is currently serving on my Judiciary Committee staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Kumar Garg, a legal intern with my Judiciary Committee staff, be accorded floor privileges during the debate on H.R. 9.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent for Emily Katz, a legislative fellow in my office, to have floor privileges while the Senate considers the Voting Rights Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent that a law clerk on my staff, Brian Hill, be granted floor privileges for the duration of this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I ask unanimous consent that the privilege of the floor be granted today and tomorrow for Dr. Vance Randall, a legislative fellow for education policy serving on my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 99–498, section 591c(2), reappoints René A. Drouin of New Hampshire, to the Advisory Committee on Student Financial Assistance for a three-year term.

COMMENDING THE PATRIOT GUARD RIDERS

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 535 and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 535) commending the Patriot Guard Riders for shielding mourning military families from protesters and preserving the memory of fallen service members at funerals.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble 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, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 535) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 535

Whereas in 2005, a small group of American Legion Riders in Kansas calling themselves the ''Patriot Guard'' began a movement to shield the families and friends of fallen service members from interruptions by protesters appearing at military funerals;

Whereas individuals from Colorado, Oklahoma, and Texas later brought together diverse groups of motorcycle organizations across the country who rode to honor fallen service members, forming an organization known as the ''Patriot Guard Riders'';

Whereas the Patriot Guard Riders have since grown into a nationwide network, including both veterans and nonveterans and riders and nonriders, and is open to anyone who shares a respect for service members who have made the ultimate sacrifice for the Nation;

Whereas Patriot Guard Riders attend military funerals to show respect for fallen service members and to shield mourning family members and friends of the deceased from protestors who interrupt, or threaten to interrupt, the dignity of the event;

Whereas across the Nation, Patriot Guard Riders volunteer their time to come to the aid of military families in need, so as to allow the memories of the deceased service member to be remembered with honor and dignity;

Whereas regardless of one's opinion of the Nation's military commitments, the families, friends, and communities of the Nation's fallen soldiers deserve a peaceful time of mourning and should not be harassed and caused further suffering at a funeral;

Whereas Patriot Guard Riders appear at a funeral only at the invitation of the fallen soldier's family and participate in a nonviolent, legal manner; and

Whereas the members of the Nation's Armed Forces willingly risk their lives to protect the American way of life and the freedoms guaranteed by the Constitution: Now, therefore, be it

Resolved, That the Senate expresses its deepest appreciation to the Patriot Guard Riders who—

(1) attend military funerals across the country to show respect for fallen members of the Armed Forces and, when needed, shield mourning family members and friends of the deceased from protestors who interrupt, or threaten to interrupt, the dignity of a funeral; and

(2) in so doing, help to preserve the memory and honor of the Nation's fallen heroes.

CORRECTING THE ENROLLMENT OF S. 3693

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Con. Res. 112 which was submitted earlier today, that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 112) was agreed to, as follows:

S. CON. RES. 112

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill, S. 3693, the Secretary of the Senate shall insert ''or reentries'' after ''States, reentry'' in section 212(a)(9)(C)(iii)(II) of the Immigration and Nationality Act, as added by section 6(b)(1)(C) of the bill.

THE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the following bills: Calendar No. 481, Calendar No. 483 through Calendar No. 494, all postal naming bills, en bloc.

There being no objection, the Senate proceeded to consider the bills, en bloc.

Mr. FRIST. Mr. President, I ask unanimous consent that the bills be read a third time and passed and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

HARRY J. PARRISH POST OFFICE

The bill (S. 2690) to designate the facility of the United States Postal Service located at 8801 Sudley Road in Manassas, Virginia, as the ''Harry J. Parrish Post Office,'' was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2690

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

SECTION 1. HARRY J. PARRISH POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 8801 Sudley Road, Manassas, Virginia, shall be known and designated as the ''Harry J. Parrish Post Office''.

(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 Harry J. Parrish Post Office.

RICHARD L. CEVOLI POST OFFICE

The bill (S. 3187) to designate the Post Office located at 5755 Post Road, East Greenwich, RI, as the ''Richard L. Cevoli Post Office,'' was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows.

S. 3187

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

SECTION 1. RICHARD L. CEVOLI POST OFFICE.

(a) DESIGNATION.—The post office located at 5755 Post Road, East Greenwich, Rhode Island, shall be known and designated as the ''Richard L. Cevoli Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the post office referred to in subsection (a) shall be deemed to be a reference to the Richard L. Cevoli Post Office.

PAUL KASTEN POST OFFICE BUILDING

The bill (H.R. 2977) to designate the facility of the United States Postal Service located at 306 2nd Avenue in

Brockway, Montana, as the ''Paul Kasten Post Office Building,'' was considered, read the third time, and passed.

DR. JOSE CELSO BARBOSA POST OFFICE BUILDING

The bill (H.R. 3440) to designate the facility of the United States Postal Service located at 100 Avenida RL Rodriguez in Bayamon, Puerto Rico, as the ''Dr. Jose Celso Barbosa Post Office Building,'' was considered, read the third time, and passed.

WILLIAM F. CLINGER, JR. POST OFFICE BUILDING

The bill (H.R. 3549) to designate the facility of the United States Postal Service located at 210 West 3rd Avenue in Warren, Pennsylvania, as the ''William F. Clinger, Jr. Post Office Building,'' was considered, read the third time, and passed.

GERARD A. FIORENZA POST OFFICE BUILDING

The bill (H.R. 3934) to designate the facility of the United States Postal Service located at 80 Killian Road in Massapequa, New York, as the ''Gerard A. Fiorenza Post Office Building,'' was considered, read the third time, and passed.

STATE SENATOR VERDA WELCOME AND DR. HENRY WELCOME POST OFFICE BUILDING

The bill (H.R. 4108) to designate the facility of the United States Postal Service located at 3000 Homewood Avenue in Baltimore, Maryland, as the ''State Senator Verda Welcome and Dr. Henry Welcome Post Office Building,'' was considered, read the third time, and passed.

HATTIE CARAWAY STATION

The bill (H.R. 4456) to designate the facility of the United States Postal Service located at 2404 Race Street in Jonesboro, Arkansas, as the ''Hattie Caraway Station,'' was considered, read the third time, and passed.

FRANCISCO ''PANCHO'' MEDRANO POST OFFICE BUILDING

The bill (H.R. 4561) to designate the facility of the United States Postal Service located at 8624 Ferguson Road in Dallas, Texas, as the ''Francisco 'Pancho' Medrano Post Office Building,'' was considered, read the third time, and passed.

MAYOR JOHN THOMPSON ''TOM'' GARRISON MEMORIAL POST OFFICE

The bill (H.R. 4688) to designate the facility of the United States Postal Service located at 1 Boyden Street in Badin, North Carolina, as the ''Mayor John Thompson 'Tom' Garrison Memorial Post Office,'' was considered, read the third time, and passed.

H. GORDON PAYROW POST OFFICE BUILDING

The bill (H.R. 4786) to designate the facility of the United States Postal Service located at 535 Wood Street in Bethlehem, Pennsylvania, as the ''H. Gordon Payrow Post Office Building,'' was considered, read the third time, and passed.

RONALD BUCCA POST OFFICE

The bill (H.R. 4995) to designate the facility of the United States Postal Service located at 7 Columbus Avenue in Tuckahoe, New York, as the ''Ronald Bucca Post Office,'' was considered, read the third time, and passed.

MATTHEW LYON POST OFFICE BUILDING

The bill (H.R. 5245) to designate the facility of the United States Postal Service located at 1 Marble Street in Fair Haven, Vermont, as the ''Matthew Lyon Post Office Building,'' was considered, read the third time, and passed.

TO DESIGNATE THE FACILITY OF THE UNITED STATES POSTAL SERVICE LOCATED AT 170 EAST MAIN STREET IN PATCHOGUE, NEW YORK, AS THE ''LIEUTENANT MICHAEL P. MURPHY POST OFFICE BUILDING''

Mr. FRIST. Mr. President, I ask unanimous consent the Homeland and Government Affairs Committee be discharged from further consideration of H.R. 4101 and that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4101) to designate the facility of the United States Postal Service located at 170 East Main Street in Patchogue, New York, as the ''Lieutenant Michael P. Murphy Post Office Building.''

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4101) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR FRIDAY, JULY 21, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, July 21. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to S. 403, the Child Custody Protection Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, today has been a busy and productive day in the Senate—quite a historic day in many ways. We passed the Voting Rights Act, significant legislation on which we had very good debate and discussion over the course of the day. It is a bill that has been passed by the House of Representatives last week and was passed through our Judiciary Committee yesterday, came to the floor today, and passed a few moments ago.

We confirmed four of the President's judicial nominations and about an hour ago we passed the Adam Walsh bill, a bill that establishes a national sex offender registry that toughens penalties for crimes against children that directly, and in a tough fashion, combats Internet predators and child pornography and child exploitation, that prevents abuse. I mentioned in my remarks a few moments ago, four children die as a result of child abuse every day, and although a lot of States do have registries, this information is not shared with other States.

I am delighted we were able to create this national child abuse registry which, indeed, will make such a difference in people's lives.

As I mentioned earlier, also, we will not have any votes during tomorrow's session. We are working on some further agreements for tomorrow's session, and on Friday I will have an update as to the schedule for Monday and Tuesday.

MEASURE READ THE FIRST TIME—S. 3711

Mr. FRIST. Mr. President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will please report the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 3711) to enhance the energy independence and security of the United States by providing for exploration, development and production activities for mineral resources in the Gulf of Mexico, and for other purposes.

Mr. FRIST. I now ask for a second reading and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its

second reading on the next legislative day.

Mr. FRIST. Mr. President, that particular bill is a bill that I hope we can address in the near future, a bill that will make available, once we address and pass it, a billion barrels of oil and over five trillion cubic feet of natural gas that this country does not see. It is a very important bill we will be addressing in the very near future.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate to stand in adjournment under the previous order.

There being no objection, the Senate, at 8 p.m. adjourned until Friday, July 21, 2006, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, July 20, 2006:

THE JUDICIARY

NEIL M. GORSUCH, OF COLORADO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT.

BOBBY E. SHEPHERD, OF ARKANSAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT.

DANIEL PORTER JORDAN III, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF MISSISSIPPI.

GUSTAVO ANTONIO GELPI, OF PUERTO RICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO.

EXTENSIONS OF REMARKS

TRIBUTE TO THE PAST AND CURRENT MEMBERS OF THE COMMUNITY THAT HAVE MADE THE SUGAR PLANT IN FORT MORGAN, CO, A SUCCESS

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mrs. MUSGRAVE. Mr. Speaker, I rise today to pay tribute to the past and current members of the community that have made the Sugar Plant in Fort Morgan, CO, a success. They are now observing the plant's Centennial Celebration. For 100 years the sugar plant has significantly impacted the economy of northeastern Colorado.

Sugar beets became a major crop in the Fort Morgan area in 1905. People in the community realized the potential impact of the sugar industry and began a drive to get a sugar factory constructed. A contract for construction was made with the provision that area farmers would agree to raise 1,500 acres of beets the first year, increasing to 3,500 acres the following years.

On August 31, 1905, the last day to contract the required beet acres, the committee was short 1,500 acres. Fort Morgan Mayor Farnsworth issued a proclamation for all business places to close from 2–2:30 p.m. so the entire community could focus their efforts to ensure a successful campaign. The first beets were sliced on December 26, 1906. The campaign lasted 55 days and 17,000 tons of beets were sliced. Lack of adequate water was a handicap in the early days, but in 1912 a well system and pumping plant was provided at the South Platte River to end the trouble.

The establishment of the sugar plant had several economic advantages for the area. The value of the land was increased, irrigated acreage jumped from $40/acre to $200–250/acre. Cattle feeding started in the area that used beet tops and beet pulp, giving year round employment to hired hands who had previously been out of work during the winter months. The first beet crop brought $1,000,000 in cash into the county and the population of the county grew during that year by nearly 2,500.

The Tate & Lyle company acquired 6 operating plants from the Great Western Sugar Company in 1985 and 1986, including the Fort Morgan Plant. In the late 1990s Tate & Lyle decided to sell their sugar holdings in the United States. The growers in the four state area decided that if they were going to keep the sugar beet industry they would have to become owners themselves. The Western Sugar Cooperative was formed when over 1,000 individuals stepped forward and invested their trust and dollars into the purchase of the Western Sugar Company. After a number of false starts and many frustrating months, the purchase was closed on April 30, 2002.

The 2006 campaign saw 745,169 tons of beets sliced in 139 days, producing a net 1,660,132 hundredweight of refined sugar. The payroll for fiscal year 2005 in Fort Morgan was $5,325,349 for 90 year-round workers and approximately 98 seasonal workers.

Throughout the years there have been 21 other sugar factories under various companies in Colorado. Today, there is one remaining—the Fort Morgan plant. Many changes have taken place during the past 100 years, however, the sugar factory remains an integral part of the agricultural and business communities. I am proud to honor the Great Western Sugar Cooperative and the Fort Morgan Sugar Plant for 100 years of successful sugar production and the positive impact it has had on families and communities in northeast Colorado.

TRIBUTE TO MICHEL CONLEY

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mrs. MUSGRAVE. Mr. Speaker, I rise today to pay tribute to the memory of Officer Michel Conley of the Estes Park Police Department.

On July 31, 1976, Officer Conley and his wife Phyllis were driving up the Big Thompson Canyon. Throughout that afternoon and evening, 14 inches of rain would fall in just over 4 hours time during a tremendous thunderstorm. The rain had brought a large boulder down the canyon, obstructing the road where it came to rest.

Conley stopped and headed to a nearby lodge to alert State patrol of the obstruction. By this time the rain was heavy and the canyon was in danger. Conley, though off duty, acted with the bravery and sense of public service with which he served as a police officer and began to alert residents and visitors in the canyon, telling them to get to high ground.

He notified somewhere between 75 and 175 people, saving them from the 20-foot wall of water that came rushing down the canyon, sweeping away roads, cars, and buildings in its path. Conley's wife was able to get to higher ground, but he was not. As the wall of water came sweeping toward him he climbed a telephone pole in a desperate attempt to get above the water, but the pole was swept away and Officer Conley lost his life. Along with Officer Conley, 143 people lost their lives in the devastating flood.

At the time, the Estes Park Police Department had no formal way of honoring officers who lost their lives in acts of such honor. However, on the 30th anniversary of the flood, and his heroic efforts to save the lives of those in danger, he will be honored with a medal of valor. Today I stand to honor his selfless act of heroism. "Greater love hath no man than this, that a man lay down his life for his friends"—John 15:13. Officer Conley did so for mere strangers and I pay tribute to his valiant act as we remember the legacy of one of the worst natural disasters in the history of Colorado.

PROPOSED FEDERAL LOAN TO THE DAKOTA, MINNESOTA AND EASTERN RAILROAD

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today to call attention to an unprecedented federal loan that is fraught with risk, would enrich a private company at public expense and threatens the people of my state, Minnesota, as well as one of our state's most treasured institutions—the Mayo Clinic.

The Dakota, Minnesota and Eastern Railroad, DM&E, is seeking a massive federal government-sponsored loan of $2.5 billion through the Railroad Rehabilitation and Improvement Program to expand rail infrastructure in order to transport coal from fields of Wyoming's Powder River Basin. To sell this taxpayer-financed scheme to Congress and residents along the proposed line, the railroad is making big promises. But go beyond the promises and a troubling picture emerges—one stained with questionable accounting, dubious ethics and the threat of real harm for Minnesota communities and institutions.

As a Member of Congress, I am strongly opposed to asking taxpayers to provide an unsecured $2.5 billion loan to the DM&E, a company that an established, independent firm, Bearing Point, found to be "a poor credit risk." Bearing Point's assessment of the railroad concluded: "DM&E currently appears to be a thinly-capitalized, low-volume railroad," whose "asset acquisitions were funded largely by government loans and subsidies." Mr. Speaker, I have attached a description and summary of the Bearing Point analysis for the RECORD.

A recent report from the federal Office of Management and Budget shows the stakes for taxpayers are high since the federal government—U.S. taxpayers—would be responsible for covering all losses if DM&E defaults on the loan. Still, the railroad and their powerful friends in Congress who have greased the wheels for this scheme show no hesitation in taking taxpayers for a ride and offer no assurances that $2.5 billion of our tax dollars will be paid back.

Our nation is spending hundreds of billions of dollars to fight wars in Iraq and Afghanistan while federal budget deficits are adding trillions of dollars of debt on the backs of our children. Yet some of my colleagues in Congress appear eager to gamble unprecedented

public funds on a risky railroad scheme that will profit politically connected business executives and leave hard working taxpayers with all the risk. This is bad public policy and it is bad business. The proposed $2.5 billion, no-collateral loan is more than all the loans ever granted by the Federal Railroad Administration combined. In fact, this loan would be one of the largest ever granted by the federal government to any private company.

Why does the DM&E need to seek this massive federal support? Could it be that private sector investors who have a fiduciary responsibility to invest soundly know a boondoggle when they see one? Unfortunately, it appears the DM&E has been far more successful in attracting Members of Congress who seem willing to ignore their responsibility to the American people to ask the tough questions and demand protections and accountability. It is not Congress' role to be the lender of last resort for high risk, private sector boondoggles. This is all the more true considering the threat the DM&E project poses to Minnesota.

The proposed DM&E line would send dozens of mile-long coal trains through the heart of Rochester, Minnesota every day. Any threat to Rochester's continued growth is a serious concern for Minnesota since it is one of the fastest growing cities in the state and an anchor of Minnesota's high-tech economy. Rochester is best known as the home of the renowned Mayo Clinic. The Mayo Clinic is one of the world's premier medical centers, an economic engine for Minnesota and a health care asset for our entire country. This week's US News & World Report ''Best Hospital Issue'' celebrates Mayo's success, ranking the Clinic among the country's top medical facilities for treating illnesses ranging from cancer to kidney disease.

The 95,000 residents of Rochester expect the trains to tie up traffic and cause daily headaches for local business owners. Mayo Clinic doctors and researchers anticipate the trains will create an environment hostile and incompatible with the work of a world-class medical facility that relies on sensitive medical equipment and conducts delicate scientific testing. In addition to impacts on the community's long-term economic prosperity and quality of life, the railroad expansion also raises imminent safety concerns.

The DM&E's proposed expansion would annually direct thousands of trains through downtown Rochester at a speed of 50 miles an hour. Several of Rochester's downtown rail crossings are only hundreds of yards away from the Mayo Clinic. A derailment or hazardous materials spill at any of these locations would be disastrous for local residents and Mayo's vulnerable patient population.

In fact, the DM&E has one of the worst railroad safety records in America. In the past 6 years, 17 people have been killed and 93 people have been injured in 227 DM&E accidents at public and private rail crossings. In 2004, the DM&E reported train accidents at a rate over 13 times higher than the national average, and one of these accidents created a hazardous material spill that forced the evacuation of 100 citizens in my home state. The Federal Railroad Administration itself announced as recently as October 2005 that DM&E has ''serious safety problems.'' I urge the Federal Railroad Administration to take into account this dreadful safety record and the risk to Minnesota residents this proposed expansion poses.

Wrapping a profit driven scheme in the thin veneer of public good, the DM&E and its supporters in Congress are pushing a bad deal for Minnesota and imposing a financial risk upon America's taxpayers that is irresponsible and unjustifiable. The Federal government does need to make major new investments in transportation infrastructure, but investments consistent with our national goals and in a transparent process that allows Congress to conduct necessary oversight and stewardship of scarce tax dollars. Public dollars should support taxpayer priorities, not the whims of one company and their patrons in Congress. As is too often the case today, Congress has had no opportunity for oversight, no opportunity to ask hard questions of the DM&E and protect taxpayers from one corporation's sweetheart deal that smells worse by the day. This $2.5 billion loan to the DM&E should not be allowed take place and taxpayers in Minnesota and across the United States should be outraged at this pork barrel corporate welfare giveaway.

LETTER OF PRESENTATION—MAY 8, 2006

This purpose of this report is to inform Members of Congress, the Department of Transportation, the Federal Railroad Administration (''FRA''), and others of issues surrounding the $2,500,000,000 loan application of the Dakota Minnesota & Eastern Railroad Corporation (''DM&E'') under the Railroad Rehabilitation and Improvement Financing (''RRIF''') program.

The broader purpose of the RRIF program is the improvement and expansion of the nation's railroad system. Nevertheless, the program is organized as government loans, not government grants. Therefore, borrowers must exhibit the ability to repay the loan.

In its RRIF loan review capacity, the FRA is charged with responsibility for assessing applications. Each loan application must be approved on its own merits, taking into consideration (among other things) the creditworthiness of the borrower.

DM&E has filed an application for a $2,500,000,000 FRA loan. Based upon our review, we have serious concerns about the ability of DM&E to repay such a loan. We believe that the applicant may not meet the minimum requirements for the approval of such a loan.

Based on the limited available data, DM&E appears to be an undercapitalized and financially precarious company. However, because DM&E is a private company with little financial disclosure, we are limited in our ability to fully assess the company's financial strength or weakness. As a result, no concerned citizen has adequate information to fully assess DM&E's FRA loan application.

The nondisclosure of the DM&E financial data has been rationalized by the competitive nature of the information contained therein, on the belief that disclosure of even rudimentary financial information would compromise the company's ability to compete in the railroad industry. However, many railroad companies are publicly held, fully disclosing detailed financial information without compromising their competitiveness.

We believe that the primary risk to DM&E of disclosure of its financial status may not be the loss of any competitive advantages, rather the disclosure of its financial weaknesses and unsuitability for the RRTF loan.

Given the available public information concerning DM&E's plans, supplemented with the expertise of consultants in the railroad industry, we have endeavored to construct a reasonable facsimile of what we believe to be DM&E's current economic realities and to forecast the results of the proposed Powder River Basin project assuming extension of the FRA loan.

Our financial projections and assessments utilize dated materials from DM&E's Surface Transportation Board (''STB'') application of 1998, as well as more recent information, taking into account the fact that costs, markets, and industry financial conditions have changed materially since that date. We have updated these projections based on the comprehensive knowledge provided by railroad industry consultants, G. W. Fauth & Associates, Inc., and Gerald E. Vaninetti.

If the FRA believes that it should disregard the economics associated with DM&E's proposed project and that non-financial, public policy reasons require approval of its loan application, then FRA must require collateral in the form of a Credit Risk Premium (CRP). Under current law, this CRP must now be based on DM&E's potential ''going concern value.'' Based on this approach, we have determined that FRA should set a CRP of approximately $1.4 billion which represents 57% on the loan amount.

To the extent that our information or assumptions are dated or at variance with DM&E's financial statements, internal projections or the contents of its loan application, we welcome the opportunity to review those financial statements.

We note that the DM&E's submissions to the STB were public documents. While the FRA is allowed to keep application data private, it is not required to do so. Like the STB, the FRA could disclose this information to lawyers and independent consultants under a protective order. This is by far the largest FRA loan of its kind, suggesting that the FRA may want to reexamine its nondisclosure policy.

We believe that citizens whose taxpayer dollars may be at risk have the right to inform the FRA of concerns regarding DM&E's $2,500,000,000 loan application. Only with transparency of the loan application and approval process can the integrity of a fair and honest system be assured.

IN HONOR AND REMEMBRANCE OF JOHN HENRY LENEAR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Mr. John Henry Lenear, dedicated husband, father, grandfather and friend, whose brilliant legacy as a journalist has served to elevate the lives of all who knew him and his work.

Mr. Lenear's convictions, framed by integrity and wisdom, consistently graced the pages of Cleveland's oldest and Ohio's most respected African-American newspaper, the Call & Post. During his decades-long career as a newspaperman, his unwavering focus and commitment to our African-American community's struggle for civil rights and equal opportunity

for all helped shape public policy throughout the State of Ohio.

As an objective and conscientious journalist, Mr. Lenear developed strong ties with local, county, State and Federal government officials. Mr. Lenear's sense of compassion for those in need reflected in his numerous volunteer efforts and leadership, which included providing tangible assistance through neighborhood programs designed to help pave a way for individuals to rise above the cycle of poverty and despair.

Mr. Speaker and colleagues, please join me in honor and remembrance of Mr. John Henry Lenear, whose life and legacy served to bring critical issues into the rational light of day and whose deep sense of humanity will continue on in raising our own individual and collective humanity. I offer my deepest condolences to his entire family and to his many friends. John Henry Lenear lived his life with energy and joy, and the memories of his affable nature and kind heart will forever light the hearts of all who knew and loved him well, and will forever shine throughout Cleveland, OH and far beyond.