SENATE—*Wednesday, May 24, 2006*

The Senate met at 8:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign Lord, we magnify Your Name. Your fairness is intertwined with everything You do. You possess absolute purity, holiness, and justice.

Bless the Members of this legislative body. Encourage them when courage fails, and comfort them when comfort flees. Lift them when they fall, and set their feet on the path of Your providence. Give them new hope when they feel hopeless, and lighten the darkness when they feel despair.

We pray for those who mourn, particularly the families of former Senators Hecht and Bentsen.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, this morning we are getting an early start, and we will shortly resume debate on the immigration bill. In just a moment, I will offer an amendment relating to photo identifications. The time until 9:30 a.m. will be equally divided for debate on that amendment. At 9:30, we will proceed to a rollcall vote on the McConnell amendment. That vote will be followed by a vote on invoking cloture on the comprehensive immigration bill. Following that cloture vote, the Senate will recess to attend a joint meeting with the House to hear an address by the Prime Minister of Israel.

Obviously, we expect another full day considering immigration-related amendments, and we will have rollcalls periodically all day.

MINE IMPROVEMENT AND NEW EMERGENCY RESPONSE ACT OF 2006

Mr. MCCONNELL. Mr. President, this is an important coal mine safety bill which has been cleared on both sides of the aisle.

I commend Senator KENNEDY and Senator ENZI for their extraordinary effort in putting this measure together on a broad bipartisan basis. As I indicated, it has been cleared on both sides of the aisle. It is time to pass this measure and hope that the House will act in short order.

Therefore, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 439, S. 2803.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2803) to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Mine Improvement and New Emergency Response Act of 2006'' or the ''MINER Act''.

SEC. 2. EMERGENCY RESPONSE.

Section 316 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 876) is amended—

(1) in the section heading by adding at the end the following: ''AND EMERGENCY RESPONSE PLANS'';

(2) by striking ''Telephone'' and inserting ''(a) IN GENERAL.—Telephone''; and

(3) by adding at the end the following:

''(b) ACCIDENT PREPAREDNESS AND RESPONSE.—

''(1) IN GENERAL.—Each underground coal mine operator shall carry out on a continuing basis a program to improve accident preparedness and response at each mine.

''(2) RESPONSE AND PREPAREDNESS PLAN.—

''(A) IN GENERAL.—Not later than 60 days after the date of enactment of the Mine Improvement and New Emergency Response Act of 2006, each underground coal mine operator shall develop and adopt a written accident response plan that complies with this subsection with respect to each mine of the operator, and periodically update such plans to reflect changes in operations in the mine, advances in technology, or other relevant considerations. Each such operator shall make the accident response plan available to the miners and the miners' representatives.

''(B) PLAN REQUIREMENTS.—An accident response plan under subparagraph (A) shall—

''(i) provide for the evacuation of all individuals endangered by an emergency; and

''(ii) provide for the maintenance of individuals trapped underground in the event that miners are not able to evacuate the mine.

''(C) PLAN APPROVAL.—The accident response plan under subparagraph (A) shall be subject to review and approval by the Secretary. In determining whether to approve a particular plan the Secretary shall take into consideration all comments submitted by miners or their representatives. Approved plans shall—

''(i) afford miners a level of safety protection at least consistent with the existing standards, including standards mandated by law and regulation;

''(ii) reflect the most recent credible scientific research;

''(iii) be technologically feasible, make use of current commercially available technology, and account for the specific physical characteristics of the mine; and

''(iv) reflect the improvements in mine safety gained from experience under this Act and other worker safety and health laws.

''(D) PLAN REVIEW.—The accident response plan under subparagraph (A) shall be reviewed periodically, but at least every 6 months, by the Secretary. In such periodic reviews, the Secretary shall consider all comments submitted by miners or miners' representatives and intervening advancements in science and technology that could be implemented to enhance miners' ability to evacuate or otherwise survive in an emergency.

''(E) PLAN CONTENT-GENERAL REQUIREMENTS.—To be approved under subparagraph (C), an accident response plan shall include the following:

''(i) POST-ACCIDENT COMMUNICATIONS.—The plan shall provide for a redundant means of communication with the surface for persons underground, such as secondary telephone or equivalent two-way communication.

''(ii) POST-ACCIDENT TRACKING.—Consistent with commercially available technology and with the physical constraints, if any, of the mine, the plan shall provide for above ground personnel to determine the current, or immediately pre-accident, location of all underground personnel. Any system so utilized shall be functional, reliable, and calculated to remain serviceable in a post-accident setting.

''(iii) POST-ACCIDENT BREATHABLE AIR.—The plan shall provide for—

''(I) emergency supplies of breathable air for individuals trapped underground sufficient to maintain such individuals for a sustained period of time;

''(II) in addition to the 2 hours of breathable air per miner required by law under the emergency temporary standard as of the day before the date of enactment of the Mine Improvement and New Emergency Response Act of 2006, caches of self-rescuers providing in the aggregate not less than 2 hours per miner to be kept in escapeways from the deepest work area to the surface at a distance of no further than an average miner could walk in 30 minutes;

''(III) a maintenance schedule for checking the reliability of self rescuers, retiring older self-rescuers first, and introducing new self-rescuer technology, such as units with interchangeable air or oxygen cylinders not requiring doffing to replenish airflow and units with supplies of greater than 60 minutes, as they are approved by the Administration and become available on the market; and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

''(IV) training for each miner in proper procedures for donning self-rescuers, switching from one unit to another, and ensuring a proper fit.

''(iv) POST-ACCIDENT LIFELINES.—The plan shall provide for the use of flame-resistant directional lifelines or equivalent systems in escapeways to enable evacuation. The flame-resistance requirement of this clause shall apply upon the replacement of existing lifelines, or, in the case of lifelines in working sections, upon the earlier of the replacement of such lifelines or 3 years after the date of enactment of the Mine Improvement and New Emergency Response Act of 2006.

''(v) TRAINING.—The plan shall provide a training program for emergency procedures described in the plan which will not diminish the requirements for mandatory health and safety training currently required under section 115.

''(vi) LOCAL COORDINATION.—The plan shall set out procedures for coordination and communication between the operator, mine rescue teams, and local emergency response personnel and make provisions for familiarizing local rescue personnel with surface functions that may be required in the course of mine rescue work.

''(F) PLAN CONTENT-SPECIFIC REQUIREMENTS.—

''(i) IN GENERAL.—In addition to the content requirements contained in subparagraph (E), and subject to the considerations contained in subparagraph (C), the Secretary may make additional plan requirements with respect to any of the content matters.

''(ii) POST ACCIDENT COMMUNICATIONS.—Not later than 3 years after the date of enactment of the Mine Improvement and New Emergency Response Act of 2006, a plan shall, to be approved, provide for post accident communication between underground and surface personnel via a wireless two-way medium, and provide for an electronic tracking system permitting surface personnel to determine the location of any persons trapped underground or set forth within the plan the reasons such provisions can not be adopted. Where such plan sets forth the reasons such provisions can not be adopted, the plan shall also set forth the operator's alternative means of compliance. Such alternative shall approximate, as closely as possible, the degree of functional utility and safety protection provided by the wireless two-way medium and tracking system referred to in this subpart.

''(G) PLAN DISPUTE RESOLUTION.—

''(i) IN GENERAL.—Any dispute between the Secretary and an operator with respect to the content of the operator's plan or any refusal by the Secretary to approve such a plan shall be resolved on an expedited basis.

''(ii) DISPUTES.—In the event of a dispute or refusal described in clause (i), the Secretary shall issue a citation which shall be immediately referred to a Commission Administrative Law Judge. The Secretary and the operator shall submit all relevant material regarding the dispute to the Administrative Law Judge within 15 days of the date of the referral. The Administrative Law Judge shall render his or her decision with respect to the plan content dispute within 15 days of the receipt of the submission.

''(iii) FURTHER APPEALS.—A party adversely affected by a decision under clause (ii) may pursue all further available appeal rights with respect to the citation involved, except that inclusion of the disputed provision in the plan will not be limited by such appeal unless such relief is requested by the operator and permitted by the Administrative Law Judge.

''(H) MAINTAINING PROTECTIONS FOR MINERS.—Notwithstanding any other provision of this Act, nothing in this section, and no response and preparedness plan developed under this section, shall be approved if it reduces the protection afforded miners by an existing mandatory health or safety standard.''.

SEC. 3. INCIDENT COMMAND AND CONTROL.

Title I of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 811 et seq.) is amended by adding at the end the following:

''SEC. 116. LIMITATION ON CERTAIN LIABILITY FOR RESCUE OPERATIONS.

''(a) IN GENERAL.—No person shall bring an action against any covered individual or his or her regular employer for property damage or an injury (or death) sustained as a result of carrying out activities relating to mine accident rescue or recovery operations. This subsection shall not apply where the action that is alleged to result in the property damages or injury (or death) was the result of gross negligence, reckless conduct, or illegal conduct or, where the regular employer (as such term is used in this Act) is the operator of the mine at which the rescue activity takes place. Nothing in this section shall be construed to preempt State workers' compensation laws.

''(b) COVERED INDIVIDUAL.—For purposes of subsection (a), the term 'covered individual' means an individual—

''(1) who is a member of a mine rescue team or who is otherwise a volunteer with respect to a mine accident; and

''(2) who is carrying out activities relating to mine accident rescue or recovery operations.

''(c) REGULAR EMPLOYER.—For purposes of subsection (a), the term 'regular employer' means the entity that is the covered employee's legal or statutory employer pursuant to applicable State law.''.

SEC. 4. MINE RESCUE TEAMS.

Section 115(e) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 825(e)) is amended—

(1) by inserting ''(1)'' after the subsection designation; and

(2) by adding at the end the following:

''(2)(A) The Secretary shall issue regulations with regard to mine rescue teams which shall be finalized and in effect not later than 18 months after the date of enactment of the Mine Improvement and New Emergency Response Act of 2006.

''(B) Such regulations shall provide for the following:

''(i) That such regulations shall not be construed to waive operator training requirements applicable to existing mine rescue teams.

''(ii) That the Mine Safety and Health Administration shall establish, and update every 5 years thereafter, criteria to certify the qualifications of mine rescue teams.

''(iii)(I) That the operator of each underground coal mine with more than 36 employees—

''(aa) have an employee knowledgeable in mine emergency response who is employed at the mine on each shift at each underground mine; and

''(bb) make available two certified mine rescue teams whose members—

''(AA) are familiar with the operations of such coal mine;

''(BB) participate at least annually in two local mine rescue contests;

''(CC) participate at least annually in mine rescue training at the underground coal mine covered by the mine rescue team; and

''(DD) are available at the mine within one hour ground travel time from the mine rescue station.

''(II)(aa) For the purpose of complying with subclause (I), an operator shall employ one team that is either an individual mine site mine rescue team or a composite team as provided for in item (bb)(BB).

''(bb) The following options may be used by an operator to comply with the requirements of item (aa):

''(AA) An individual mine-site mine rescue team.

''(BB) A multi-employer composite team that is made up of team members who are knowledgeable about the operations and ventilation of the covered mines and who train on a semi-annual basis at the covered underground coal mine—

''(aaa) which provides coverage for multiple operators that have team members which include at least two active employees from each of the covered mines;

''(bbb) which provides coverage for multiple mines owned by the same operator which members include at least two active employees from each mine; or

''(ccc) which is a State-sponsored mine rescue team comprised of at least two active employees from each of the covered mines.

''(CC) A commercial mine rescue team provided by contract through a third-party vendor or mine rescue team provided by another coal company, if such team—

''(aaa) trains on a quarterly basis at covered underground coal mines;

''(bbb) is knowledgeable about the operations and ventilation of the covered mines; and

''(ccc) is comprised of individuals with a minimum of 3 years underground coal mine experience that shall have occurred within the 10-year period preceding their employment on the contract mine rescue team.

''(DD) A State-sponsored team made up of State employees.

''(iv) That the operator of each underground coal mine with 36 or less employees shall—

''(I) have an employee on each shift who is knowledgeable in mine emergency responses; and

''(II) make available two certified mine rescue teams whose members—

''(aa) are familiar with the operations of such coal mine;

''(bb) participate at least annually in two local mine rescue contests;

''(cc) participate at least semi-annually in mine rescue training at the underground coal mine covered by the mine rescue team;

''(dd) are available at the mine within one hour ground travel time from the mine rescue station;

''(ee) are knowledgeable about the operations and ventilation of the covered mines; and

''(ff) are comprised of individuals with a minimum of 3 years underground coal mine experience that shall have occurred within the 10-year period preceding their employment on the contract mine rescue team.''.

SEC. 5. PROMPT INCIDENT NOTIFICATION.

(a) IN GENERAL.—Section 103(j) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 813(j)) is amended by inserting after the first sentence the following: ''For purposes of the preceding sentence, the notification required shall be provided by the operator within 15 minutes of the time at which the operator realizes that the death of an individual at the mine, or an injury or entrapment of an individual at the mine which has a reasonable potential to cause death, has occurred.''.

(b) PENALTY.—Section 110(a) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 820(a)) is amended—

(1) by striking ''The operator'' and inserting ''(1) The operator''; and

(2) by adding at the end the following:

''(2) The operator of a coal or other mine who fails to provide timely notification to the Secretary as required under section 103(j) (relating to the 15 minute requirement) shall be assessed a civil penalty by the Secretary of not less than $5,000 and not more than $60,000.''.

SEC. 6. NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH.

(a) GRANTS.—Section 22 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 671) is amended by adding at the end the following:

''(h) OFFICE OF MINE SAFETY AND HEALTH.—

''(1) IN GENERAL.—There shall be permanently established within the Institute an Office of Mine Safety and Health which shall be administered by an Associate Director to be appointed by the Director.

''(2) PURPOSE.—The purpose of the Office is to enhance the development of new mine safety technology and technological applications and to expedite the commercial availability and implementation of such technology in mining environments.

''(3) FUNCTIONS.—In addition to all purposes and authorities provided for under this section, the Office of Mine Safety and Health shall be responsible for research, development, and testing of new technologies and equipment designed to enhance mine safety and health. To carry out such functions the Director of the Institute, acting through the Office, shall have the authority to—

''(A) award competitive grants to institutions and private entities to encourage the development and manufacture of mine safety equipment;

''(B) award contracts to educational institutions or private laboratories for the performance of product testing or related work with respect to new mine technology and equipment; and

''(C) establish an interagency working group as provided for in paragraph (5).

''(4) GRANT AUTHORITY.—To be eligible to receive a grant under the authority provided for under paragraph (3)(A), an entity or institution shall—

''(A) submit to the Director of the Institute an application at such time, in such manner, and containing such information as the Director may require; and

''(B) include in the application under subparagraph (A), a description of the mine safety equipment to be developed and manufactured under the grant and a description of the reasons that such equipment would otherwise not be developed or manufactured, including reasons relating to the limited potential commercial market for such equipment.

''(5) INTERAGENCY WORKING GROUP.—

''(A) ESTABLISHMENT.—The Director of the Institute, in carrying out paragraph (3)(D) shall establish an interagency working group to share technology and technological research and developments that could be utilized to enhance mine safety and accident response.

''(B) MEMBERSHIP.—The working group under subparagraph (A) shall be chaired by the Associate Director of the Office who shall appoint the members of the working group, which may include representatives of other Federal agencies or departments as determined appropriate by the Associate Director.

''(C) DUTIES.—The working group under subparagraph (A) shall conduct an evaluation of research conducted by, and the technological developments of, agencies and departments who are represented on the working group that may have applicability to mine safety and accident response and make recommendations to the Director for the further development and eventual implementation of such technology.

''(6) ANNUAL REPORT.—Not later than 1 year after the establishment of the Office under this subsection, and annually thereafter, the Director of the Institute shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a report that, with respect to the year involved, describes the new mine safety technologies and equipment that have been studied, tested, and certified for use, and with respect to those instances of technologies and equipment that have been considered but not yet certified for use, the reasons therefore.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, such sums as may be necessary to enable the Institute and the Office of Mine Safety and Health to carry out this subsection.''.

SEC. 7. REQUIREMENT CONCERNING FAMILY LIAISONS.

The Secretary of Labor shall establish a policy that—

(1) requires the temporary assignment of an individual Department of Labor official to be a liaison between the Department and the families of victims of mine tragedies involving multiple deaths;

(2) requires the Mine Safety and Health Administration to be as responsive as possible to requests from the families of mine accident victims for information relating to mine accidents; and

(3) requires that in such accidents, that the Mine Safety and Health Administration shall serve as the primary communicator with the operator, miners' families, the press and the public.

SEC. 8. PENALTIES.

(a) IN GENERAL.—Section 110 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 820) is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' after the subsection designation; and

(B) by adding at the end the following:

''(2) Any operator who willfully violates a mandatory health or safety standard, or knowingly violates or fails or refuses to comply with any order issued under section 104 and section 107, or any order incorporated in a final decision issued under this title, except an order incorporated in a decision under paragraph (1) or section 105(c), shall, upon conviction, be punished by a fine of not more than $250,000, or by imprisonment for not more than one year, or by both, except that if the conviction is for a violation committed after the first conviction of such operator under this Act, punishment shall be by a fine of not more than $500,000, or by imprisonment for not more than five years, or both.

''(3)(A) The minimum penalty for any citation or order issued under section 104(d)(1) shall be $2,000.

''(B) The minimum penalty for any order issued under section 104(d)(2) shall be $4,000.

''(4) Nothing in this subsection shall be construed to prevent an operator from obtaining a review, in accordance with section 106, of an order imposing a penalty described in this subsection. If a court, in making such review, sustains the order, the court shall apply at least the minimum penalties required under this subsection.''; and

(2) by adding at the end of subsection (b) the following: ''Violations under this section that are deemed to be flagrant may be assessed a civil penalty of not more than $220,000. For purposes of the preceding sentence, the term 'flagrant' with respect to a violation means a reckless or repeated failure to make reasonable efforts to eliminate a known violation of a mandatory health or safety standard that substantially and proximately caused, or reasonably could have been expected to cause, death or serious bodily injury.''.

(b) REGULATIONS.—Not later than December 30, 2006, the Secretary of Labor shall promulgate final regulations with respect to penalties.

SEC. 9. FINE COLLECTIONS.

Section 108(a)(1)(A) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 818(a)(1)(A)) is amended by inserting before the comma, the following: '', or fails or refuses to comply with any order or decision, including a civil penalty assessment order, that is issued under this Act''.

SEC. 10. SEALING OF ABANDONED AREAS.

Not later than 18 months after the issuance by the Mine Safety and Health Administration of a final report on the Sago Mine accident or the date of enactment of the Mine Improvement and New Emergency Response Act of 2006, whichever occurs earlier, the Secretary of Labor shall finalize mandatory heath and safety standards relating to the sealing of abandoned areas in underground coal mines. Such health and safety standards shall provide for an increase in the 20 psi standard currently set forth in section 75.335(a)(2) of title 30, Code of Federal Regulations.

SEC. 11. TECHNICAL STUDY PANEL.

Title V of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 951 et seq.) is amended by adding at the end the following:

''SEC. 514. TECHNICAL STUDY PANEL.

''(a) ESTABLISHMENT.—There is established a Technical Study Panel (referred to in this section as the 'Panel') which shall provide independent scientific and engineering review and recommendations with respect to the utilization of belt air and the composition and fire retardant properties of belt materials in underground coal mining.

''(b) MEMBERSHIP.—The Panel shall be composed of—

''(1) two individuals to be appointed by the Secretary of Health and Human Services, in consultation with the Director of the National Institute for Occupational Safety and Health and the Associate Director of the Office of Mine Safety;

''(2) two individuals to be appointed by the Secretary of Labor, in consultation with the Assistant Secretary for Mine Safety and Health; and

''(3) two individuals, one to be appointed jointly by the majority leaders of the Senate and House of Representatives and one to be appointed jointly by the minority leader of the Senate and House of Representatives, each to be appointed prior to the sine die adjournment of the second session of the 109th Congress.

''(c) QUALIFICATIONS.—Four of the six individuals appointed to the Panel under subsection (b) shall possess a masters or doctoral level degree in mining engineering or another scientific field demonstrably related to the subject of the report. No individual appointed to the Panel shall be an employee of any coal or other mine, or of any labor organization, or of any State or Federal agency primarily responsible for regulating the mining industry.

''(d) REPORT.—

''(1) IN GENERAL.—Not later than 1 year after the date on which all members of the Panel are appointed under subsection (b), the Panel shall prepare and submit to the Secretary of Labor, the Secretary of Health and Human Services, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives a report concerning the utilization of belt air and the composition and fire retardant properties of belt materials in underground coal mining.

''(2) RESPONSE BY SECRETARY.—Not later than 180 days after the receipt of the report under paragraph (1), the Secretary of Labor shall provide a response to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives containing a description of the actions, if any, that the Secretary intends to take based upon the report, including proposing regulatory changes, and the reasons for such actions.

''(e) COMPENSATION.—Members appointed to the panel, while carrying out the duties of the Panel shall be entitled to receive compensation, per diem in lieu of subsistence, and travel expenses in the same manner and under the same conditions as that prescribed under section 208(c) of the Public Health Service Act.''.

SEC. 12. SCHOLARSHIPS.

Title V of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 951 et seq.), as amended by section 11, is further amended by adding at the end the following:

"SEC. 515. SCHOLARSHIPS.

''(a) ESTABLISHMENT.—The Secretary of Education (referred to in this section as the 'Secretary'), in consultation with the Secretary of Labor and the Secretary of Health and Human Services, shall establish a program to provide scholarships to eligible individuals to increase the skilled workforce for both private sector coal mine operators and mine safety inspectors and other regulatory personnel for the Mine Safety and Health Administration.

''(b) FUNDAMENTAL SKILLS SCHOLARSHIPS.—

''(1) IN GENERAL.—Under the program under subsection (a), the Secretary may award scholarship to fully or partially pay the tuition costs of eligible individuals enrolled in 2-year associate's degree programs at community colleges or other colleges and universities that focus on providing the fundamental skills and training that is of immediate use to a beginning coal miner.

''(2) SKILLS.—The skills described in paragraph (1) shall include basic math, basic health and safety, business principles, management and supervisory skills, skills related to electric circuitry, skills related to heavy equipment operations, and skills related to communications.

''(3) ELIGIBILITY.—To be eligible to receive a scholarship under this subsection an individual shall—

''(A) have a high school diploma or a GED;

''(B) have at least 2 years experience in full-time employment in mining or mining-related activities;

''(C) submit to the Secretary an application at such time, in such manner, and containing such information; and

''(D) demonstrate an interest in working in the field of mining and performing an internship with the Mine Safety and Health Administration or the National Institute for Occupational Safety and Health Office of Mine Safety.

''(c) MINE SAFETY INSPECTOR SCHOLARSHIPS.—

''(1) IN GENERAL.—Under the program under subsection (a), the Secretary may award scholarship to fully or partially pay the tuition costs of eligible individuals enrolled in undergraduate bachelor's degree programs at accredited colleges or universities that provide the skills needed to become mine safety inspectors.

''(2) SKILLS.—The skills described in paragraph (1) include skills developed through programs leading to a degree in mining engineering, civil engineering, mechanical engineering, electrical engineering, industrial engineering, environmental engineering, industrial hygiene, occupational health and safety, geology, chemistry, or other fields of study related to mine safety and health work.

''(3) ELIGIBILITY.—To be eligible to receive a scholarship under this subsection an individual shall—

''(A) have a high school diploma or a GED;

''(B) have at least 5 years experience in full-time employment in mining or mining-related activities;

''(C) submit to the Secretary an application at such time, in such manner, and containing such information; and

''(D) agree to be employed for a period of at least 5 years at the Mine Safety and Health Administration or, to repay, on a pro-rated basis, the funds received under this program, plus interest, at a rate established by the Secretary upon the issuance of the scholarship.

''(d) ADVANCED RESEARCH SCHOLARSHIPS.—

''(1) IN GENERAL.—Under the program under subsection (a), the Secretary may award scholarships to fully or partially pay the tuition costs of eligible individuals enrolled in undergraduate bachelor's degree, masters degree, and Ph.D. degree programs at accredited colleges or universities that provide the skills needed to augment and advance research in mine safety and to broaden, improve, and expand the universe of candidates for mine safety inspector and other regulatory positions in the Mine Safety and Health Administration.

''(2) SKILLS.—The skills described in paragraph (1) include skills developed through programs leading to a degree in mining engineering, civil engineering, mechanical engineering, electrical engineering, industrial engineering, environmental engineering, industrial hygiene, occupational health and safety, geology, chemistry, or other fields of study related to mine safety and health work.

''(3) ELIGIBILITY.—To be eligible to receive a scholarship under this subsection an individual shall—

''(A) have a bachelor's degree or equivalent from an accredited 4-year institution;

''(B) have at least 5 years experience in full-time employment in underground mining or mining-related activities; and

''(C) submit to the Secretary an application at such time, in such manner, and containing such information.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.''.

SEC. 13. RESEARCH CONCERNING REFUGE ALTERNATIVES.

(a) IN GENERAL.—The National Institute of Occupational Safety and Health shall provide for the conduct of research, including field tests, concerning the utility, practicality, survivability, and cost of various refuge alternatives in an underground coal mine environment, including commercially-available portable refuge chambers.

(b) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the National Institute for Occupational Safety and Health shall prepare and submit to the Secretary of Labor, the Secretary of Health and Human Services, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives a report concerning the results of the research conducted under subsection (a), including any field tests.

(2) RESPONSE BY SECRETARY.—Not later than 180 days after the receipt of the report under paragraph (1), the Secretary of Labor shall provide a response to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives containing a description of the actions, if any, that the Secretary intends to take based upon the report, including proposing regulatory changes, and the reasons for such actions.

SEC. 14. BROOKWOOD-SAGO MINE SAFETY GRANTS.

(a) IN GENERAL.—The Secretary of Labor shall establish a program to award competitive grants for education and training, to be known as Brookwood-Sago Mine Safety Grants, to carry out the purposes of this section.

(b) PURPOSES.—It is the purpose of this section, to provide for the funding of education and training programs to better identify, avoid, and prevent unsafe working conditions in and around mines.

(c) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

(1) be a public or private nonprofit entity; and

(2) submit to the Secretary of Labor an application at such time, in such manner, and containing such information as the Secretary may require.

(d) USE OF FUNDS.—Amounts received under a grant under this section shall be used to establish and implement education and training programs, or to develop training materials for employers and miners, concerning safety and health topics in mines, as determined appropriate by the Mine Safety and Health Administration.

(e) AWARDING OF GRANTS.—

(1) ANNUAL BASIS.—Grants under this section shall be awarded on an annual basis.

(2) SPECIAL EMPHASIS.—In awarding grants under this section, the Secretary of Labor shall give special emphasis to programs and materials that target workers in smaller mines, including training miners and employers about new Mine Safety and Health Administration standards, high risk activities, or hazards identified by such Administration.

(3) PRIORITY.—In awarding grants under this section, the Secretary of Labor shall give priority to the funding of pilot and demonstration projects that the Secretary determines will provide opportunities for broad applicability for mine safety.

(f) EVALUATION.—The Secretary of Labor shall use not less than 1 percent of the funds made available to carry out this section in a fiscal year to conduct evaluations of the projects funded under grants under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year, such sums as may be necessary to carry out this section.

• Mr. ENZI. Mr. President, I rise today to voice my support for the Mine Improvement and New Emergency Response Act of 2006. This legislation, The MINER Act, represents the most comprehensive overhaul of our Nation's mine safety laws in a generation.

S. 2803, was unanimously reported out last week by the Committee on Health, Education, Labor, and Pensions. It is the product of a truly bipartisan effort undertaken with the single goal of improving the safety of our Nation's miners. I would like to thank Senator KENNEDY, the ranking member of the HELP Committee, Senators ISAKSON and MURRAY, the chair and ranking member of the Subcommittee on Employment and Workplace Safety; and Senators BYRD and ROCKEFELLER of West Virginia for their long and tireless efforts in fashioning this legislation. I would also like to express my thanks to Senators DEWINE, SANTORUM, SPECTER, MCCONNELL, and BUNNING for their cosponsorship of this legislation.

This year we have witnessed a series of tragic losses in the coal mining community. The year began with the deadly accidents at the Sago and Alma mines in West Virginia. It continued this weekend with the deaths of five miners in a coal mine explosion in eastern Kentucky. Nothing we can do here can bring back those whose lives have been lost. We can, however, best honor those who have lost their lives by making such accidents less likely in the future, and making it more likely that miners will survive such accidents when they do occur. That is the aim of the MINER Act.

The MINER Act would require that coal mines develop and continuously

update emergency response and preparedness plans that are designed to make mining accidents more survivable. These plans will incorporate technological advances designed to enhance surface to underground communication, to aid in the location of underground personnel, and to provide additional breathable air for miners that are trapped underground. The legislation codifies the requirements for mine rescue teams, affords protections for these heroic volunteers, and ensures that they, and other necessary Federal resources, will be promptly called upon when an emergency occurs.

The bill further recognizes that the development of mine safety technology, and the education and training of all those who work in the industry are vital elements in the effort to improve mine safety. Thus, the legislation enhances the mine safety research and development efforts of the National Institute of Occupational Safety and Health. It encourages private sector technology development, and speeds the approval of new equipment. It also provides a mechanism for sharing technical research and development among Federal agencies. The bill will also provide grants for additional safety training, and scholarship funds for mine safety related education.

In addition, the legislation recognizes the fact that despite the tragedies of this year, the safety record in the mining industry has been a good one that continues to improve. This has been due to the concerted efforts of State and Federal regulators, mine employees, and mine operators, the vast majority of whom are serious and steadfast in meeting their workplace safety responsibilities. However, there are a few operators that fall outside the mold; thus, the legislation contains enhanced penalty provisions targeted at these few ''bad actors.''

Those who work in our Nation's mines play a vital role in our country's economic well-being and energy security. They deserve our best efforts to provide for their protection as they perform their often dangerous work. I believe that the MINER Act does make major safety improvements that will better protect miners both today and in years to come.●

Mr. McCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDENT pro tempore. Is there objection?

Mr. KENNEDY. Mr. President, I ask unanimous consent to be able to proceed for just 2 minutes on this issue.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I welcome the fact that the Senator from Kentucky has advanced this issue this morning and ensured that the legislation was going to be passed. I wish to pay tribute to my chairman, Senator ENZI. Within hours of the Sago mine disaster, he notified our committee that we would go as a committee down to visit the Sago mine. We spent hours with the families of Sago, came back immediately, had an informal hearing to get early reactions and responses about things that could be done immediately, and then structured a whole series of hearings. We had very extensive markups on those hearings.

This legislation has the strong support of the families and the strong support of the mine workers. I think it is a very clear indication that this Senate gives the highest possible priority to the workers and their families and safety and security.

We believe strongly that we should be tireless in pursuing new technologies which will provide additional kinds of safety and security to these miners. That process is outlined in the legislation. But this is a very clear message to the families that they are perhaps in the most dangerous undertaking which is absolutely essential in providing energy for our country. These are extraordinarily heroic men and women who work the mines. This Senate has responded, and we will respond to ensure to the extent legislatively we can that they will have safe and secure jobs.

I thank the Senator. I am grateful for the leadership of Senator ENZI.

Finally, during all of this period, we have been fortunate to have the tireless leadership of Senator ROBERT BYRD and JAY ROCKEFELLER. JAY ROCKEFELLER is recovering from a difficult operation, but he has been in constant touch with me and members of the committee and is following this legislation. Senator BYRD appeared before our committee, sat through the hearings, and has been instrumental in terms of developing the legislation and pressing and pushing us forward to make sure it is achieved.

I thank the Senator.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. ROCKEFELLER. Mr. President, it is my great pleasure to commend my colleagues for their quick action today in taking up and passing S. 2803, the Mine Improvement and Emergency Response Act, or the MINER Act, of 2006.

In passing this important legislation, the Senate has set the stage for the most dramatic improvement in coal mine safety in a generation. Before we can celebrate significant improvements in our mine safety laws, we must encourage our colleagues in the House to act as quickly as they can to pass mine safety legislation so that it can be sent to the President for his signature.

The recent mining deaths in the Commonwealth of Kentucky—five over the weekend and one yesterday—lend further credence to the truism that mine safety laws are written in the blood of coal miners. We began this year with the tragic deaths of 12 men at Sago mine in Upshur County, WV. Before we could even comprehend that immense loss, two more West Virginia miners lost their lives at the Alma mine in Logan County. These men—and miners who paid the ultimate price this year in West Virginia's Longbranch No. 18, Black Castle, Candice No. 2, and Jacob No. 1 mines, as well as at mines in Kentucky, Utah, Alabama, and Maryland—went to work each day knowing full well that mining is inherently dangerous.

The miners who died knew—and the miners who still go to work each day understand—the risks they face in fueling the American economy and providing better lives for their families. We can do nothing that adequately honors our fallen miners, but we can give the families who continue to send their loved ones to work underground a better chance of seeing their miners come home safely at shift's end.

The MINER Act will bring into the mines new technology to help trapped miners breathe after an accident and enable them to get out or wait to be rescued. It will introduce new communications equipment into mines to allow miners underground to benefit from information known to those at the surface that could save their lives. This legislation will make it more certain that, if there is an accident, highly trained mine rescue teams are available and familiar with the mines where they will called upon to save lives. It does not include every technology that I believe could be important to safeguarding miners as they do their work, but it is still groundbreaking legislation that addresses mine safety problems for the first time in a generation.

We could not have done this without the dedication and integrity of the distinguished chairman and ranking member of the Senate HELP Committee, MIKE ENZI and TED KENNEDY. Their understanding of the absolute necessity of tackling this issue made this legislation possible. I want to especially also thank Senators JOHNNY ISAKSON, PATTY MURRAY, and my colleague and Senior Senator, ROBERT C. BYRD. In the several months since Sago and Alma became places all Americans know, the persistence of these Senators has been crucial in moving this legislation forward. We can only hope that this bill will prevent future tragedies that could make other coal communities into household words.●

Mr. KENNEDY. I am pleased that the Senate has passed the Mine Improvement and New Emergency Response Act today, and I commend Chairman ENZI, Senator ISAKSON, and Senator MURRAY for their dedication in pursuing these safety protections. I also

commend Senator BYRD and Senator ROCKEFELLER, who have been tireless in insisting on improvements in mine safety. This bill is the most significant improvement in mine safety by Congress in a generation.

Today's action was clearly necessary. The year began with the shocking tragedies at the Sago and Alma mines in West Virginia, where 14 coal miners were killed. Tragedy struck again last weekend in Kentucky, where five coal miners were killed at the Darby mine in Harlan County.

We will learn more in the weeks ahead from the ongoing investigations of these disasters. But many lessons are already painfully clear. The miners who died could have survived with adequate oxygen. But, their self-rescue units didn't work, and they had to share precious oxygen with each other.

They also had no realistic way to let rescuers outside know where they were. At Sago, they resorted to banging on pipes with sledge hammers, wasting precious energy and oxygen. This should never have happened and we need to be sure that it doesn't happen again.

The bill requires every company to have a comprehensive emergency response plan, so that companies and miners will know ahead of time how to respond. The bill sets stronger minimum safety standards for oxygen supplies, communications, tracking, lifelines, and training, and also requires companies to continuously reevaluate the safety of their mines. They must adapt their safety response plans to changes in their mining operations and advances in mine safety technology. Safety must no longer be a topic that companies address only in the wake of a disaster or a government directive. Plans to improve safety must be an enforceable day-to-day obligation of every mining operation.

As we saw at Sago and Darby, the time to determine whether a mine's oxygen supply is reliable can't just be after a tragedy. To address the recurring problems with oxygen supplies, the bill requires companies to provide at least two hours of oxygen for every miner, plus additional oxygen along evacuation routes and for trapped miners awaiting rescue. Companies will be required to inspect and replace these units regularly, so that no miner has an oxygen pack that doesn't work.

All mines will be required to have back-up telephone lines immediately available, and to adopt two-way wireless communications and electronic tracking systems as soon as possible. They will also have to install fire-resistant lifelines, to show miners to the best way out in an emergency.

One of the most moving aspects of the Sago and Alma response was the outpouring of support from other miners around the country. They wanted to do everything they could to rescue their brothers and sisters trapped underground. This bill guarantees that every mine in the country will have a person on staff who knows the mine and is trained in emergency response. It strengthens requirements for training mine rescue teams. The teams will practice in the mines they monitor, so that the first time they go into a mine will not be during an emergency.

The bill also reduces the time required for a rescue team to reach a mine to one hour from the current two hours. By providing good Samaritan-type liability protection for mine rescue team members and their regular employers, this bill will encourage more miners to participate in mine rescue teams and more employers to support them.

Even if we don't know why the seal at Sago failed, we know that it did. The initial reports from Darby suggest that a seal also failed there. We don't need another tragedy caused by a failed seal to know that the standard for seals must be improved. Our standards for these protective barriers lag far behind other developed nations. That is why this bill requires the Mine Safety and Health Administration to issue a new regulation in 18 months to improve these standards.

We also need greater incentives to prevent accidents from happening. Too many mining companies have been paying fines that cost less than parking tickets. Under this bill, companies can no longer treat violations of health and safety laws as a cost of doing business. We impose substantial new minimum penalties on companies that put miners at risk and do not take their obligation seriously to provide a safe workplace. These new penalties escalate when companies continue to ignore their safety obligations. The bill also makes clear that MSHA has the authority to shut down a mine that refuses to pay its fines.

Research is an important part of safety. The Navy has technologies to communicate with submarines on the bottom of the ocean. NASA can talk to people on the Moon. It is time to bring mine safety technology into the 21st century too. Our bill creates an interagency task force so that NIOSH will have the benefit of the advances made by other industries and agencies. It also creates two competitive grant programs: one to encourage the development and manufacture of mine safety equipment that the private sector might not otherwise find economically viable, and another to educate and train employers and miners to better identify, avoid, and prevent unsafe working conditions.

This bill is an important step in strengthening the response to mine emergencies. But there is more to be done. We have seen miners in other countries survive because of requirements that their mines have refuge chambers. Our bill requires MSHA and NIOSH to test refuge chambers to see if they should be used here to protect miners in a fire or explosion. It also addresses safety issues raised by ventilating mines with belt air, particularly the problem of fires on mine conveyor belts. The bill requires the Secretary of Labor to report to us on these problems, and I commend Senator ENZI and Senator ISAKSON for agreeing to work together and to hold hearings on these critical issues in the future.

We can't bring back the brave miners who have died this year. Today, however, we honor their memory by passing this legislation and we will honor them even more by following through to see that it is implemented as effectively as possible to make our mines safer.

The PRESIDENT pro tempore. Is there any further debate?

Without objection, the unanimous consent request is agreed to.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2803), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MCCONNELL. Mr. President, I have one further observation on the measure which we just passed.

I again congratulate the Senator from Massachusetts and Chairman ENZI for this important piece of legislation. This has been a tough few years in coal country—in Pennsylvania, West Virginia, and in Kentucky. As everyone knows, we just lost five miners last weekend. This legislation couldn't be more timely.

Again, I congratulate those on both sides of the aisle who made an important contribution to move this legislation out of the Senate and over to the House.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the Comprehensive Immigration Reform Act of 2006, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 2611) to provide for comprehensive immigration reform and for other purposes.

The PRESIDENT pro tempore. Under the previous order, the time until 9:30 will be equally divided between the Senator from Kentucky, Mr. MCCONNELL, and the Senator from Nevada, Mr. REID, or their designees.

AMENDMENT NO. 4085

Mr. MCCONNELL. Mr. President, I call up amendment No. 4085.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 4085.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To implement the recommendation of the Carter-Baker Commission on Federal Election Reform to protect and secure the franchise of all United States citizens from ballots being cast illegally by non-United States citizens)

At the appropriate place, insert the following:

SEC. _____. IDENTIFICATION REQUIREMENTS.

(a) REQUIREMENT FOR IDENTIFICATION CARDS TO INCLUDE CITIZENSHIP INFORMATION.—Subsection (b) of section 202 of the REAL ID Act of 2005 (49 U.S.C. 30301 note) is amended by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively, and by inserting after paragraph (7) the following new paragraph:

''(8) An indication of whether the person is a United States citizen.''.

(b) IDENTIFICATION REQUIRED FOR VOTING IN PERSON.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 303 the following new section:

''SEC. 304. IDENTIFICATION OF VOTERS AT THE POLLS.

''(a) IN GENERAL.—Notwithstanding the requirements of section 303(b), each State shall require individuals casting ballots in an election for Federal office in person to present before voting a current valid photo identification which is issued by a governmental entity and which meets the requirements of subsection (b) of section 202 of the REAL ID Act of 2005 (49 U.S.C. 30301 note).

''(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after May 11, 2008.''.

(2) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking ''and 303'' and inserting ''303, and 304''.

(c) FUNDING FOR FREE PHOTO IDENTIFICATIONS.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following:

''PART 7—PHOTO IDENTIFICATION

''SEC. 297. PAYMENTS FOR FREE PHOTO IDENTIFICATION.

''(a) IN GENERAL.—In addition to any other payments made under this subtitle, the Election Assistance Commission shall make payments to States to promote the issuance to registered voters of free photo identifications for purposes of meeting the identification requirements of section 304.

''(b) ELIGIBILITY.—A State is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

''(1) a statement that the State intends to comply with the requirements of section 304; and

''(2) a description of how the State intends to use the payment under this part to provide registered voters with free photo identifications which meet the requirements of such section.

''(c) USE OF FUNDS.—A State receiving a payment under this part shall use the payment only to provide free photo identification cards to registered voters who do not have an identification card that meets the requirements of section 304.

''(d) ALLOCATION OF FUNDS.—

''(1) IN GENERAL.—The amount of the grant made to a State under this part for a year shall be equal to the product of—

''(A) the total amount appropriated for payments under this part for the year under section 298; and

''(B) an amount equal to—

''(i) the voting age population of the State (as reported in the most recent decennial census); divided by

''(ii) the total voting age population of all eligible States which submit an application for payments under this part (as reported in the most recent decennial census).

''SEC. 298. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated such sums as are necessary for the purpose of making payments under section 297.

''(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.''.

Mr. MCCONNELL. Mr. President, throughout this debate on immigration, we have been discussing what to do about illegal immigrants in the country today and what to do about those who will illegally pass our borders every day in the future. We have heard very valid concerns, which I share with my colleagues, about how best to deal with the security of the Nation. The number of illegal immigrants who currently reside in the United States has been estimated, as we all know, to be about 12 million people.

I rise today to express another area of concern which has not yet been addressed by the amendments thus far—that is voting. The U.S. Constitution secures the voting franchise only for citizens of our country. As close elections in the past have made abundantly clear, we must make certain that each vote is legally cast and counted. Imagine the impact of 12 million potentially illegal registered voters.

This problem was recently tackled by a bipartisan commission on election reform, which was chaired by former President Jimmy Carter and former Secretary of State James Baker. This was referred to as the Carter-Baker commission, named after these two American leaders.

They recognized that clean lists are key, but even more importantly they note that ''election officials still need to make sure that the person arriving at the polling site is the same one that is named on the registration list.'' They note that ''Photo IDs currently are needed to board a plane, enter Federal buildings, and cash a check. Voting is equally important.'' Again, those are the words of Jimmy Carter, James Baker, and their bipartisan commission.

Moreover, we not only need to ensure that those voting are those on the rolls but also that they are legally entitled to vote. As we said when we passed the Help America Vote Act a few years ago, on which I was proud to be the lead Republican, along with my good friend from Missouri, Senator BOND, and Senator DODD, who was chairman of the Rules Committee at the time, the leader on the Democratic side, we want everyone who is legally entitled to vote to be able to vote and have that vote counted but to do so only once. In short, we wanted to make it easier to vote and harder to cheat. The key is to ensure that everyone who votes is legally entitled to do so.

The Carter-Baker commission's recommendations on voter identification are, first, to ensure that persons presenting themselves at the polling places are the ones on the registration list.

The commission recommends that States require voters to use the REAL ID card which was mandated in a law and signed by the President in May of 2005, just a year ago. The card includes a person's full name, date of birth, a signature captured as a digital image, a photograph, and the person's Social Security number. This card should be modestly adapted for voting purposes to indicate on the front or back whether the individual is a U.S. citizen. States should provide an Election Assistance Commission template identification with a photo to nondrivers free of charge.

Second, the commission said the right to vote is a vital component of U.S. citizenship, and all States should use their best efforts to obtain proof of citizenship before registering voters.

That is precisely what my amendment does—implements the recommendations of the Carter-Baker Commission on Federal Election Reform to protect and secure the franchise of all U.S. citizens from ballots being cast illegally by non-U.S. citizens. Further, for those who cannot afford an identification, I have included a grant program within this amendment to make identifications available free of charge.

Former mayor of Atlanta, Andrew Young, supported the free photo identification as a way to empower minorities and believes, in an era where people have to show identification to rent a video or cash a check, requiring an identification can help poor people who otherwise might be even more marginalized by not having such a photo identification.

This is an issue which an overwhelming majority of Americans support. An April 2006 NBC-Wall Street Journal poll asked for reaction to requiring voters to produce a valid photo identification when they go to vote.

Only 7 percent of Americans oppose requiring photo identification at the polls; 62 percent of Americans strongly favor requiring photo identification at the polls; 19 percent of Americans

mildly favor photo identification at the polls; 12 percent are neutral; only 3 percent of Americans mildly oppose requiring photo identification at the polls; only 4 percent strongly oppose. So collapsing those numbers as we frequently do with polls, 81 percent of Americans favor photo identification at the polls, across the philosophical spectrum in our country.

As the chart indicates, only 7 percent are opposed. Not only is the Carter-Baker commission on record as supporting photo identification at the polls, the American people are overwhelmingly on the side of photo identification at the polls.

There have also, interestingly enough, been some State-based polls conducted which concur that Americans overwhelmingly support requiring photo identification at the polls. In Wisconsin, 69 percent favor requiring photo identification at the polls. In Washington State, 87 percent favor requiring photo identification at the polls. In Pennsylvania, 82 percent favor requiring photo identification at the polls. In Missouri, 89 percent favor requiring photo identification at the polls.

The numbers make it clear the vast majority of Americans support requiring photo identification at the polls. Why wouldn't they? As John Fund pointed out in his piece in the Wall Street Journal a couple of days ago, entitled ''Jimmy Carter is Right, Amend the Immigration Bill to Require Voters to Show ID'':

> Almost everyone needs a photo ID in today's modern world.

You need photo identification to drive a car, fly a plane, get a gun, catch a fish, open a bank account, cash a check, enter a Federal and some State buildings, and the list goes on and on.

This is not a new concept. Twenty-four States already require some kind of photo identification at the polls. Further, thanks to the Help America Vote Act, photo identification at the polls is required by those who register to vote by mail and don't provide the appropriate information at registration.

Some may ask, if States are doing it, why should the Federal Government get involved? I associate myself with the answer to this question given by Jimmy Carter and James Baker. Here is what they had to say about whether we should simply leave this up to the States:

> Our concern was that the differing requirements from state-to-state could be a source of discrimination, and so we recommend a standard for the entire country, Real ID Card.

I urge my colleagues to consider whether the protection of each and every American's franchise, a right at the very core of our democracy, is important enough to accord it equal treatment to getting a library card or joining Sam's Club. Last I checked, the constitutional right to rent a movie or buy motor oil in bulk was conspicuously absent. However, the Constitution is replete, as is the United States Code, with protections of the franchise for all Americans.

I will have three articles printed in the RECORD, but I will take a couple of minutes to highlight some of the very important points raised in these articles.

The first article, entitled ''Jimmy Carter Is Right, Amend the immigration bill to require voters to show ID'' appeared Monday in the Opinion Journal written by John Fund in which he notes:

> Andrew Young, the former Atlanta mayor and U.N. ambassador, believes that in an era when people have to show ID to rent a video or cash a check, ''requiring ID can help poor people who otherwise might be even more marginalized by not having one.

Mr. Fund goes on to note:

> The Carter-Baker commissioners recognized that cost could be a barrier to some and thus recommended that identification cards be provided at no cost to anyone who needed one. They also argued that photo ID would make it significantly less likely that a voter would be wrongly turned away at the polls due to out-of-date registration lists or for more malicious reasons.

This amendment does just that, provides grants to States so that anyone who wants an ID can get one free of charge.

Lastly, and most importantly for this immigration debate, Mr. Fund states:

> The man who in 1994 assassinated Mexican presidential candidate Luis Donaldo Colosino in Tijuana had registered to vote at least twice in the U.S. although he was not a citizen. An investigation by the Immigration and Naturalization Service into alleged fraud in a 1996 Orange County, California congressional race revealed that ''4,023 illegal voters possibly cast ballots in the disputed election between Republican Robert Dornan and Democrat Loretta Sanchez.

The second article is written by Andrew Young, former mayor of Atlanta on September 30, 2005 for the Atlanta Journal-Constitution, in which he states:

> At the end of the day, a photo ID is a true weapon against the bondages of poverty. Anyone driving through a low-income neighborhood sees the ubiquitous check-cashing storefronts, which thrive because other establishments, such as supermarkets and banks, won't cash checks without a standard photo ID. Why not enfranchise the 12% of Americans who don't have drivers' licenses or government-issued photo IDs.

The last article is co-authored by Jimmy Carter and James Baker and appeared in the September 23, 2005, New York Times, in which they observe:

> In arguing against voter ID requirements, some critics have overlooked the larger benefits of government-issued ID's for the poor and minorities. When he spoke to the commission, Andrew Young, the former mayor of Atlanta, supported the free photo ID as a way to empower minorities, who are often charged exorbitant fees for cashing checks because they lack proper identification. In a post/911 world, photo ID's are required to get on a plane or into a skyscraper.

I ask unanimous consent those three articles to which I just referred be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 22, 2006]

JIMMY CARTER IS RIGHT

Amid all the disputes over immigration in Congress, one amendment is being proposed that in theory should unite people in both parties. How about requiring that everyone show some form of identification before voting in federal elections? Polls show overwhelming support for the idea, and there is increasing concern that more illegal aliens are showing up on voter registration rolls. But the fact that photo ID isn't likely to pass shows both how deeply emotional the immigration issue has become and how bitter congressional politics have become with elections only 5 1/2 months away.

Mitch McConnell, the Senate Republican whip, is proposing the photo ID amendment. He notes that Mexico and many other countries require the production of such identification in their own elections, and that the idea builds on the suggestion of last year's bipartisan election reform commission headed by former president Jimmy Carter and former secretary of state James Baker.

The Carter-Baker commission issued 87 recommendations to improve the functioning of election systems. One called for a national requirement that electronic voting machines include a paper trail that would allow people to check their votes, while another would have states establish uniform procedures for counting provisional ballots.

But the biggest surprise was that 18 of 21 commissioners backed a requirement that voters show some form of photo identification. They argued that with Congress passing the Real ID Act to standardize security protections for drivers' licenses in all 50 states, the time had come to standardize voter ID requirements. Former Senate Democratic leader Tom Daschle joined two other commissioners in complaining that the ID requirements would be akin to a Jim Crow-era ''poll tax'' and would restrict voting among the poor or elderly who might lack such an ID.

Mr. Daschle's racially charged analogy is preposterous. Almost everyone needs photo ID in today's modern world. Andrew Young, the former Atlanta mayor and U.N. ambassador, believes that in an era when people have to show ID to rent a video or cash a check, ''requiring ID can help poor people'' who otherwise might be even more marginalized by not having one.

The Carter-Baker commissioners recognized that cost could be a barrier to some and thus recommended that identification cards be provided at no cost to anyone who needed one. They also argued that photo ID would make it significantly less likely that a voter would be wrongly turned away at the polls due to out-of-date registration lists or for more malicious reasons. In any case, the tacit acknowledgment by Mr. Carter and most of the other liberals on the commission that the integrity of the ballot is every bit as important as access to the ballot was a welcome one.

The photo ID issue is being joined with the immigration debate because there is growing

anecdotal evidence that voter registration by noncitizens is a problem. All that it takes to register is for someone to fill out a postcard, and I have interviewed people who were still allowed to register without checking the box that indicated they were a citizen. Several California counties report that an increasing number of registered voters called up for jury duty write back saying they are ineligible because they aren't citizens,

The man who in 1994 assassinated Mexican presidential candidate Luis Donaldo Colosio in Tijuana had registered to vote at least twice in the U.S. although he was not a citizen. An investigation by the Immigration and Naturalization Service into alleged fraud in a 1996 Orange County, Calif., congressional race revealed that ''4,023 illegal voters possibly cast ballots in the disputed election between Republican Robert Dornan and Democrat Loretta Sanchez.''

It's certainly true that new ID rules alone wouldn't eliminate all the potential for fraud. Much of the voter fraud taking place today occurs not at polling places but through absentee ballots. In some states party officials are allowed to pick up absentee ballots, deliver them to voters and return them, creating opportunities for all manner of illegal behavior. Other states allow organizations to pay ''bounties'' for each absentee ballot they deliver, which provides an economic incentive for fraud. The Carter-Baker commission recommended that states eliminate both practices.

In a politically polarized country, photo ID for voting is a rare issue that enjoys across-the-board support among the general public. A Wall Street Journal/NBC poll last month found that 80% of voters favored a photo ID requirement, with 62% favoring it strongly. Only 7% were opposed. Numbers that high indicate the notion has overwhelming support among all demographic and racial groups.

Skeptics argue that in some states the effort to impose such a requirement seems to emphasize the ID requirement while not making a serious effort to ensure everyone has such a document. Robert Pastor, executive director of the Carter-Baker commission, claims that some Republicans supporting voter ID ''are not really serious about making sure that voter ID is free for those who can't afford it.''

Some analysts say a photo ID law could pass on the national level only if it is seen to satisfy both sides. ''As part of an overall bipartisan package of election reform—which would include universal voter registration conducted by the government—national voter identification makes sense, especially if structured to limit absentee vote fraud, and so that identification can be checked across states,'' says Rick Hasen, a professor at Loyola Law School. But he says that excessive ''partisan jockeying is not going to increase public confidence in the outcome of elections.''

Sen. McConnell's proposed photo ID requirement is a good idea, but it may be able to move forward only if he puts some real money on the table to ensure that everyone who wants to vote can get an ID. In that, the photo ID issue resembles the immigration debate itself. The only immigration bill that is going to pass both houses is one that combines beefed-up border enforcement with steps that regularize the growing demand for labor from Mexico via some kind of legal guest worker program. But sadly, in the case of both photo ID and immigration, political jockeying appears to be the order of the day. It may take a lame-duck session of Congress after this year's election for members finally to address both issues seriously.

[From the Atlanta Journal-Constitution, Sept. 30, 2005]

VOTER IDS ONLY PART OF ELECTIONS SOLUTION

(By Andrew Young)

There is an understandable, visceral reaction by many people against the use of a photo ID card for voting. But how we vote and voting in general must be seriously examined, and we cannot let partisanship take place over citizenship. America ranks 139th out of 172 countries in voter turnout worldwide.

How do you create a fair voting system, with access to all who deserve it, with a required photo ID without disenfranchising or penalizing Americans? We know, a photo ID requirement can be used as a latter-day equivalent of the poll tax—that has happened in Georgia, which has added a fee to get the appropriate ID.

So why did I give at least conditional support to the Carter-Baker Commission for its recommendation of a required photo ID?

First, I accepted the two pillars of the commission's own recommendation: There already is a photo ID requirement in federal law—the new Real ID requirement imposed by Congress as part of homeland security policy. If everyone will eventually be required to carry a Real ID card, why not use it to improve the voter registration and election system? Encode the cards with voter data, and that will protect voters from being wrongfully turned away from the polls.

The second pillar is that any required photo ID must be made widely available, easily accessible and free.

Time will tell whether Georgia is effectively executing its plans through its mobile vans and, for the indigent, a waiver of the fee for a photo ID.

At the end of the day, a photo ID is a true weapon against the bondages of poverty. Anyone driving through a low-income neighborhood sees the ubiquitous check-cashing storefronts, which thrive because other establishments, such as supermarkets and banks, won't cash checks without a standard photo ID. Why not enfranchise the 12 percent of Americans who don't have drivers' licenses or government-issued photo IDs?

Given these two pillars, I have no objections to an ID requirement, even though I do not believe that fraud is widespread or that the ID is the key to election reform.

But there is another condition: The ID has to be made part of a package that includes bolder solutions that expand access to large numbers of voters who are now seriously handicapped by the way we run elections.

Imagine you are a working poor person. Election Day, Tuesday, comes. You have to be at work at 8 a.m.—your employer doesn't give you time off to vote, and you will have your pay docked or be fired if you are late. You check out your polling place at 7 a.m.—there is already a long line, with many there because they have the same problem. So you go to work, finish at 6 or 7 p.m. and head to the polls again. Another long line awaits, with no guarantee you will get to the front of it before the polls close.

I firmly believe that the surest fix to our anemic turnout is in the calendar, not the cards.

Having Election Day on a Tuesday was a decision made 160 years ago, for reasons that were appropriate to Colonial times but are no longer relevant. According to the 2002 census data and other polls, the inconvenience of Tuesday is the single reason people most cited for not voting.

So I asked the members of the Carter-Baker commission when I met with them, ''Why Tuesday?'' having personally observed that historic weekend in South Africa when Nelson Mandela was elected president. Regrettably there is nothing in the Carter-Baker report on federal election reform that addresses why Tuesday voting remains a good idea.

If America is to remain the world's beacon of democracy, we can no longer tolerate an evergrowing class of permanent non-voters.

A simple act of Congress moving Election Day to the weekend is what the Rev. Martin Luther King Jr. truly envisioned when he said ''the short walk to the voting booth'' is the most decisive step for our democracy.

[From the New York Times, Sept. 23, 2005]

VOTING REFORM IS IN THE CARDS

(By Jimmy Carter and James A. Baker III)

We agreed to lead the Commission on Federal Election Reform because of our shared concern that too many Americans lack confidence in the electoral process, and because members of Congress are divided on the issue and busy with other matters.

This week, we issued a report that bridges the gap between the two parties' perspectives and offers a comprehensive approach that can help end the sterile debate between ballot access and ballot integrity. Unfortunately, some have misrepresented one of our 87 recommendations. As a result, they have deflected attention from the need for comprehensive reform.

Our recommendations are intended to increase voter participation, enhance ballot security and provide for paper auditing of electronic voting machines. We also offer plans to reduce election fraud, and to make the administration of elections impartial and more effective.

Most important, we propose building on the Help America Vote Act of 2002 to develop an accurate and up-to-date registration system by requiring states, not counties, to organize voter registration lists and share them with other states to avoid duplications when people move. The lists should be easily accessible so that voters can learn if they're registered, and where they're registered to vote.

Some of our recommendations are controversial, but the 21 members of our bipartisan commission, which was organized by American University, approved the overall report, and we hope it will break the stalemate in Congress and increase the prospects for electoral reform.

Since we presented our work to the president and Congress, some have overlooked almost all of the report to focus on a single proposal—a requirement that voters have driver's licenses or government-issued photo IDs. Worse, they have unfairly described our recommendation.

Here's the problem we were addressing: 24 states already require that voters prove their identity at the polls—some states request driver's licenses, others accept utility bills, affidavits or other documents—and 12 others are considering it. This includes Georgia, which just started demanding that voters have a state-issued photo ID, even though obtaining one can be too costly or difficult for poor Georgians. We consider Georgia's law discriminatory.

Our concern was that the differing requirements from state-to-state could be a source of discrimination, and so we recommended a standard for the entire country, the Real ID card, the standardized driver's licenses mandated by federal law last May. With that law, a driver's license can double as a voting card. All but three of our 21 commission members

accepted the proposal, in part because the choice was no longer whether to have voter IDs, but rather what kind of IDs voters should have.

Yes, we are concerned about the approximately 12 percent of citizens who lack a driver's license. So we proposed that states finally assume the responsibility to seek out citizens to both register voters and provide them with free IDs that meet federal standards. States should open new offices, use social service agencies and deploy mobile offices to register voters. By connecting IDs to registration, voting participation will be expanded.

Our proposal would allow voters without photo IDs to be able to cast provisional ballots until 2010. Their votes would count if the signature they placed on the ballot matched the one on file, just as the case for absentee ballots. After that, people who forgot their photo IDs could cast provisional votes that would be counted if they returned with their IDs within 48 hours. Some have suggested we use a signature match for provisional ballots after 2010, but we think citizens would prefer to get a free photo ID before then.

In arguing against voter ID requirements, some critics have overlooked the larger benefit of government-issued IDs for the poor and minorities. When he spoke to the commission, Andrew Young, the former mayor of Atlanta, supported the free photo ID as away to empower minorities, who are often charged exorbitant fees for cashing checks because they lack proper identification. In a post-9/11 world, photo IDs are required to get on a plane or into a skyscraper.

We hope that honest disagreements about a photo ID will not deflect attention from the urgency of fixing our electoral system. While some members of Congress may prefer to block any changes or stand behind their particular proposals rather than support comprehensive reforms, we hope that in the end they will work to find common ground. The American people want the system fixed before the next election, and that will require a comprehensive approach with a bipartisan voice in favor of reform.

Jimmy Carter was the 39th president. James A. Baker III was secretary of state in the George H. W. Bush administration.

Mr. MCCONNELL. What is the remaining time?

The PRESIDENT pro tempore. There is 10 minutes 15 seconds; the minority has 25 minutes.

Mr. MCCONNELL. I retain the remainder of my time, and I reserve the remainder of my time.

The PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. We have 25 minutes?

The PRESIDING OFFICER (Mr. BROWNBACK). That is correct.

Mr. KENNEDY. I yield myself 7 minutes.

Mr. President, last night I offered an amendment dealing with the enforcement of safety provisions to make sure those American workers who work here, and the guest workers, are going to be in safe conditions, that they are going to be safe and secure, that we are going to have the safest workforce possible. And all I heard on the other side is: We can't do this because we haven't had any hearings.

This is an important issue, an important question, and vital, but we can't possibly consider this as a measure that is only tangentially relevant to the immigration issue. I suggest what was sauce for the goose is sauce for the gander. This is a very important issue that deserves consideration.

We have 25 minutes on this side to try and deal with this issue. Obviously, that is inadequate.

I remember 1964. My first amendment in the Senate was in opposition to the poll tax. I lost that vote, 52 to 48. Eventually, we eliminated the poll tax. But we went through to the 1964–1965 Voting Rights Act, and we eliminated not only the poll tax but the literacy test.

Why were those tests put in place? They were put in place to make sure our voting was going to be safe and secure and that we were only going to have people voting who deserved to vote. This is a way to keep our voting clear and to make sure that we are going to preserve the sanctity of the voting box.

So we had those measures, but as we know, they were struck down. Why were they struck down? I will not take the time here, but fundamentally and basically they were unconstitutional.

Now the Senator suggests: Let's go there and put in a new process. That sounds very good. The poll tax sounded very good when it was initially offered. So did the literacy test. Now we have a new idea that is going to be offered. The first question we have to ask ourselves is, Is there a problem?

We have heard anecdotal comments from the Senator from Kentucky—not studies, not reviews, but anecdotal studies—about whether there was real fraud out there. Is this a problem in the United States of America? There has not been any evidence that this is the result of hearings. We have not had any hearings.

The study of the 2002 and 2004 Ohio elections found there were 9 million votes cast and 4 were found to be fraudulent according to the League of Women Voters of Ohio; 4 votes found to be fraudulent according to the League of Women Voters of Ohio, the most comprehensive study that has been done recently in terms of elections.

The Secretary of State of Georgia stated she was not aware of a single case or complaint of a voter impersonating another voter at the polls in almost a decade. That was sworn testimony of the Secretary of Georgia. She was much more concerned about absentee ballots than the question of fraud.

A 12-State study by Demos, a nonprofit organization, not a Democrat or Republican organization, concluded election fraud was very rare. They found no evidence suggesting fraud, other than a minor problem. That is the best information we have. We have not had any hearings. All of the relevant studies indicated that is the situation. So we have a solution where there really isn't a problem.

The Senator from Kentucky says he is basically following the recommendations of the Carter-Baker commission of some time ago. That is not exactly the case. In the Carter-Baker proposal they have a number of recommendations on implementation. First of all, they say it should not be implemented until January 2010. This is to be implemented in May of 2008, the middle of the Presidential primaries.

Why did the Carter-Baker commission say 2010? They said it because the States are not prepared to deal with it prior to that time. What is the date of the Senator from Kentucky? What date do they select? May 2008, in the middle of the Presidential primaries, for 110 million Americans who vote, to drop this in on the States?

This is unworkable. The denial of one of the most sacred rights of an American citizen, the right to vote, is going to be heavily compromised if we accept this.

A second proposal of the Carter-Baker commission indicates it has to be free identifications. This is the language in the McConnell amendment:

> . . . the Election Assistance Commission shall make payments to States to—[what, make them all free? No]—promote the issuance to registered voters of free. . . .

It does not even guarantee the funding. It was guaranteed in the Carter proposal.

Finally, it also indicated that, should there be States that refuse or fail to have a process, there is a backup system to ensure the right to vote. That does not exist in this particular proposal.

So this does not even meet the bare requirements of the Carter-Baker proposal. It does not even meet those bare requirements. It accelerates the timing, which was deferred, for very good reasons, after a prolonged discussion during the debate.

Finally, and most importantly, when the courts recently considered a very similar proposal to the one we have here, which was a similar voter identification proposal, in Common Cause v. Georgia—which is a 2005 case; virtually an identical kind of a proposal to that which is offered by the Senator from Kentucky—it pointed out that it violated the equal protection clause because it unduly burdened the fundamental right to vote for several classes of citizens.

Sure, you need a photo identification to get a video because the video shop wants the video back. Sure, you have a photo identification to rent a car because the people who rent the cars want the car back, and for insurance purposes. Sure, you have a video when you buy a gun, for the obvious reasons. But as to the right to vote, we want to encourage people to vote. This is what the circuit court said, with virtually an identical proposal that came before them.

The PRESIDING OFFICER. The Senator has used 7 minutes.

Mr. KENNEDY. Mr. President, I will take another 2 minutes.

That is what the circuit court said in response to a similar proposal which became before them.

The amendment violates the Equal Protection Clause because it unduly burdens the fundamental right to vote for several classes of people. The court in the Georgia case found the voter identification requirement ''most likely to prevent Georgia's elderly, poor, and African-American voters from voting.''

The amendment violates the 24th amendment because it amounts to an unconstitutional poll tax. The Supreme Court found that the 24th amendment not only bars poll taxes, but also bars their ''equivalent[s]'' and found this kind of identification was an equivalent.

The McConnell amendment requires that the Election Assistance Commission make funds available only ''to promote the issuance of free photo identification,'' but does not mandate and provide that.

This is an unwise amendment on an immigration bill.

Mr. President, I see our friend from Connecticut, who was the floor manager of the earlier legislation, and my colleague from Illinois, who also wishes to speak.

The most sacred right guaranteed in our democracy is the right to vote. We want to promote people voting. We want our elections safe and secure. But this issue deserves more than 45 minutes on the floor of the U.S. Senate on an immigration bill.

Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. Sixteen minutes.

Mr. KENNEDY. Mr. President, I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for up to 5 minutes.

Mr. OBAMA. Thank you very much, Mr. President.

Let me echo Senator KENNEDY's strong opposition to the amendment offered by the Senator from Kentucky.

There is no more fundamental right accorded to United States citizens by the Constitution than the right to vote. And the unimpeded exercise of this right is essential to the functioning of our democracy. Unfortunately, history has not been kind to certain citizens in their ability to exercise this right.

For a large part of our Nation's history, racial minorities have been prevented from voting because of barriers such as literacy tests, poll taxes, and property requirements.

We have come a long way in the last 40 years. That was clear just a few weeks ago when Democrats and Republicans, Members of the Senate and the House, stood on the Capitol steps to announce the introduction of a bill to reauthorize the Voting Rights Act. That rare and refreshing display of bipartisanship reflects our collective belief that more needs to be done to remove barriers to voting.

Right now, the Senate is finishing a historic debate about immigration reform. It has been a difficult discussion, occasionally contentious. And it has required bipartisan cooperation. After several weeks, and many, many amendments, we are less than an hour away from voting for cloture. Considering our progress and the delicate balance we are trying to maintain, this amendment could not come at a worse time.

Let's be clear, this is a national voter identification law. This is a national voter identification law that breaks the careful compromise struck by a 50–50 Senate 4 years ago. It would be the most restrictive voter identification law ever enacted, one that could quite literally result in millions of disenfranchised voters and utter chaos at the State level.

Now, I recognize there is a certain simplistic appeal to this amendment. After all, why shouldn't we require people to present a photo identification card when they vote? Don't we want to ensure that voters are actually who they claim to be? And shouldn't we at least make sure that noncitizens are not casting ballots and changing the outcomes of elections?

There are two problems with that argument. First, there has been no showing that there is any significant problem of voter fraud in the 50 States. There certainly is no showing that noncitizens are rushing to try to vote. This is a solution in search of a problem. The second problem is that historically disenfranchised groups—minorities, the poor, the elderly and the disabled—are most affected by photo identification laws.

Let me give you a few statistics. Overall, 12 percent of voting-age Americans do not have a driver's license, most of whom are minorities, new U.S. citizens, the indigent, the elderly, or the disabled. AARP reports that 3.6 million disabled Americans have no driver's license.

A recent study in Wisconsin found that white adults were twice as likely to have driver's licenses as African Americans over 18. A study in Louisiana found that African Americans were four to five times less likely to have photo identification than white residents.

Now, why won't poor people be able to get photo identifications or REAL IDs? It is simple: Because it costs money. You need a birth certificate, passport, or proof of naturalization, and that can cost up to $85. Then you need to go to a State office to apply for a card. That requires time off work, possibly a long trip on public transportation, assuming there is even an office near you.

Imagine if you only vote once every 2 or 4 years, it is not very likely you are going to take time off work, take a bus to a far-off government office to get an identification, and pay $85 just so you can vote. That is not something most folks are going to be able to do.

The fact of the matter is, this is an idea that has been batted around, not with respect to immigration, but with respect to generally attempting to restrict the approach for people voting throughout the country. This is not the time to do it.

The Carter-Baker Commission on Federal Election Reform found that in the 2002 and 2004 elections, fraudulent votes made up .00003 percent of the votes cast. That is a lot of zeros. So let me say it a different way: Out of almost 200 million votes that were cast during those elections, 52 were fraudulent. To put that in some context, you are statistically more likely to get killed by lightning than to find a fraudulent vote in a Federal election.

This is not the appropriate time to be debating this kind of amendment. We have a lot of serious issues to address with respect to immigration. I ask all my colleagues to reject this amendment so we can move on to the important business at hand.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, do we have 11 minutes? Am I correct?

The PRESIDING OFFICER. The Senator from Massachusetts has 6 minutes. The Senator from Connecticut has 5.

Mr. KENNEDY. So 6 and 5 is 11.

I yield to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I am glad our math is good here this morning. I appreciate that early in the day.

Mr. President, I thank my colleague from Massachusetts for his leadership on this bill and his eloquence this morning on this amendment being offered by our colleague from Kentucky. I commend our colleague from Illinois as well for his eloquent comments about the problems associated with this amendment.

Very bluntly and very squarely, if the McConnell amendment is adopted in the next 20 minutes, then roughly 142 million people in our country would have to have a new—a new—photo identification, one which does not exist yet, that complies with REAL ID by the elections in 2008. Otherwise, you could not vote a regular ballot in the 2008 Federal elections without this new identification.

My colleague cites polling data that indicates that 62 percent of Americans

believe a photo identification may be necessary. They were not asked whether or not they knew they would have to have a completely new identification, which I presume they would have to pay for, and if they don't have it with them by election day 2008, then they would not be allowed to show up and vote a regular ballot in person for presidential and other federal candidates across the country. So 142 million people could be disenfranchised by this amendment if we end up requiring a new photo identification.

Now, it has been said over and over again this morning—it needs to be repeated—it was Patrick Henry who said, more than 200 years ago: The right to vote is the right upon which all other rights depend. It is the essential right. The idea we would somehow exclude people who are elderly or disabled or people who, for a variety of reasons, do not have or cannot get this new photo identification from having access to the ballot because of some anecdotal evidence that people may show up and pretend to be someone else—because that is the only set of circumstances we are talking about here.

Absentee ballots present a unique set of problems. This does not cover the absentee ballots. It does not cover the situations where people mail in votes under a different set of circumstances in some of our States. This amendment only addresses the situation in which someone shows up to vote claiming to be someone else, when, in fact, they are a different individual.

So I would hope our colleagues, recognizing the tremendous problems this amendment could afford us, would reject this amendment. We had this debate 4 years ago when we adopted the Help America Vote Act. What we said is, if you register by mail, then the first time you show up at the polls, you need some form of identification, and, in fact, a photo identification may be one of them. But it is not the only thing that can be a source of identification for first time voters who registered by mail. There may be a variety of other criteria that States would adopt.

In a sense, we are going to nationalize and Federalize every single State by this approach. States, as we have historically said, determine the specific requirements of registration. Some States require very little. That is their judgment. Other States require more. We stayed away from dictating to States exactly what they had to do in the Help America Vote Act. If you adopt this amendment, why not consider an amendment for national registration? Many advocate that.

I think it may be a sound idea to move to a national registration. The HAVA bill moved from local registration to Statewide registration, which is a major step forward. But here we are saying you are going to have to have one size fits all, one identification, and we do not even know what it looks like yet—it does not exist at all—which has to comply with the REAL ID requirements between now and election day 2008. And if you do not have it, then you could be refused a regular ballot and forced to vote provisionally.

Obviously, access to the ballot has been critical for us. We have balanced that right to try to ensure, to the extent possible, that the ballot is going to be secure. But if we err on any side of that equation, it has been historically to err on the side of access to make sure people are encouraged to participate. Thus, the reason, in the HAVA bill, why we have provisional balloting—for the first time that will exist—it is so that if you show up and there is a contest as to whether or not you have the right to vote, the law says you should be able to cast a provisional ballot, so that after the election, after the ballots are cast, or the polling places are closed, if, in fact, you, the voter, were right, the ballot counts. If you were wrong, obviously, it does not, but you have a right to find out why it was not counted in order to be able to correct the problem.

Provisional ballots are making it possible for people to vote who believe they have the right to vote, to cast a ballot. That right has not existed in the past. That is the direction we are heading in as a country, not going backwards, not retreating, and not creating obstacles and hurdles to cast those ballots. That, unfortunately, would be the outcome if the McConnell amendment were adopted.

Every major civil rights organization, every leading organization defending the disabled and the elderly are opposed to this amendment and are very worried about what it could mean if it were adopted.

So I urge my colleagues, at this early hour in the morning: Please, when you come here, this is not the place for this amendment on an immigration bill. There is a time and opportunity to go back and revisit election issues. I hope we do that at some point. But to cherry-pick a provision that would set us back decades would be a mistake.

The right to vote is one of the most fundamental civil rights accorded to citizens by the United States Constitution. The right of all Americans to vote, and to have their vote counted, is the cornerstone of our democratic form of government. It is at the heart of all we do here, and precedes other rights because it is the means by which we choose those who represent us. The free and unencumbered exercise of the franchise is a core pre-condition of a government that is of the people, by the people and for the people.

This amendment would jeopardize efforts to balance the traditional requirements of ballot access and ballot security; impinge unnecessarily on those fundamental rights; create a disparate impact on whole classes of our citizens; and effectively impose a new form of poll tax on millions of American voters.

Public confidence in the integrity of final election results is likely to be judged to a large extent by how well our laws balance the twin goals of expanded ballot access and enhanced ballot security, a fact that should remain foremost in our minds as we move forward on this debate in the coming days.

This amendment would dangerously undermine that delicate balance. Where difficult questions on these issues arise, my bias has always been to err on the side of expanded ballot access for all eligible voters. That should be no surprise to anyone who has been in the Senate or watched its deliberations in recent years, including the debate three years ago on the Help America Vote Act.

We must do all we can to ensure that the fundamental right to vote can be exercised freely, even while taking appropriate precautions to prevent usually isolated acts of individual voter fraud.

The McConnell amendment before us would effectively mandate a one-size-fits-all voter identification solution for every voter, every State, and the territories regardless of their circumstances, resources or preferences.

Every American citizen who is eligible to vote today in a Federal election would be effectively rendered ineligible to vote in the Presidential election of November 2008 by this amendment. Under this amendment, even those Americans who were born in this country and have been voting in every election since they turned 18 would be unable to vote in the November 2008 Presidential election, unless they first obtain a new REAL ID/citizenship card, or its equivalent.

This is a sea change in the rules of access for voters to every polling place in the United States. Under this amendment, everyone, every voter would have to present a REAL ID/citizenship card to vote a regular ballot at the polls.

My colleagues may remember the stories of dogs and dead people voting in the 2000 Presidential election. To respond to individual fraud in election registration, Congress adopted a measured, two-part response: a new identification for first time voters who register by mail and a computerized statewide voter registration system. Under HAVA, the States must have the computerized voter registration system in place this year. And the States are working diligently to accomplish that.

But this amendment goes much farther and without any justification, without any evidence of widespread fraud, effectively disenfranchises every single American voter who is eligible to vote in Federal elections today.

The only fraud that this amendment purports to address is the situation in which a voter appears, in person, at the polls and claims to be someone else. During all of the hearings that the Rules Committee held on election reform following the debacle of the 2000 Presidential elections, including the hearings held by my distinguished friend, the author of this amendment—who was Chairman of the Rules Committee at the time—not one witness testified to widespread fraud by individuals appearing in person at the polls claiming to be someone they were not.

And Congress isn't the only body which failed to find more than anecdotal evidence of such fraud.

Just last year, the bipartisan Carter-Baker Commission on Federal Election Reform, co-chaired by former President Jimmy Carter and former Secretary of State James Baker, also failed to find the fraud that this amendment is designed to address.

Let me quote from the September 2005 Carter-Baker Commission Report:

> There is no evidence of extensive fraud in U.S. elections or of multiple voting, but both could occur, and it could affect the outcome of a close election.

So even though neither Congress, nor the esteemed private Carter-Baker Commission, could find the type of fraud that would justify a national citizenship voting card, this amendment would literally jeopardize the voting rights of every single American citizen in order to combat this phantom fraud.

And yet the fraud that the bipartisan Carter-Baker Commission was concerned about—that of fraud committed through absentee balloting—is not even addressed by this amendment.

Again, quoting from the 2005 Carter-Baker Commission Report:

> Absentee ballots remain the largest source of potential voter fraud.

But does this amendment apply to absentee balloting or vote by mail? No—it applies only to those American citizens who make the effort to get up on election day and go to the polls, stand in line—sometimes for hours—and publicly present themselves to vote.

This amendment would change the law to effectively federalize what has always been a State and local determination. It would establish a one-size-fits-all Federal REAL ID/citizenship card, based on a law that has itself not been fully implemented.

It mandates that every State implement a system which uses these new cards by May 11, 2008—less than two years from now, and during a period when we will almost certainly face a hotly contested Presidential election. If this amendment is adopted, the resulting chaos will undermine the results of the 2008 Presidential election to the point that not even the Supreme Court will be able to determine the winner.

No one in this Chamber can say with any certainty how this is going to work, if at all, or that it will not further disenfranchise vulnerable voters. In my view, it almost certainly will.

This is not the time, nor the vehicle, to be debating election reforms that will most assuredly disenfranchise American citizens, particularly the poor, minorities, the elderly, and the disabled.

These voting issues are important, and as I have said, I would welcome a full and comprehensive debate on how to expand access for all Americans to enable them to more effectively and easily register and vote in Federal elections, while preserving ballot security.

I have introduced legislation on that issue in this Congress, and would like to have it considered soon. We could and should have a full debate on how best to balance the twin goals of expanded ballot access with appropriate ballot security. But now is neither the time nor the place for that debate. This is not what we should be doing on this bill.

I am also concerned about amending HAVA now. I intend to oppose any amendment that would open up the Help America Vote Act before the law is fully implemented in time for the fall Federal elections in 2006.

We have already had over 10 primaries and we are less than six months prior to the general mid-term elections. States are working hard to come into compliance with the new requirements of accessible voting systems and statewide voter registration list. Voters are working hard to understand the new circumstances and new technologies they will be facing in the 2006 elections, and are being educated on how to exercise their rights to ensure an equal opportunity for all to cast a vote and have that vote counted.

Many of us know that no single law is the comprehensive and perfect fix for a number of problems which have existed for decades in our decentralized election system. HAVA was a landmark law, the next step in a march which included the Voting Rights Act, NVRA legislation, and other measures. HAVA made appropriate changes to the law in the wake of the 2000 election debacle, and did so with broad, bipartisan support.

And I am sure there are a host of improvements that could be made to HAVA. I have some in mind myself. But HAVA deserves to be fully and effectively implemented before taking the next steps toward broader reform.

If this Senate wishes to debate election reforms, I am prepared to do so for days to come. There are numerous reforms which the Senate should be considering.

If we are prepared to impose a universal voting ID on Americans, then we should also establish a universal Federal registration requirement for voting. If we are going to preempt the rights of States to determine who is eligible to vote in a Federal election, then perhaps we should preempt the rights of States to decide whether or not they will count that Federal ballot.

If we are going to federalize identification requirements for voting, then perhaps we should federalize eligibility requirements for absentee voting.

If we want to ensure that the vote of every eligible American citizen has equal weight, then maybe we should federalize the administration of Federal elections.

But that is not the approach that my colleague, Senator MCCONNELL, and I took in developing the bipartisan Help America Vote Act. And that is not the approach that the Congress and President Bush took in passing and signing into law the Help America Vote Act. And nothing in the intervening 3½ years has changed to suggest that either HAVA isn't working, or that the American people support the kind of sea change that this amendment creates.

HAVA was a carefully crafted balance between the twin goals of making it easier to vote and harder to defraud the system. This amendment destroys the necessary balance between ballot access and ballot security—a balance that is key to ensuring the integrity of Federal election results.

If we are equally concerned about both access to the ballot box and potential fraud, then we should not enact an amendment which, by operation of its provisions, will potentially prevent every single eligible citizen from voting in the 2008 Presidential election.

And if we are truly concerned about potential voting fraud, then we should give the States the opportunity to complete implementation of HAVA and allow that new law to work before we enact a new requirement which on its face will disrupt the delicate balance HAVA created.

HAVA needs to be allowed to work. And for that reason, a broad Coalition of civil rights and voting rights groups, and organizations representing State and local governments, oppose this amendment.

This Coalition letter makes clear that in their view, the six-month period prior to Federal mid-term elections, as we are implementing HAVA, is not the time, nor is the immigration bill the vehicle, to attempt to make highly controversial changes to the way voters qualify for access to the ballot box. Specifically, the Coalition letter rejects this amendment because, and I quote:

> The amendment raises voter identification issues without deliberation, further complicates unrealistic implementation deadlines for the REAL ID Act, creates a mandate for an identification tool not yet available, and undermines the continuing efforts of the States to enfranchise every eligible

voter through the Help America Vote Act of 2002, ''HAVA''.

Mr. President, any amendment which attempts to impose additional new Federal election reforms must include proposals which balance the competing goals of expanded ballot access and ballot security. My hope is that the Senate will make clear that effective election reform is not just about one of those aspects, but must address both. Some in this body have maintained a continuing misplaced emphasis on security at the expense of access. It is the duty of this Congress to ensure that both goals are protected and preserved for all Americans.

I urge rejection of the McConnell amendment.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 10 minutes.

Mr. MCCONNELL. I yield 5 minutes to the distinguished Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 5 minutes.

Mr. BOND. Mr. President, elections are the heart of democracy. They are the instrument for the people to choose leaders and hold them accountable. At the same time, elections are a core public function upon which all other Government responsibilities depend. If elections are defective, the entire democratic system is at risk. Americans are losing confidence in the fairness of elections. We need to address the problems of our electoral system. Those are the words of the cochairmen of the Commission on Federal Election Reform, former Secretary of State Jim Baker and former President Jimmy Carter.

Most people know Jimmy Carter, the former President. I happen to know him as a Governor. We served together. We also know him as a lion in the world of free and fair elections. He has traveled the globe, faced down dictators, watched over petty potentates, all in the name of free and fair elections. He believes we need a real voter identification.

We took steps in the HAVA to make sure that somebody who had a right to vote was not unjustifiably denied that right by being refused an opportunity to vote at the polls. That is why we supported it, and it was a great idea to have a provisional ballot. But you can lose your vote just as surely and as effectively when somebody who is not eligible to vote casts an illegal vote that cancels your vote. That is a silent and more insidious way of losing your vote—if your vote is canceled by an illegal vote cast by someone who is not eligible to vote or somebody who has voted more than once.

My colleague from Illinois has raised the question of why we need it because there isn't any vote fraud. That is a monumental announcement from somebody who comes from a State that has Chicago in it, but I think that St. Louis has outdone Chicago. In the 2000 election we had people filing to keep the polls open because they had been denied the right to vote. It turns out when they looked into the situation, the first plaintiff had trouble voting because he had been dead for 14 months.

They said: The real plaintiff is a guy whose name is very similar. That plaintiff had voted earlier that afternoon in St. Louis County. But when we started looking into voter fraud in St. Louis, news reports were rife with fraudulent voting. Thousands of votes were apparently cast by dead people, or with fraudulent addresses, large numbers voting from vacant lots, dozens of people voting from a single-family residence. Voter fraud was so bad in the elections that even a very liberal newspaper in St. Louis carried a cartoon showing St. Louis voting.

Here is the voting booth. Here is a casket where people were trying to vote in St. Louis. You can accept voting in these two places, but the coffin is not a place you expect people to cast a vote from.

How would a picture identification requirement help the situation? As you can imagine, a picture of a dead person would certainly be noticeable. Assuming the dead person was not the one actually voting, there would be a mismatch between the voter and the photo. I don't imagine that opponents of this amendment actually are fighting to have dead people vote, but that is the result when they block amendments such as this.

Another result is seen in this registration card. I suppose I shouldn't keep it up too long because somebody will want to copy the address and send Ritzy Mekler a campaign solicitation. Why does Ritzy's registration matter? How would a picture identification address her situation? A picture identification of Ritzy Mekler would instantly have indicated the problem because Ritzy is a 13-year-old cocker spaniel.

Mr. MCCONNELL. I yield another minute to the Senator from Missouri.

Mr. BOND. These are not isolated instances. The Missouri Secretary of State conducted an investigation after the 2000 vote and found significant voter fraud. Subsequent criminal proceedings confirmed that fraud is still a problem and must be monitored in Missouri. A 2004 report by Missouri's State auditor found over 24,000 voters registered who were either double registered, deceased, or felons. These are problems we want to clean up, and a voter identification requirement will help us.

The amendment we have before us requires voters to present identification for the 2008 election. It will be the same requirement that citizens face every time they take the train or fly on an airplane. It will be the same requirement they face when cashing a check.

For those concerned that some voters need help getting a picture ID so they can vote, I agree 100 percent. This amendment will also provide new grant funds to States so that everyone who needs an ID can get one free of charge.

There should be no barriers to voting in this country. There also should be no barriers to a free and fair election.

We will not be alone in this requirement. Voters in nearly 100 democracies use a photo identification card. Maybe that international experience is what helped convince President Carter that this was an important idea. So important that the Commission on Federal Election Reform he cochaired included this recommendation.

That commission's executive director note that polls indicated that many Americans lack confidence in the electoral system, but that the political parties are so divided that serious electoral reform is unlikely without a strong bipartisan voice.

That is why President Carter joined in the election reform effort, and that is why I urge my colleagues to join this effort—so that we can restore faith in our elections, so that we know that citizens who have the right to vote are voting, so that even new citizens who were immigrants have a free and fair election to vote in. I urge my colleagues to support this amendment.

Mr. LEAHY. Mr. President, Senator MCCONNELL has proposed an amendment to the immigration bill to modify the Help America Vote Act of 2002, ''HAVA'', by mandating that all States require government-issued photo identification from voters at polling places. Senator MCCONNELL's amendment raises serious concerns by putting the policy ahead of the groundwork necessary to determine how and whether such a step should be taken.

I do not see his justification for attaching that proposal to this measure or to get ahead of the implementation of the REAL ID Act or recommendations by the Carter-Baker commission. The REAL ID Act has given us a great many problems, and there are a number of aspects that need to be adjusted or fixed. If the Rules Committee wants to take a comprehensive look at it and if Senator DODD supports that effort, I will be very interested in what they have to say. I do not think it is wise to expand the purpose of the REAL ID Act without due deliberation. This is not the right time, nor is this bill the right place, to make hasty changes to Federal voting laws without the careful consideration such modifications deserve.

The Senate is currently considering the reauthorization of the Voting

Rights Act and is doing so in a deliberate, considered, and bipartisan manner. We should take the same approach to any enhancement of HAVA, which should include the considered input from the States, their election officials and citizens. HAVA expressly provides for State involvement in carrying out the improvements in the law. Senator MCCONNELL's amendment would seem to undermine HAVA by preventing the States from performing their legislative role in devising voter identification procedures. The States play an integral role in carrying out the improvements in the Act, and we should let them perform this function without the undue interference.

Any proposal for federally standardized identification cards should be subject to hearings and debate beyond the constrained environment of the amendment process for the immigration bill. Before we vote on proposals for the use of a national identification card in our voting system, we must undertake a national debate about the technology, implementation, and the implications for the privacy rights of American citizens and the risks that required forms of voter identification have sometimes been used to intimidate minority voters or suppress their participation.

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts has 6 minutes remaining.

Mr. KENNEDY. Mr. President, I yield myself 3 minutes and yield the last 3 minutes to the Senator from Connecticut.

This is an extraordinarily important amendment. It deserves the full consideration of this body because, as has been pointed out, it reaches the essence of our democracy, which is the right to vote. If we are going to take action on an immigration bill that is going to have an impact on 120 million Americans in the 2008 Presidential campaign, we should not be doing that in the 50 minutes before a cloture vote on the immigration bill.

I have pointed to recent courts of appeals decisions on measures that are virtually identical to this where they have struck it down because they believed that it was going to effectively discriminate against large groups of Americans, primarily the poor, the disabled, and the elderly. The court of appeals made that judgment in the Georgia ID case, not those on this side of the aisle. It was the court's decision.

It seems to me, having so clear a judicial determination on this measure and such a wide separation between what this measure is and what was recommended by the Carter-Baker commission, it is not wise for the Senate to adopt what would be a major rewriting of our national election laws in the 50 minutes prior to a cloture vote on an immigration bill. It is unwise for the Senate. If we are not successful in defeating it, this potentially could have a most dramatic adverse impact in terms of American voting in the next national election. I don't think that is what this legislation is really about. I don't think we should take that step. If we are going to debate this issue, we ought to have the opportunity to have hearings and a review to make a judgment. Now is not the time, and this is not the legislation.

I yield my remaining time to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me again quote from the Carter-Baker commission report regarding the very proposal that is before us:

> There is no evidence of extensive fraud in U.S. elections or of multiple voting. It could occur and it could affect the outcome, but there is no evidence that exists today.

What is true is if this amendment were adopted, there are clearly people who will show up to vote who will not be allowed to vote a regular ballot because, under this legislation, in May of 2008, if you don't have this nonexisting voter card, you will not be allowed to vote. I don't care how long you have lived here, how many elections you have participated in, this is a national requirement that will exist in May of 2008. And out of 142 million people who have a right to vote, there is likely to be a substantial number who would be disenfranchised. This is the wrong direction to be going based on an anecdotal piece of evidence about people who show up to vote and claim to be someone else.

And that is why the Carter-Baker Commission recommendations on voter ID included a number of other reforms to provide a failsafe against this result. These additional components of the voter ID recommendation include allowing affidavit voting, with signature verification, until 2010. Thereafter, the Commission recommends that voters who did not have their ID could return to the appropriate election official within 48 hours of voting and provide the ID. But those failsafe provisions are not included in the amendment offered by the Senator from Kentucky.

Absentee balloting is an area that could take some work when it comes to addressing fraud, but even the Carter-Baker Commission concluded that fraud could not be documented in the case of in-person voting. To take this immigration legislation we have worked months to craft, and include the consideration of this ID proposal—and we rejected it only 4 years ago—to open up just this part of the Help America Vote Act, disregarding everything else, is the wrong step to take on an immigration bill.

Again, I emphasize, every civil rights organization, every group representing the elderly and disabled is urging colleagues to reject this amendment. This would be a major step backwards when it comes to election reform.

At the proper time I will offer a motion to table. My colleague from Kentucky wants to be heard.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 4 minutes 12 seconds.

Mr. MCCONNELL. Mr. President, there is a great debate going on in the Democratic Party on this issue. We have Jimmy Carter and Andrew Young on one side and, from the comments I have heard this morning, I gather colleagues from Massachusetts and Connecticut and Illinois on the other. It is an interesting debate among Democrats as to whether we should have this important ballot integrity measure.

My good friend from Massachusetts mentioned Georgia. They have photo identification in Georgia. That might explain why there were no reported cases by the Georgia Secretary of State of a problem. My good friend from Illinois declared that voter fraud was not a problem in America. I am sure he is familiar with Cook County in his own State, as Senator BOND has discussed regarding St. Louis and his State.

Let me take anyone who may doubt to eastern Kentucky. Voter fraud is a significant problem in America. And with a lot of new people coming in, many of them illegal, it raises the stakes to protect the integrity of the vote in this country. Every time somebody votes illegally, they diminish the quality and the significance of the votes of American citizens. This is not just Republicans making this point. This is some of the most significant Democrats in America today. President Jimmy Carter and former Atlanta Mayor Andrew Young believe that photo identification is absolutely critical.

With regard to the suggestion that there have been no hearings, we had numerous hearings in the Committee on Rules prior to passage of HAVA in 2002. The Baker-Carter commission had 21 members, 11 staff members, 25 academic advisors, 24 consulted experts in the field, two public hearings, advice from 22 witnesses, followed by three meetings and presentations spanning the country from LA to the District of Columbia, all of which produced a 104-page report in encapsulating 87 detailed recommendations to improve elections. There have been plenty of hearings on this subject.

The question is, on a measure which will guarantee that the number of illegals in America will continue to increase unless we are serious about border security, do we care about the franchise and diminishing the significance of the franchise of existing American citizens. We have engaged in a good discussion this morning on what this amendment does and does not do. It

gives States the flexibility to design an identification to be shown at the polls to protect and secure the franchise of all U.S. citizens from ballots being cast illegally by non-U.S. citizens. Yes, the content standards of the REAL ID are the template but just the template.

And, last, the Federal Government will pay for any low-income Americans who do not have a photo identification, which is exactly the point that Andrew Young was making about how important that was for low-income Americans to finally have a photo identification so they can function in our society, which increasingly requires photo identification for almost everything—check cashing, getting on a plane, getting a fishing license, you name it, photo identification is required. It is nonsense to suggest that somehow photo identification for one of our most sacred rights, the right to participate at the polls, to choose our leadership, should not be protected by a requirement that is increasingly routine in almost all daily activities in America today.

If you support this amendment, then that puts you in the same camp with Jimmy Carter, James Baker, Andrew Young and 81% of legally registered Americans who seek to preserve and protect their Constitutionally guaranteed franchise from being disenfranchised by vote dilution and vote fraud. Mr. President, I urge that the motion to table, which Senator DODD has indicated he is going to make, be opposed.

Mr. President, has all time been yielded back?

The PRESIDING OFFICER. All time has expired.

Mr. DODD. Mr. President, I ask unanimous consent that a letter from State and local coalitions and civil rights groups be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 22, 2006.

DEAR SENATORS: We, the undersigned national organizations, urge you to reject an amendment to be introduced by Senator MITCH MCCONNELL (R–KY) to the Comprehensive Immigration Reform Act of 2006. The McConnell amendment would require, by May 11, 2008, that voters at polling places show federally mandated photo identification, pursuant to the ''REAL ID Act of 2005'' (P.L. 109–13), prior to casting a ballot.

The amendment raises voter identification issues without deliberation, further complicates unrealistic implementation deadlines for the REAL ID Act, creates a mandate for an identification tool not yet available, and underlines the continuing efforts of the states to enfranchise every eligible voter through the Help America Vote Act of 2002 (HAVA).

The undersigned groups have, for several years, been part of a coalition focused on educating Members of Congress about the importance of fully funding the Help America Vote Act. However, in this case, we have come together to oppose this amendment.

Our organizations are working to implement HAVA so that voters' rights are guaranteed, and so that states have the flexibility needed to implement required reforms to the nation's multi-jurisdictional system of election administration.

Throughout the life of HAVA, both the House and the Senate have sought input from all of the organizations in this coalition and have worked hard to balance the needs and interests of all parties. This amendment, however, has not gone through any of the normal information gathering or deliberative processes. For example: hearings have not been held in committee; interested organizations and individuals have not had an opportunity to comment, and election officials have not been given the opportunity to address how this provision would be administered.

In addition, issues like voter identification have been highly divisive. HAVA expressly recognized the states' right to address the voter ID question through the state legislative process, in a manner consistent with federal and constitutional law. The McConnell amendment would undermine the intent of HAVA in this area. Also, with growing uncertainty at the state level about implementing the REAL ID program in its current form, it is irresponsible to alter and expand the original purpose of the REAL ID's reach as contemplated by the Congress.

For the above reasons, we urge you to reject the McConnell amendment. Thank you for your consideration. If you have any questions, please feel free to contact Susan Parmis Frederick of the National Conference of State Legislatures at (202) 624–3566, Rob Randhava of the Leadership Conference on Civil Rights at (202) 466–6058, or any of the individual organizations listed below.

Organizations Representing State and Local Election Officials:

Council of State Governments; National Association of Counties; National Conference of State Legislatures; National Association of Latino Elected and Appointed Officials Educational Fund.

Civil and Disability Rights Organizations:

AARP; Alliance for Retired Americans; American Association of People with Disabilities; American Association on Mental Retardation; American Civil Liberties Union; American Council of the Blind; American Federation of State, County and Municipal Employees, AFL–CIO; Americans for Democratic Action; Asian American Justice Center; Asian American Legal Defense and Education Fund; Asian and Pacific Islander American Vote.

Asian Law Caucus; Association of Community Organizations for Reform Now (ACORN); Brennan Center for Justice at NYU School of Law; Center for Civic Participation; Center for Community Change; Common Cause; Consumer Action; Demos: A Network for Ideas and Action; Fair Immigration Reform Coalition; Friends Committee on National Legislation; Immigrant Legal Resource Center.

Japanese American Citizens League; Judge David L. Bazelon Center for Mental Health Law; Lawyers' Committee for Civil Rights Under Law; Leadership Conference on Civil Rights; League of Rural Voters; League of Women Voters of the United States; Mexican American Legal Defense and Educational Fund; NAACP Legal Defense & Educational Fund, Inc.; National Association for the Advancement of Colored People (NAACP); National Center for Transgender Equality; National Congress of American Indians.

National Council of La Raza; National Disability Rights Network; National Korean American Service and Education Consortium; People For the American Way; Project Vote; Service Employees International Union; The American-Arab Anti-Discrimination Committee; The Arc of the United States; United Auto Workers; United Cerebral Palsy; U.S. Student Association.

Mr. DODD. Mr. President, I move to table the McConnell amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. COCHRAN) and the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 49, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—48

Akaka	Durbin	Menendez
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Nelson (NE)
Boxer	Jeffords	Obama
Byrd	Johnson	Pryor
Cantwell	Kennedy	Reed
Carper	Kerry	Reid
Chafee	Kohl	Salazar
Clinton	Landrieu	Sarbanes
Conrad	Lautenberg	Schumer
Dayton	Leahy	Stabenow
DeWine	Levin	Sununu
Dodd	Lieberman	Voinovich
Dorgan	Lincoln	Wyden

NAYS—49

Alexander	Dole	McConnell
Allard	Domenici	Murkowski
Allen	Ensign	Roberts
Bennett	Frist	Santorum
Bond	Graham	Sessions
Brownback	Grassley	Shelby
Bunning	Gregg	Smith
Burns	Hagel	Snowe
Burr	Hatch	Specter
Chambliss	Hutchison	Stevens
Coburn	Inhofe	Talent
Coleman	Isakson	Thomas
Collins	Kyl	Thune
Cornyn	Lott	Vitter
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

NOT VOTING—3

Cochran	Enzi	Rockefeller

The motion was rejected.

Mr. ALEXANDER. Mr. President, although I share some of the concerns of the senior Senator from Massachusetts, I voted against tabling the McConnell amendment because I believe we need a voter identification card to reduce voter fraud. I support an appropriate identification card for Americans but did not support the REAL ID Act because I was concerned it would impose an unfunded mandate on the States and that the deadline for compliance was unattainable for most

States. I still hold those concerns, but it is clear now that the REAL ID is to become the Federal standard. I hope the Senator from Kentucky and others will work to address these concerns in conference—and during the appropriations process—so that a realistic deadline can be set and sufficient funding provided to the States so that they may comply with this federal mandate.

Mr. KENNEDY. Mr. President, what is the business before the Senate at the present time?

The PRESIDING OFFICER. The next order of business is a vote on the cloture motion.

The majority leader.

Mr. FRIST. Mr. President, I ask unanimous consent that following the cloture vote, the Senate stand in recess until 12 noon to accommodate the joint meeting with the Prime Minister of Israel and that the time count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I hope that this morning we will begin to draw to a close the Republican filibuster against comprehensive immigration reform. I have been encouraged that since our return to this legislation this month, the President has spoken out in favor of comprehensive immigration reform with an essential component being a realistic path to earned citizenship for those who work hard, pay their taxes, and contribute so much to our American way of life. When Republicans filibustered against two cloture votes last month, including one on a motion by the Republican Leader, I was disappointed. I had hoped we would recognize the lawful, heartfelt protests of millions against the harsh House-passed criminalization measures. While they waved American flags, some of those fueling anti-immigrant feelings burned flags of other countries. I hope that through this debate we have been able to convince enough Senate Republicans to join us in our efforts and to appreciate the contributions of immigrants to our economy and our Nation.

This bill is not all that it should be. Yesterday we short-circuited efforts to make it more flexible for those persecuted around the world. This country has had a history of being welcoming to refugees and those seeking asylum from persecution. Yesterday the Senate turned its back on that history by refusing to allow the Secretary of State the flexibility needed after restrictive language was added by the REAL ID Act to our laws. I hope Senators will reconsider these issues with more open minds and hearts and a fully understanding of the lives being affected. Sadly too, many were spooked by false arguments.

I have made no secret that I preferred the better outline of the Judiciary Committee bill. The bill the Senate is now considering is a further compromise. Debate and amendments have added some improvements and some significant steps in the wrong direction. Besides the failures yesterday to readjust its asylum provisions to take into account the realities of oppressive forces in many parts of the world, I was most disappointed that the Senate appeared to be so anti-Hispanic in its adoption of the Inhofe English amendment. Yesterday Senator SALAZAR and I wrote to the President following up on this provision and the comments of the Attorney General last week and weekend. We asked whether the President will continue to implement the language outreach policies of President Clinton's Executive Order 13166. A prompt and straightforward affirmative answer can go a long way toward rendering the Inhofe English amendment a symbolic stain rather than a serious impediment to immigrants and Americans for whom English is a second language. I ask consent that a copy of our letter be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY, There are growing rumors that some who oppose comprehensive immigration reform will not be deterred by a supermajority vote for cloture and are considering various procedural points of order to delay or derail Senate action in the Nation's interest. I hope they will reconsider and join with us in a constructive way to enact comprehensive immigration reform. We do not need more divisiveness and derision. This bill is not the bill I would have designed. It includes many features I do not support and fails to include many that I do. Nonetheless, I will support cloture and will continue to work to enact bipartisan, comprehensive immigration reform.

EXHIBIT 1

U.S. SENATE,
Washington, DC, May 23, 2006.

Hon. GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR PRESIDENT BUSH: Last week over my objection the Senate adopted an amendment to the comprehensive immigration bill that seeks to place restrictions on the Government and its communications in languages other than English. I was extremely disappointed that your Administration did not speak out against the divisive amendment and help us work to defeat it.

Attorney General Gonzales said after the fact that you have "never been supportive of English only or English as the official language." The Attorney General indicated over the weekend that his reading of the Inhofe amendment "would not have an effect on any existing rights, currently provided under federal law." I note that you continue to use Spanish on the official White House website, indeed you include a translation into Spanish of the radio address you gave last Saturday on immigration.

I write to ask whether you intend to continue to adhere to Executive Order 13166 if the Inhofe amendment is enacted into law. This Executive Order was adopted by President Clinton in August 2000 to improve access to federal programs and activities. In 2002, your Assistant Attorney General for Civil Right reaffirmed support for the Executive Order and indicated that your "Administration does not plan to repeal Executive Order 13166." What would be the effect, if any, on Executive Order 13166 and its implementation if the Inhofe language adopted by the Senate were to become law?

Respectfully,

PATRICK LEAHY,
Senator.
KEN SALAZAR,
Senator.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 414, S. 2611: a bill to provide for comprehensive immigration reform and for other purposes.

William H. Frist, Arlen Specter, Larry Craig, Mel Martinez, Orrin Hatch, Gordon Smith, John Warner, Peter Domenici, George V. Voinovich, Ted Stevens, Craig Thomas, Thad Cochran, Judd Gregg, Lindsey Graham, Norm Coleman, Mitch McConnell, Lamar Alexander.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 2611, the Comprehensive Immigration Reform Act of 2006, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The yeas and nays resulted—yeas 73, nays 25, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—73

Akaka	Conrad	Hutchison
Alexander	Cornyn	Inouye
Baucus	Craig	Jeffords
Bayh	Dayton	Johnson
Bennett	DeWine	Kennedy
Biden	Dodd	Kerry
Bingaman	Domenici	Kohl
Boxer	Durbin	Kyl
Brownback	Feingold	Landrieu
Cantwell	Feinstein	Lautenberg
Carper	Frist	Leahy
Chafee	Graham	Levin
Clinton	Gregg	Lieberman
Cochran	Hagel	Lincoln
Coleman	Harkin	Lott
Collins	Hatch	Lugar

Martinez	Obama	Specter
McCain	Pryor	Stabenow
McConnell	Reed	Stevens
Menendez	Reid	Thomas
Mikulski	Salazar	Voinovich
Murkowski	Sarbanes	Warner
Murray	Schumer	Wyden
Nelson (FL)	Smith	
Nelson (NE)	Snowe	

NAYS—25

Allard	Crapo	Santorum
Allen	DeMint	Sessions
Bond	Dole	Shelby
Bunning	Dorgan	Sununu
Burns	Ensign	Talent
Burr	Grassley	Thune
Byrd	Inhofe	Vitter
Chambliss	Isakson	
Coburn	Roberts	

NOT VOTING—2

Enzi	Rockefeller

The PRESIDING OFFICER (Mr. VITTER). On this vote, the yeas are 73, the nays are 25. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

Mr. FRIST. Mr. President, I ask unanimous consent that I now be recognized to use my leader time and following my comments the Senate recess under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, for the information of our colleagues, we will be having the joint session shortly, after which, with cloture successfully invoked, we will begin the 30 hours of debate on the immigration bill. I am pleased with the outcome of the vote that we just took. We are on a glidepath to complete the immigration bill, a comprehensive bill. Still, we will have the opportunity to have a number of amendments. In fact, there are a lot of amendments to be considered over the course of the day.

WELCOMING ISRAELI PRIME MINISTER EHUD OLMERT

Mr. President, today the Congress does have the pleasure in a few moments of welcoming Israeli Prime Minister Ehud Olmert to address a special Joint Session of Congress. This is his first visit to Washington as Prime Minister, and he will be only the fourth Israeli Prime Minister ever to address both Chambers.

The honor is mutual. We look forward to listening to his remarks in a few moments. Following his speech, the Speaker of the House, Speaker HASTERT, and I, along with a number of our colleagues, will host the Prime Minister for a bipartisan bicameral leadership lunch.

Ehud Olmert was sworn in as the 12th Prime Minister of Israel on May 4 after a tragic stroke incapacitated Prime Minister Ariel Sharon in January. In late March he assumed the leadership of Ariel Sharon's Kadima party, and led it to victory in Israel's national elections. His party won the largest share of seats in the Israeli Knesset, elevating Mr. Olmert to the Prime Ministership with responsibility for governing Israel's next coalition government. His Cabinet was sworn in this month and includes members of the largest opposition party, the Labor Party. I spoke with the Prime Minister in April to congratulate him on his and the Kadima party's victory.

Today it is my privilege to welcome him to the United States Capitol.

Since its founding nearly 60 years ago, Israel and the United States have enjoyed a special and exceptionally strong relationship. Shared historical and cultural ties have bound our countries together. For nearly six decades, America's commitment to Israel's security has been one of the principal pillars of U.S. policy in the Middle East.

Today, Prime Minister Olmert faces great challenges. In January's Palestinian legislative elections, Hamas won a majority of parliamentary seats. Hamas is a known terrorist organization that has called publicly for Israel's destruction. It has repeatedly demonstrated its willingness to employ violence and terrorism in pursuit of this objective.

On April 17, a Palestinian suicide bomber killed nine people in an attack in Tel Aviv during the Passover holiday. The Hamas government refused to condemn the bombing.

Here in Congress we share the view that Hamas is a terrorist organization and needs to take substantial steps to become a partner for peace. We are in agreement that Hamas must recognize Israel, renounce its violence and terrorism, disarm its militias, and abide by all previous agreements with Israel, including the roadmap for peace. Until Hamas meets these conditions, foreign assistance for the Hamas-led Palestinian Authority will not be forthcoming.

Since taking office, Prime Minister Olmert has repeated his desire to negotiate an end to this conflict. In fact, he has stated that negotiations with a credible peace partner that is genuinely and demonstrably committed to a peaceful two-state solution and that will end terrorism against Israel is ''the most stable and desired basis for the political process.''

The Prime Minister has stated that he will allow time for a credible peace partner to emerge in the Palestinian Authority, and like his predecessor, he has demonstrated the willingness and ability to make the difficult decisions necessary for peace in the Middle East. I hope Prime Minister Olmert will continue along this path and get the peace process back on track. I commend the Prime Minister for his leadership in the months since former Prime Minister Sharon's stroke. He can be assured of our continued support.

The United States is proud to be a friend and ally to the people of Israel. The Prime Minister's visit to the Capitol today underscores our strong bilateral relationship. My colleagues and I look forward to working closely with the Prime Minister and his new government to achieve the vision of two democratic states, Israel and Palestine, living side by side in peace and security.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 12 noon.

Thereupon, the Senate, at 10:28 a.m., took a recess, and the Senate, preceded by the Secretary of the Senate, Emily Reynolds, and the Deputy Sergeant at Arms, Lynne Halbrooks, proceeded to the Hall of the House of Representatives to hear the address by the Prime Minister of Israel, Ehud Olmert.

(The address delivered to the joint session of the two Houses of Congress is printed in the Proceedings of the House of Representatives in today's RECORD.)

At 12 noon, the Senate reassembled and was called to order by the Presiding Officer (Mr. COBURN.)

The PRESIDING OFFICER. In my capacity as a Senator from Oklahoma, I suggest the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006—Continued

AMENDMENT NO. 4085

Mr. KENNEDY. Madam President, I make a point of order that the amendment of the Senator from Kentucky is not germane under rule XXII.

The PRESIDING OFFICER. The point of order is sustained.

Mr. KENNEDY. I thank the Chair.

Madam President, in accordance with the agreement that was entered into yesterday, the Senator from West Virginia is prepared to address the Senate on mine safety and then to debate his amendment. I look forward to that discussion.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Madam President, what is so lovely as a day in June? I repeat my question. What is so lovely as a day in June? Of course, the Presiding Officer, who graces the Chair this afternoon, she is—I have said enough. People have caught on already. I am talking about somebody who is as lovely as a day in June. But beauty is in the eye of the beholder, they say.

MINE SAFETY

Madam President, this morning the Senate unanimously passed critical

mine safety legislation in response to the coal mine tragedies that robbed the State of West Virginia of 18 of its sons this year. A process that began with the introduction of the West Virginia delegation's mine safety bill has taken a significant step forward today. We have learned from the tragedy at Sago, and we have learned from the subsequent mining fatalities in West Virginia, Kentucky, Utah, Alabama, and Maryland.

If the House acts quickly on legislation and the Federal mine regulators are quick in implementing the bill, the miners of our Nation, the miners of our country, will soon have the oxygen—yes, the oxygen—communications, and rescue teams necessary to save lives and to prevent future tragedies. We saw in Kentucky over the weekend that these mine accidents can happen at any time, so the Senate's quick and unanimous passage of the Senate committee-reported bill this morning is greeted by all who mine coal with welcome relief.

On behalf of the many grateful coal miners and their families in West Virginia, I thank the chairman and ranking member of the Senate Committee on Health, Education, Labor and Pensions, Senators MIKE ENZI and TED KENNEDY. I thank them, yes, I do, on behalf of these people.

I was raised in the home of a coal miner. I married, 69 years ago, the daughter of a coal miner. I know about the lives—the joys and the sadnesses that come to the lives—of the men and women who work in the mines. They are a special breed. They are going to a mine, where an explosion has just occurred, to risk their own lives for other men and women who may be trapped in that mine. A special breed.

So I thank Senators ENZI and KENNEDY for their great work. They have performed a mission. I also thank Senators ISAKSON and MURRAY, the chairman and ranking members of the full committee and the Subcommittee on Employment and Workplace Safety, who committed themselves to the task of producing a mine safety bill. They were unyielding in that effort.

Along with Senator ISAKSON, Chairman ENZI and Senator KENNEDY visited the Sago and Alma mines in West Virginia. Yes, they did. I thank them again. Along with Senator ISAKSON, Chairman ENZI and Senator KENNEDY visited the Sago and Alma mines in West Virginia. They talked with the families of those who had perished. What a sad day. They took a personal interest in the safety of the coal miners of my State.

When it came time to draft a committee bill, the chairman and ranking member graciously solicited the ideas of Senator ROCKEFELLER and myself. Senator ROCKEFELLER has been away for a while recovering from back surgery. He has been away for several weeks now. Senator ROCKEFELLER is a true friend of the coal miners of West Virginia and the miners throughout the Nation. Senator ROCKEFELLER has been recovering from back surgery for several weeks now, but he contributed much—yes, much—to the discussions that produced this bill.

Even in recovery, JAY ROCKEFELLER, my esteemed colleague, is a strong presence. He has been and is a strong presence in the Senate, and throughout his career he has been a very forceful advocate for the safety of coal miners, the miners of West Virginia.

With Senate passage today, our hopes are high that the House of Representatives will act quickly on legislation that can be enacted into law. The sooner Congress passes legislation, the safer our coal miners will be at work, and the greater the likelihood the future disasters can be prevented. Our Nation's coal miners and their families deserve no less.

AMENDMENT NO. 4127

Madam President, I will be offering the Byrd-Gregg amendment to fund border security and interior enforcement efforts. For those Senators who want to secure the borders, here me now, those Senators who want to secure the borders, this is the amendment that will help to provide a source of funding to make it happen.

Of the 12 million illegal aliens in the country, it is estimated that one in four were lawfully admitted to the United States, but they overstayed their visas to remain here illegally. Of the 19 terrorists who carried out the September 11 attacks, 4 were illegal aliens who had overstayed their visas. Let me say that again for emphasis: Of the 19 terrorists who carried out the September 11 attacks, 4 were illegal aliens who had overstayed their visas. They came as students, tourists, or business travelers.

It is estimated that 400,000 illegal aliens who have been ordered deported by an immigration judge have disappeared—get that—disappeared into the interior of the country. Let me say that again: It is estimated that 400,000—yes, you heard me, 400,000—illegal aliens have been ordered deported by an immigration judge but have disappeared, have faded into, have blended into the interior of the country.

Our border and interior enforcement personnel have asked for additional resources and personnel to apprehend and deport these aliens, but those law enforcement agencies have consistently been made to do with less than what they need to do their job. It is a dismal record.

To make matters worse, the pending bill grants amnesty to up to 12 million illegal aliens by rewarding them with temporary worker status. The expectation and promise is that many of these illegal aliens who have already successfully circumvented our immigration laws will eventually adjust their status to legal permanent resident or leave the country when their temporary worker status expires.

Given the failure to prevent other immigrant workers from overstaying their temporary visas in the past, it is difficult to take such assurances seriously. The pending bill authorizes appropriations of $25 billion—that is a lot of money—over the next 5 years for border and interior security efforts. Yet there is little hope that such funds will ever be made available.

The President has consistently underfunded—yes, Senators heard me correctly—the President has consistently underfunded border and interior enforcement in his annual budgets, and he has consistently opposed efforts to replace those funds in the appropriations process. The funding for our border and interior enforcement agencies has been so severely neglected that the President has been forced to deploy the National Guard to our southern border with Mexico. This is a real national security threat that will grow alarmingly worse if this amnesty proposal is carried into effect. Our border security requires real resources not more unfunded mandates.

Today, I offer an amendment, along with Senator GREGG, my esteemed colleague—when I say ''esteemed'' I say that with great fervor, my esteemed colleague—the chairman of the Committee on Homeland Security Appropriations, to help provide a source of funding to secure our border.

The Byrd-Gregg amendment, or the Gregg-Byrd amendment, would require the illegal aliens who would benefit from this amnesty bill to help pay its costs. What is wrong with that? It would require the illegal aliens who would benefit from this amnesty bill to help pay its costs. That sounds pretty good to me. It would require illegal aliens to pay a $500 fee before gaining any benefit from the amnesty provisions of this bill. That is not too high a fee. This fee would be in addition to the other fees and penalties included in this bill.

The Gregg-Byrd amendment would dedicate those moneys to the appropriations accounts where border and interior security efforts are funded. Our amendment makes available almost $3 billion.

That is no small sum of money: $3 billion. That is $3 for every minute since Jesus Christ was born; $3 for every 60 seconds since our Lord and Saviour Jesus Christ was born. That is a lot of money.

Our amendment would make available almost $3 billion in the next 2 fiscal years to apprehend and detain those aliens who are inadmissible and deportable under the Immigration Act. It would make funds available to help our Border Patrol acquire border sensor and surveillance technology. It

would provide funds for air and marine interdiction, operations, maintenance, and procurement; for construction projects in support of U.S. Customs and Border Protection, to train Federal law enforcement personnel, and for maritime security activities.

These are essential border security equipment needs that have been neglected for too long—too long—and continue to be neglected. So I think it is only fair and appropriate that the illegal aliens who have created the need for these funds help to finance them. Yes, this is a necessary amendment if Senators hope to secure the border.

The Byrd-Gregg amendment would help to provide some certainty that the law enforcement mandates of this bill would be carried into effect. It is not enough to authorize border security. We need to fund it. We need to fund border security. The Senate must ensure that the aliens who are supposed to leave are made to leave, and that the agencies charged with that responsibility have the resources that those agencies need to do their job.

I urge the adoption of the Byrd-Gregg amendment.

Madam President, I call up amendment No. 4127.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself and Mr. GREGG, proposes an amendment numbered 4127.

Mr. BYRD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To fund improvements in border and interior security by assessing a $500 supplemental fee under title VI)

On page 537, between lines 2 and 3, insert the following:

SEC. 645. SUPPLEMENTAL IMMIGRATION FEE.

(a) AUTHORIZATION OF FEE.—

(1) IN GENERAL.—Subject to paragraph (2), any alien who receives any immigration benefit under this title, or the amendments made by this title, shall, before receiving such benefit, pay a fee to the Secretary in an amount equal to $500, in addition to other applicable fees and penalties imposed under this title, or the amendments made by this title.

(2) FEES CONTINGENT ON APPROPRIATIONS.—No fee may be collected under this section except to the extent that the expenditure of the fee to pay the costs of activities and services for which the fee is imposed, as described in subsection (b), is provided for in advance in an appropriations Act.

(b) DEPOSIT AND EXPENDITURE OF FEES.—

(1) DEPOSIT.—Amounts collected under subsection (a) shall be deposited as an offsetting collection in, and credited to, the accounts providing appropriations–

(A) to carry out the apprehension and detention of any alien who is inadmissible by reason of any offense described in section 212(a);

(B) to carry out the apprehension and detention of any alien who is deportable for any offense under section 237(a);

(C) to acquire border sensor and surveillance technology;

(D) for air and marine interdiction, operations, maintenance, and procurement;

(E) for construction projects in support of the United States Customs and Border Protection;

(F) to train Federal law enforcement personnel; and

(G) for maritime security activities.

(2) AVAILABILITY OF FEES.—Amounts deposited under paragraph (1) shall remain available until expended for the activities and services described in paragraph (1).

Mr. BYRD. Madam President, I ask unanimous consent that Senator THOMAS be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Madam President, I wonder if I might inquire of the distinguished Senator from West Virginia if he would be willing to enter into a time agreement on the amendment.

Mr. BYRD. Madam President, I would. May I defer to my distinguished colleague, Mr. GREGG, that he might speak at this time on the amendment.

Mr. SPECTER. Of course. But if we could enter into a time agreement, I would suggest 1 hour equally divided. We are trying to work through—no one knows better than Senator BYRD, who was the distinguished majority leader for many, many years, and the President pro tempore, what is involved in trying to work through time agreements. I do not know that we will need all that time, but it would be my suggestion, if it is acceptable to you, I say to Senator BYRD and Senator GREGG, that we have a 1-hour time agreement equally divided.

Mr. GREGG. It is fine with me.

Mr. BYRD. I would be agreeable to a time agreement. And I believe my colleague, Senator GREGG, would be willing—he has nodded in the affirmative.

Mr. SPECTER. Then I propose a unanimous consent request, Madam President, on the Byrd-Gregg amendment, that there be a 1-hour time agreement, with no second degrees in order, and that the 1 hour be equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Madam President, did I hear the Senator include the provision that there be no second-degree amendments?

Mr. SPECTER. I did.

Mr. BYRD. I thank the Senator. That is fine.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, may I inquire of the floor manager, on a separate matter. I am going to speak, obviously, to this amendment which Senator BYRD has offered, which I am happy to cosponsor. If I could get the manager's attention, I ask unanimous consent that after we complete this amendment we go to my amendment, that I offer with Senator CANTWELL, as the next piece of business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. Thank you.

Madam President, I join with Senator BYRD in sponsoring his amendment, which is a right and proper amendment in the context of the cost of containing our borders and the fact that most of that cost is incurred as a result of illegal activity occurring on the borders and especially people coming across the borders illegally.

The amendment essentially adds $500, which, as I understand it, the way it is constructed, will not be actually called upon unless the Appropriations Committee determines that it needs the money in order to improve border security. It is likely it will be called upon because we do need those funds to improve border security.

The total amount this would raise, as the Senator from West Virginia has pointed out, is about $3 billion—$2.8 billion. That is a lot of money, as he pointed out—$3 for every minute, I think he said, since the birth of Jesus. It is, however, only a small portion of what is going to be necessary in order to properly secure the borders.

We know, for example, that it will cost us about $2 billion to move forward with fully implemented sensor and surveillance technology on the border. We know it will cost approximately $2 billion, in addition to the $2 billion I just mentioned, to do a fully integrated communications system on the border. And we are talking just the southern border. We know that in order to upgrade the air fleet, which is extremely aged—the P–3s being almost 40 years over their useful life and the helicopters being 20 years over their useful life—it will cost $2.4 billion.

So there is a great need for funds to adequately secure the border. I think we have all agreed in this Senate—and I think it is the consensus of the American people—that the first effort in the area of controlling illegal immigration should be the securing of our borders, and especially our southern border, which has been the point of most concern relative to illegal immigrants coming across the border.

So this amendment says, if you are going to obtain citizenship in what has been described as earned citizenship, an element of that earning of citizenship—since you are already here illegally, according to the 12 million people who would be qualified for this and be subject to this additional fee—an element of earning that citizenship is to pay a fee, much as you would pay a fine for violating the law, which is what happened here. In addition, of course, they go to the back of the line, and they have to show so many years of having worked here in the United States in a constructive way, and they cannot have violated American laws.

But part of the element of earning that citizenship is to pay a fine. What we are suggesting is that in addition to the base fine—which is presently now, I believe, at $2,750, after all the amendments on the floor—we would add an additional $500. So the fine would essentially be—or the fee, however you want to describe it; depending on which side of the debate you are on, we use different terminology, but it is the same thing—the person seeking to change their status from illegal to legal would have to pay this fee. It would be $3,250 total, $500 of which would go to helping us secure the border so we would not have this problem in the future of so many illegals coming across the border.

It is not an exceptional amount of money. Some people are going to argue that it is too much money to ask people to pay. That is really not a lot of money to pay to get in line to become an American citizen. It is a fairly reasonable request, in light of the fact that they are already here, they have a job, they are earning money, they are taking advantage of our society, and now they want to participate in the society as legalized citizens. Having come in illegally, it is reasonable to ask them to pay this additional fee. So this $500 which is being proposed by Senator BYRD is both reasonable in the context of what people should be asked to pay and very important in the context of doing an adequate job of protecting our border.

Senator BYRD has been one of the most aggressive and effective advocates for a long time for beefing up border security. He has offered amendment after amendment to try to accomplish this. I have greatly respected and, obviously, have enjoyed working with him on the Subcommittee on Homeland Security relative to trying to improve the borders and relative to all things that committee addresses. But this has been a special focus of his, and he understands this issue.

This amendment reflects that understanding, that for all the good intentions and all the good words, if they are not backed up by resources—a point I have made on this floor innumerable times, and which is made by this amendment—you simply cannot accomplish your goal. The goal, obviously, is to secure the southern border so that, to the extent you can do it, you limit people coming in here illegally through the use of an intelligent border security system. That means electronics. That means boots on the ground. That means adequate aircraft. That means adequate unmanned aircraft. And that means adequate Coast Guard.

But it all takes dollars. As the Senator from West Virginia has pointed out, the dollars simply have not been in the pipeline. The dollars are not in the pipeline. As I have mentioned before on this floor, the budget which was sent up by the President, by the administration, requested additional commitment to the border, but they used a plug number in the sense that they expected to pay for that with $1.2 billion in increased fees for people flying on airplanes. That is not going to happen. Those fees are not going to happen. And it is reasonable they should not happen.

People flying on airplanes are not crossing our border illegally. People flying on airplanes are not using land transportation into this country. The land transportation security system should not be paid for by the air traffic security system. The air traffic security system should pay for itself, and to a great extent it does through the taxes put on people who are flying. The TSA is paid for, in large part, by that. But we should not increase further the taxes on people flying and then take that money and use it on the borders to support land transportation security.

I have suggested that maybe we should put a toll down on the border. It costs me 75 cents to go from Nashua, NH, to Manchester, NH, which is about 18 miles. With the cost of 50 cents to come across the border, we could raise this money. That was objected to. There are some treaty issues there, and also some cultural issues.

But there is another approach, and it is a good approach. It is to say to the people who abused our border, who took advantage of the fact we did not have adequate security on our border and came into our country illegally: Listen, when you want to put yourself in the status of a legal citizen—go to the back of the line, earn your citizenship—part of that is to pay the cost of making the border secure.

So the Senator from West Virginia has come up with an excellent proposal. I strongly support it, and I certainly hope the Senate will support it as we go forward.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I thank my distinguished colleagues, Senator BYRD and Senator GREGG, for offering this amendment.

The concern which I have is whether it will be counterproductive, in putting such an increased burden on the undocumented immigrants, that they will not come forward.

The fines and fees have been very carefully calibrated during the course of committee deliberation. On those who have been here for more than 5 years, we had assessed the fine or fee at $2,000, with $1,600 going to Border Patrol. With respect to those who were here 2 to 5 years, we have put on a fee of $1,000 less than those who were here more than 5 years because they have to return. And out of that $1,000, we have allocated $800 to border security. There are other fines, $500 for spouse and children on deferred mandatory departure and $400 on agriculture jobs adjustment status. It was the calculation of the committee, after considering the matter carefully, that that was the appropriate fine.

It would always be a good idea to find some other source of revenue to help defray expenditures from the general Treasury, but what we are trying to do here is to calibrate a system where we will achieve the objective of imposing fines as much as we think the traffic will bear and still bring the undocumented immigrants out of the so-called shadows and not create a fugitive class. I intend to stick with the committee recommendation which is the committee bill.

Therefore, as much as I respect and admire Senator BYRD, I am constrained, as chairman of the committee, to oppose the amendment. It is a judgment call as to what will be accomplished, a judgment call as to whether $2,000 is right or $2,500 is right or $3,000 is right. We don't want to get involved in an auction sale, obviously, but that is the position I take as manager of the bill.

Next in line is the Gregg amendment. We ought to be prepared to move to that amendment at the conclusion of debate on the Byrd-Gregg amendment. I don't know how much longer the distinguished Senator from West Virginia will want to speak or whether the Senator from Massachusetts will speak. A unanimous consent request is being typed up now. We have 14 amendments to go. We are working through time agreements. We would like to have Senators on the next amendment lined up. That would be Senator GREGG. Beyond Senator GREGG, the next amendment will be Senator LANDRIEU's amendment. So we give notice to Senator LANDRIEU that she should be on deck.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I regret that I was necessarily absent for a good part of the Senator's presentation. I am familiar with the issue. I applaud his concern about whether there are going to be adequate resources to deal with issues of enforcement, detention, and legal enforcement. These are all worthwhile undertakings. The real issue is, in the compromise legislation we are going to raise $18 billion. The Cornyn amendment adds between $5 and $6 billion. As I understand it, the Byrd amendment is $3 billion on top of that. And we have raised fees on immigrants quite significantly so that there will be a considerable additional burden.

About 35 percent of those who will be adjusting their status are overstays, and so they had nothing really to do with border security, although border

security is enormously important. We can't reallocate the resources, the fines or fees, on people that had come across the border. It seems to me that these fees are enormously costly. Under the Cornyn amendment, it is going to be an additional payment for every child. We reach a point where we are talking about people of extremely modest means, reaching a ceiling. I think we crossed it even with the Cornyn amendment.

I reluctantly oppose the amendment. But I want to give assurance to the Senator from West Virginia that we will monitor this very closely. He is on our side the leader on the Appropriations Committee. We have talked over his general concerns on a wide range of issues relating to immigrants. We remember the border security issue of a couple years ago, and he was very involved in wanting to make sure of the integrity of the system. He was very involved in the debate on those questions. This subject matter is not a new matter for him. It is a matter of enormous importance. I hope we will be able to handle it under the existing provisions and we would not need the additional resources that are included in his amendment.

We want to give him assurance that we will keep in close contact with him to let him know what the current situation is, and we will always have an opportunity in the future to revisit it. I join with the Senator from Pennsylvania and hope that it will not be accepted.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I have a unanimous consent request. It has been coordinated with the Democrats, and it is appropriate to propound it at this time.

I ask unanimous consent that following the debate in relation to the Byrd amendment, it be temporarily set aside and the Senate proceed to the following amendments: Senator GREGG, 60 minutes equally divided; Senator LANDRIEU No. 4025, 20 minutes equally divided; Senator HUTCHISON No. 4046, 30 minutes equally divided; Senator SESSIONS, Budget Act point of order and a subsequent motion to waive, 1 hour for Senator SESSIONS, 30 minutes for Senator KENNEDY, 30 minutes for myself; I further ask consent that following the use or yielding back of the above mentioned times, the Senate proceed first to a vote on the pending motion to waive the Sessions budget point of order, to be followed by votes in relation to the above listed amendments in the order offered; provided further that there be no second degrees in order prior to the votes, there be 2 minutes equally divided for debate between the votes, and finally, all votes after the first vote in this sequence be limited to 10 minutes in length, with the times for voting rigidly enforced.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Madam President, the bill authorizes $25 billion over 5 years in appropriations. This amendment by Senator GREGG and myself funds $3 billion of that amount. This is a modest sum, a modest amendment, a modest fee increase that Senator GREGG and I are asking for. The pending bill would provide amnesty for the illegal aliens who would benefit from the bill. It would provide a path leading to U.S. citizenship. It would provide access to taxpayer-funded benefits such as Social Security, Medicare and Medicaid, unemployment compensation, food stamps. Illegal aliens who would benefit from the bill are getting a lot, significantly more than what they are being asked to pay into the system. I don't believe that it is too much to ask that they help to fix the border security system that they sought to undermine.

This amendment is specific. It targets those areas identified by the Homeland Security Appropriations Subcommittee that are most in need of funds. I also note that the Congressional Budget Office estimates that this bill would authorize $25 billion in appropriations over the next 5 years. Six billion of that is authorized for fiscal year 2007, and Senator GREGG and I, as the chairman and ranking member of the Homeland Security Appropriations Subcommittee, are going to be asked to fund many of these border security authorizations. We need a source of revenue with which to do it. So the purpose of this amendment is to provide a source of funding for our border security needs and to do it as quickly as possible.

This amendment would make almost $1 billion available for border and interior security needs for the fiscal year 2007, which the Appropriations Committee can provide this summer when it writes the bill. This amendment would make another $2 billion available in the fiscal year 2008.

We can't afford to delay this critical funding any longer. I hope Senators will support this amendment.

(Mr. DEMINT assumed the chair.)

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. 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. SCHUMER. I ask unanimous consent to be recognized for 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

AMENDMENT 4114

Mr. SCHUMER. Mr. President, I see my good friend from New Hampshire coming to the floor to offer his amendment. I must rise in opposition to the soon to be pending amendment, which would essentially do away with the original purpose of the diversity visa program.

As a Member of the House, I helped create this program, which my colleague, Senator KENNEDY, created in the Senate in 1990. It had a very simple purpose, and that was this. Our immigration laws were based on family reunification and certain other qualifications, so there were whole ranges of countries from which people could not get visas. They tended to be European and African, even though the vast majority of Americans are descendents of Europeans and Africans. But because for several generations no people had come from those countries—the people were either third cousins or unrelated to people here—the family unification, a very noble purpose, took predominance and the overwhelming majority of immigrants came from the Caribbean, Latin America, and Asia. This diversity program was a small program, and it was intended to allow some from other countries to come. In fact, my city of New York has dramatically benefited from this program, and diverse countries such as Ireland, Poland, and Nigeria have had large numbers of immigrants to be able to come, set roots, and help the diversity of New York and of America.

So this is an excellent program. Nobody has said it has done a bad job. It is small. There are only about 50,000 visas a year. It is really based on the idea of new seed. I believe every immigrant is special because they, or all of us who descend from them, come from a special group of people who had the guts and the gumption to get off their butts and basically come to America. They said: I don't want to lead this disease-ridden, impoverished life. I am willing to come here and take a risk. That is one of the reasons America is a special place—the idea of bringing new seed to this country, people who are willing to risk everything, is great.

I have one example. I met a man named Napoleon Barragan, who probably would not qualify under this program. He founded 1–800–Mattress. It employs about a thousand people in Queens. I went to his office and saw this picture in which there were grass huts with kids playing in the front. He said: That is the village in which I was born in Ecuador. He said: Of all those kids, only one had the gumption, the guts to leave that impoverished, disease-ridden life and come to America. He said: Do you know who that was? I said no, but I had an idea. He said: Me. He went on to found a company that employs a thousand people.

My friend from New Hampshire and colleague from Washington say let's have more visas for highly educated people. I am all for that. But this bill

puts a whole lot of visas in for that, and that is why groups as diverse not only as the NAACP and U.S. Conference of Catholic Bishops but the U.S. Chamber of Commerce, the National Association of Manufacturers, and I am even told that Microsoft opposes this amendment because they are very happy with the much needed increase in people who have certain skills and certain education. I think America should admit many more of those people but not at the expense of this small, successful program that guarantees that other countries, such as the Irelands, the Polands, and the Nigerias that are unable to have immigrants come in for family reasons, can get people to come into this country. So why can't we have both?

If you believe that immigrants are good for America, as I do, and you believe both highly educated people and new seed people are good for America, why do we have to rob Peter to pay Paul? As I said, Microsoft, which has led the charge for more highly educated people, such as engineers and scientists, to be allowed into this country, is not asking that this program be changed. These companies recognize, as Senator KENNEDY did in the Senate and as I did in the House a long time ago, that this country is better served by bringing immigrants from all over the world at all levels. We certainly need more scientists and engineers, but we also need new immigrants like Napoleon Barragan—ambitious people without money and a family connection—to come here and start new businesses.

The great thing about America is when you work hard, you benefit yourself, your family and, in that way, you benefit America. My own ancestors were immigrants. They didn't come here with advanced degrees. My father was an exterminator. I am a U.S. Senator. That says something great about America. But one of the things great about America is, again, we allow people from all over the world to come here.

So I plead with my colleagues, keep the diversity visa program. It is small, 50,000 a year. From all the groups that want more educated immigrants to come to America, we do not hear any need to take away from this program to add more. They are very happy with what Senator SPECTER has done in the bill, as am I, which is increase the numbers of H–1Bs and other visas for these folks. We can have both. We do not have to rob Peter to pay Paul.

As I ride my bike around New York City on the weekends, I see what immigrants do for America. This program has dramatically helped. Neighborhoods such as Woodlawn and Greenpoint have been revitalized by new Irish and Polish immigrants. Neighborhoods such as East Flatbush and Harlem have been revitalized by West African immigrants. We don't have to stop this program.

I urge my colleagues to vote no on a well-intentioned but misguided amendment and preserve the diversity program as well as other parts of the bill that allow more educated immigrants to come to this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I am not sure of the status of my amendment. I understand there was a unanimous consent agreement that it would be limited to an hour in time; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Am I to presume that the statement of the Senator from New York comes off of the opposition's time?

The PRESIDING OFFICER. After the amendment is offered, there is 1 hour equally divided.

Mr. GREGG. Would the Senator's statement be taken out of that time?

The PRESIDING OFFICER. By unanimous consent.

Mr. GREGG. First, Mr. President, I ask unanimous consent that from the previous order of the Hutchison amendment be 4101 rather than 4046 and that the time under that amendment be 40 minutes equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I ask unanimous consent to yield back all time on the Byrd-Gregg amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4114

Mr. GREGG. Mr. President, I call up my amendment No. 4114.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 4114.

Mr. GREGG. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title II of the Immigration and Nationality Act to reform the diversity visa program and create a program that awards visas to aliens with an advanced degree in science mathematics, technology, or engineering)

On page 345, between lines 5 and 6, insert the following:

(e) WORLDWIDE LEVEL OF IMMIGRANTS WITH ADVANCED DEGREES.—Section 201 (8 U.S.C. 1151) is amended—

(1) in subsection (a)(3), by inserting ''and immigrants with advanced degrees'' after ''diversity immigrants''; and

(2) by amending subsection (e) to read as follows:

''(e) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS AND IMMIGRANTS WITH ADVANCED DEGREES.—

''(1) DIVERSITY IMMIGRANTS.—The worldwide level of diversity immigrants described in section 203(c)(1) is equal to 18,333 for each fiscal year.

''(2) IMMIGRANTS WITH ADVANCED DEGREES.—The worldwide level of immigrants with advanced degrees described in section 203(c)(2) is equal to 36,667 for each fiscal year.''.

(f) IMMIGRANTS WITH ADVANCED DEGREES.—Section 203 (8 U.S.C. 1153(c)) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking ''paragraph (2), aliens subject to the worldwide level specified in section 201(e)'' and inserting ''paragraphs (2) and (3), aliens subject to the worldwide level specified in section 201(e)(1)'';

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following:

''(2) ALIENS WHO HOLD AN ADVANCED DEGREE IN SCIENCE, MATHEMATICS, TECHNOLOGY, OR ENGINEERING.—

''(A) IN GENERAL.—Qualified immigrants who hold a master's or doctorate degree in the life sciences, the physical sciences, mathematics, technology, or engineering from an accredited university in the United States, or an equivalent foreign degree, shall be allotted visas each fiscal year in a number not to exceed the worldwide level specified in section 201(e)(2).

''(B) ECONOMIC CONSIDERATIONS.—Beginning on the date which is 1 year after the date of the enactment of this paragraph, the Secretary of State, in consultation with the Secretary of Commerce and the Secretary of Labor, and after notice and public hearing, shall determine which of the degrees described in subparagraph (A) will provide immigrants with the knowledge and skills that are most needed to meet anticipated workforce needs and protect the economic security of the United States.'';

(D) in paragraph (3), as redesignated, by striking ''this subsection'' each place it appears and inserting ''paragraph (1)''; and

(E) by amending paragraph (4), as redesignated, to read as follows:

''(4) MAINTENANCE OF INFORMATION.—

''(A) DIVERSITY IMMIGRANTS.—The Secretary of State shall maintain information on the age, occupation, education level, and other relevant characteristics of immigrants issued visas under paragraph (1).

''(B) IMMIGRANTS WITH ADVANCED DEGREES.—The Secretary of State shall maintain information on the age, degree (including field of study), occupation, work experience, and other relevant characteristics of immigrants issued visas under paragraph (2).''; and

(2) in subsection (e)—

(A) in paragraph (2), by striking ''(c)'' and inserting ''(c)(1)'';

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

''(3) Immigrant visas made available under subsection (c)(2) shall be issued as follows:

''(A) If the Secretary of State has not made a determination under subsection (c)(2)(B), immigrant visas shall be issued in a strictly random order established by the Secretary for the fiscal year involved.

''(B) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have a degree selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is greater than

the worldwide level specified in section 201(e)(2), the Secretary shall issue immigrant visas only to such immigrants and in a strictly random order established by the Secretary for the fiscal year involved.

''(C) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have degrees selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is not greater than the worldwide level specified in section 201(e)(2), the Secretary shall—

''(i) issue immigrant visas to eligible qualified immigrants with degrees selected in subsection (c)(2)(B); and

''(ii) issue any immigrant visas remaining thereafter to other eligible qualified immigrants with degrees described in subsection (c)(2)(A) in a strictly random order established by the Secretary for the fiscal year involved.''.

(g) EFFECTIVE DATE.—The amendments made by subsections (e) and (f) shall take effect on October 1, 2006.

Mr. GREGG. Mr. President, I ask unanimous consent that the time just allocated to the Senator from New York be applied against the time in opposition to this amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. Mr. President, this amendment is offered by myself and Senator CANTWELL. The purpose of this amendment is really pretty simple. We as a nation are in the process of addressing how we handle the illegal immigrant situation and immigration generally. We are about to basically give a large number of people—10 million, maybe 12 million—who arrived here illegally the opportunity to get in line and earn their citizenship.

Those people, for the most part, don't have any unique skills that made them special to American society. They came here, they were willing to work—which is, of course, great—and they are hard workers, in most instances. We didn't seek them out because we felt they were going to create jobs in the United States. But we do have this program called the lottery program where we essentially say to anybody in certain countries which are alleged to be underserved and have few people, immigrating into this country: You can get into the lottery and you can get in line, get a green card, and become an American citizen.

There are 50,000 winners handed out every year. It just seems to us that if we are going to have such a program in the context of overall immigration reform, we ought to be saying that people who participate in this lottery are people who we as a nation actively need in order to make our Nation stronger socially and economically, rather than simply saying to everyone in the Ukraine: You can participate in the lottery. We might get a cab driver or an unemployed cab driver as a winner of the lottery.

We would say to the people in the Ukraine: If you have an advanced degree which America feels would be constructive to our society in making us a stronger society, then you can participate in the lottery.

What we have done is taken two-thirds of the lottery options, 33,000, and said for those alleged underserved countries, people with advanced degrees will be able to compete for those options. Then we left one-third for anybody to compete for the lottery status. This only seems to make sense.

If we listen to the debate on this floor, we hear a lot about outsourcing of jobs, the fact America is losing jobs overseas. What we are proposing essentially is to bring people into our country who create jobs because they have certain skills and abilities, certain talents which we as a nation know we need.

Take, for example, the issue of engineers. We are confronting a world where countries such as Japan and especially China are graduating literally four, five, six times the number of engineers we are graduating. We are just not producing enough people in the science disciplines to keep up with our needs as a nation to be competitive economically.

So it makes sense that we should go around the world and say to people who have these types of talents: If you want to come to the United States, we have certain programs we can use to help you come here. One, of course, is the H–1B program which, under this bill, has been significantly expanded and is an appropriate program. But in order to participate in the H–1B program, you must be a family member of somebody in the United States who will sponsor you or you have an employer who has said they want to bring that person to the United States to work for them.

What we are suggesting is there are countries where a lot of these American employers are not going to go because the return on their efforts isn't that high and there are a lot of places where people who have these degrees don't have family members in the United States, so they are totally shut out of their ability to participate in coming to America, even though they may have skills and talents which we in America feel strongly will help us.

Rather than have a lottery system which says to the unemployed cab driver in Kiev, You should have a chance to come to America, we are going to have a lottery system that says to the physicist in Kiev, You have a shot at coming to America.

This seems to make sense because it isn't as if we as a nation haven't already attracted to us a large number of unskilled people. We already have that situation, and this bill is trying to address that situation. We literally have millions of unskilled people who are going to be put in line for American citizenship under this bill. It would be appropriate, therefore, it seems, to take this small number of people who can't qualify to come here, even though they may have the skills we need, because they don't have a family member and they don't have an employer sponsor and say to those folks: Yes, we are going to give you the opportunity to come here, too, through participating in this lottery system. That is what this proposal does.

The idea that some of these nations that have been described as diverse—that is one of those nomenclature, feel-good, politically correct terms put on something when it doesn't make a lot of sense. In this instance, it has no applicability at all. The fact is, these countries which qualify under what is called the diversity lottery actually have a large number of people here illegally. Most of those people are unskilled. They have just shown up, they came here illegally, and they are going to be able to get in line now under this bill. So it makes sense that we should say to those nations—for example, we know that Poland has approximately 50,000 people here illegally. Most of them don't have unique skills. We should say: If you are in Poland and you want to come to the United States and you want to use the lottery system to come here, you have to have a skill we need as a nation in order to participate in that lottery.

It is estimated that there are almost 200,000 people from Africa who are in this country illegally and who are probably totally unskilled. What we are suggesting is bring a skill with you if you want to come to this country through the lottery system.

We are not suggesting these countries won't get their fair share of people who are the types that were described by the Senator from New York who come here with a desire to produce and be successful. Those folks may already be here illegally, and they will be able to get in line or they can compete for a third of the lottery system that is not going to be targeted toward talents that America needs.

What we are suggesting is that we should have a win-win situation. If we are going to set up a lottery, not only should the person who wins the lottery be a winner and win the right to come to the United States, but the people of America should be winners by attracting into the country people whom we have a pretty good idea are going to be able to contribute to the betterment of our Nation because they will bring their talents.

That is critical in this world today. As I mentioned before, we are confronting a world where our capacity to compete is tied directly to our brain power. We can't compete with the Chinese on labor because they have a billion more people than we have. But where we can compete with them is by producing ideas that are better, by taking ideas that are good and making

them better, by adding value through talent and ability. So we should be attracting to America people who can help us do that. We should be going across the world and saying: Give us your best and your brightest; come here and participate in the American dream and raise the waters so that all the boats float higher.

This lottery system, to the extent it makes sense, should be built around that concept. It should not be built around the concept if you happen to have a high-school education or you happen to have held a job in 2 out of the last 5 years, you have some right to participate in a lottery to get into the United States. That makes no sense to us as a nation.

This is not a unique approach, by the way. In fact, most nations don't do what we do. We basically have an open approach to immigration. Most people require some qualifying talent in order to immigrate to those nations, especially western nations.

So with this small group, 50,000, as was pointed out—it is very small in the context of this entire bill when we are dealing with as many as 12 million people—in this small group, at least we should do it the right way because, who knows, one of those folks who comes to this country with an advanced degree in science or an advanced degree in medicine may be the person who produces the vaccine that saves us if we confront a terrorist attack or produces the next thought process or software process that creates the next engine of dramatic expansion in the telecommunications world or is the next Bill Gates of the world.

Attracting people who have talent and ability should be one of our purposes. In the context of a lottery system, it should clearly be our purpose. Lottery, by definition, means you should win, and not only should the people who win the lottery win, but the people who are basically underwriting the lottery should win, and the way Americans will win under the lottery system is to attract people who have a likelihood of contributing significantly to the betterment of our Nation.

That is why we propose this amendment. It is proposed by myself and Senator CANTWELL. Granted there have been some big issues discussed in this Chamber—this is not a big issue, but it is an issue of significance. I appreciate Senator CANTWELL being a cosponsor of this amendment. She comes from a State where commitment to high tech and intellectual property is something that has really built up that State and has been a great driver not only of the prosperity of Washington State, but of the whole Nation. So she understands the importance of this type of approach. I thank her for joining me in this approach of taking two-thirds of these available lottery slots and saying they should be made available to people from underserved countries, but people in those countries who have obtained degrees in the areas that we as a nation determine are important to continuing to promote our prosperity as a culture and as an economy.

I reserve the remainder of my time.

I yield to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, how much time is available, 10 minutes, 5 minutes?

The PRESIDING OFFICER. There is 19 minutes remaining for the proponents of the bill.

Mr. GREGG. I yield 5 minutes to the Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from New Hampshire. I simply want to say that if I were a teacher and giving out grades for commonsense amendments to the immigration legislation, I would give the Gregg-Cantwell amendment an A-plus. I think everyone listening and thinking about this issue would feel the same way.

Here we are in the United States of America at a very competitive time where we earn 25 percent of all the money in the world for just 5 percent of the people, and we know how we do that. We do it primarily through brain power. Eighty percent of our new jobs since World War II have come from our advantage in science and technology. Of course, we grow a lot of our own brain power, but increasingly we have been insourcing.

Mr. President, of the 100 American Nobel Prize winners in physics, 60 of them are immigrants or children of immigrants. Go down to the Oak Ridge National Laboratory in Tennessee, which is the largest science laboratory in America. The top three positions are held by people with green cards, foreign nationals. There is a man at Oak Ridge who is one of those three who is in charge of the United States effort to recapture the supercomputing lead in the world, which we lost to Japan. He is a citizen of India. He has a green card.

So Senator GREGG and Senator CANTWELL, I think, are exactly right. They are saying that in this large immigration bill where we are talking about bringing millions of more people into the United States under certain conditions, two-thirds of the lottery tickets for 50,000 people ought to go to the highly educated persons from these underserved countries who then can come to our country and help us create a standard of living. It is in our interest to do this.

I am glad the Indian citizen is in Oak Ridge, TN, in charge of our supercomputing effort to lead the world. I am glad Warner von Braun came to the United States to help us win the space race with the Soviets. I am glad that of the 100 Nobel Prize winners in physics, 60 of them are immigrants, are sons and daughters of immigrants. I want more of them to come to this country because I know what is going on in India, and I know what is going on in China.

Senator BINGAMAN and I, and many other Senators, Senator GREGG included and Senator KENNEDY has been a leader in this area as well, asked the National Academy of Sciences to tell us a year ago exactly what we need to do to keep our advantage in science and technology. They gave us a list of 20 recommendations.

Among the most prominent of those recommendations was, make it easier for the most talented men and women in the world to research and study in the United States of America and to stay here, not to run them off. We don't want them to go home; we want them to stay here. It is in our interest for them to stay here.

There are already two provisions in the underlying bill which help with that, both taken from the Augustine report, as we call it, ''Rising Above the Gathering Storm,'' by the National Academy of Sciences. But the Gregg-Cantwell provision is exactly in that spirit. I do not think it is too much to say that the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine, who are worried about America's competitive position in the world, would think that the idea of making it easier for 35,000 or 37,000 of the best and brightest scientists in science, math, engineering, and computing to come, stay, live, work, and do research in the United States, create more jobs and raise our standard of living, I think they would give a big cheer. I bet they would give an A-plus. I am not authorized to give out A-pluses for anyone except myself. But I would think that all over America, those who know about the Gregg-Cantwell amendment, who know about our competitive position in the world, would say: Absolutely right. If we are going to have 50,000 more people coming in here, let's let them be the best and the brightest who can help create new jobs in America.

We heard plenty of speeches in this Chamber about outsourcing jobs. This is an amendment which insources brain power. Over the last half century, 80 percent of our new jobs have come from our advantage in science and technology. This would help us keep that. I would hope this would be a bipartisan amendment, strongly supported on both sides of the aisle, and would be adopted by the conference report and would become law. So I salute the Senator from New Hampshire and the Senator from Washington for their vision, and I am glad to cosponsor the amendment.

Mr. GREGG. Mr. President, I thank the Senator from Tennessee, who has

been a leader on the issue of education and how we remain competitive in the world, for supporting this amendment and for coming down here and expressing his kind and very effective words with which I obviously totally agree.

The cosponsor of the amendment, Senator CANTWELL, can't get down here right now. I know Senator KENNEDY wishes to speak in opposition to the amendment. I understand we are not going to vote on this amendment or the other amendments until later this afternoon. I would suggest that we be allowed to reserve our time—if it is acceptable to Senator KENNEDY—we will reserve our time for Senator CANTWELL, even though it may not be taken with the time that is running right now, if that is agreeable.

Mr. KENNEDY. Mr. President, we would be glad to accommodate the Senator from Washington. As we know, we have a general order that we are going to vote on a number of these amendments at a certain time, but we will give the assurance—I will—that we will let her have her time prior to the vote. We can work that out.

Mr. GREGG. Mr. President, it might be as much as 15 minutes that she may wish to take.

Mr. KENNEDY. Whatever time remains on that side, as I understand, would be hers and we will accommodate her.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

Mr. President, the diversity program is a small but vital part of our immigration system, and I urge my colleagues to preserve the program by voting against the Gregg amendment. This amendment would all but destroy the diversity visa program, which has served our country well and continues to do so. Yet it would have no meaningful effect on skill-based immigration, which is already favored by our immigration laws and is already being addressed elsewhere in the bill. That is why civil rights groups and ethnic groups are united with business groups in opposition to this amendment.

I understand the thinking behind the Gregg amendment, and there are a few people in the Chamber who have been more consistent supporters of high-skilled immigration than have I. I continue to support high-skilled migration, and the original McCain-Kennedy bill doubled the numerical limits on high-skilled, employment-based migration. I also supported additional changes in the Judiciary Committee to increase H–1B visa limits and to make it easier for H–1B immigrants to adjust to permanent status.

But the diversity visa program serves a wholly different purpose. The purpose of the diversity visa is not just to advance narrow economic interests but, rather, to preserve our very heritage as a nation of immigrants, a true melting pot. Unlike other visa categories, the diversity visa is not about whom you know or to whom you are related. It is a totally unique program because anyone with a high school diploma or 2 years of meaningful work experience can apply.

Without the diversity visa program, our family- and employment-based immigration system would ensure that virtually all immigrants to the United States would come from just a small handful of countries. The diversity program ensures that America continues to be a beacon to the entire world and not just to a dozen or so countries with high numbers of immigrants already living here.

This chart here behind me shows, right here on the left, that of the groups coming in now, 36.8 percent are Asian, 46 percent are Latin American; that is 85 percent coming from the Caribbean countries or from Asia. We have 10 percent from Europe, 3 percent from Canada, Oceania, and 3 percent from Africa. That is currently the mix that is coming here.

When we passed the 1965 act, we tried to provide 10,000 to 15,000 to each country so that we would have a flexible and diverse system. When we found out that for a variety of reasons we were getting this kind of a focus, what we did was develop a very modest diversity program so that other countries which were not participating, either with the very special skills or family relatives, would have an opportunity to come here. They had to demonstrate that they had a competency so that they were able to have skills which would make them active participants in our society. But it is limited to 42,000 as compared to 847,000, and look how it is distributed. It is an entirely different group. You have some from Africa, still have some from Latin America and Asia, but still a good many from Europe—essentially and effectively a different scene. That is what we are attempting to do.

Now, we have been reminded by others of the fact that, well, we need to get to the special skills. But I would mention to our friends who are concerned about that, this is 50,000. Now look at what we are doing in terms of the special skills. We have close to 750,000 to 800,000—800,000 in this legislation, but the diversity is only 42,000. No one could suggest that we haven't been sensitive to understand the importance of people with high skills and what they can do in terms of our economy, but they are effectively wiping out this diversity program.

Now, as you can see, the diversity visa is especially important when it comes to African immigration. Fewer than 4 percent of our family- and employment-based immigrants come from Africa, but almost 40 percent of the diversity visas are used for Africans. And even though only 1 in 20 green cards is a diversity visa, 1 in 3 green cards issued to an African is authorized through the program. One sure effect of the Gregg amendment is that it would substantially reduce African migration to this country. There is just no other visa out there that would replace these flows. That is one reason the groups are opposed to the Gregg amendment, including the NAACP, the Coalition on Human Rights, the U.S. Conference of Catholic Bishops, the Leadership Conference on Civil Rights, the Irish Lobby for Immigration Reform, the Illinois Coalition for Migrant and Refugee Rights, and a number of other groups.

What does the Gregg amendment hope to accomplish in exchange for giving up this program? While the diversity visa program has unchecked symbolic importance and is an important mechanism to protect balance and equality in migration flows, it is tiny in comparison to the existing high-skill program because the rules already favor the skilled immigrants. Three different classes of employment-based visas are reserved for the skilled immigrants and five different temporary worker programs: the H–1B, the L visas, the P visas, the O visas, the TN visas. These visas are already set aside for skilled workers. These are offices of various international companies that come in here; a variety of different kinds of visas. Some on the H–1B are virtually effectively almost automatic to be able to go to a university site, to be able to teach. They are not counted within the H–1B. So all but one of the programs already admit more immigrants than the Gregg amendment would generate through this change.

Business groups oppose the Gregg amendment. I have letters from the Chamber of Commerce, the American Council on International Personnel, the National Association of Manufacturers, the Business Roundtable—all major business associations which support high-skilled immigration and all opposing the Gregg amendment.

So here is what the Gregg amendment would do. It would change the diversity program from a tiny slice of the pie to a minuscule slice. These are the two, the diversity visas being at the top. It is now a small group, which is gray in this setting, and you can look over here and it is still gray, but it is a fraction of what it is in terms of the diversity flows. The flows are already one-twentieth, just one-twentieth of high-skilled flows, and under the Gregg amendment, they would be cut to less than 2 percent. These charts actually understate what is going on by a wide margin because the underlying bill already roughly triples numerical limits on high-skilled immigrants. Is the benefit to high-skilled employers of an extra 37,000 visas really worth the price of eviscerating this

successful program? Are we willing to give up so much to gain so little?

Another reason to oppose the Gregg amendment is that for millions of people around the world, the diversity visa has come to symbolize the American dream. Eight million people applied for this. Eight million people look to the United States and say: Maybe I will have a chance. I have to complete my high school or the equivalent of 2 years of college, so I have to meet those kinds of standards. I have to meet all the other national security standards. You have to demonstrate that you are not going to be a burden, an economic burden. But 8 million people in countries all over the world—all over the world—who look to the United States as being the country of hope and liberty have a crack at getting into the United States. Not much of one—42,000—but they have to come from the areas where we don't have large flows of immigrants coming in. That was the purpose, for the United States to be a diverse society, to be the true melting pot at the time.

This is just a very small kind of a program. We are going to sacrifice that aspect for 8 million people all over the world who think they may be the ones who have a shot at getting into the United States, and we will say: Oh, no, it is just going to be the highly skilled, when we have 800,000 of those already coming in here, three times as many as we have now. How many is enough? How many is enough? So the diversity visa program symbolizes what makes America great because with a little luck and hard work, anyone can succeed here. We are the only country that can say that.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. KENNEDY. I have how much time? Half an hour?

The PRESIDING OFFICER. The Senator has 12 minutes remaining.

Mr. KENNEDY. I will yield myself another 3 minutes.

An advanced degree is an income test in most of the world. The diversity program symbolizes what makes America great because, with a little luck and hard work, anyone can succeed here. We are the only country that can say that. By shifting most of the diversity visas to the world's privileged elite, the Gregg amendment will dash the hopes of those who dream of a better life. It would also shift the visas away from Africa and the developing world and toward wealthier European and Asian states. This would overturn the whole point of the program. Accepting the Gregg amendment would send a terrible message about what America is all about; not a land of opportunity but, rather, an exclusive club.

I believe our diversity is one of the greatest resources of our strength and one of the truly unique things about this country. In an earlier time our laws discriminated against those coming from major areas of the world. We eliminated the national origin quota system which discriminated against many of those who came from the Mediterranean basin. We eliminated the Asian Pacific triangle. In 1964 we had 127 individuals who came from Asia or from India or from Pakistan and those areas—127. We eliminated what we called the Asian Pacific triangle, which was the remnant of what this country faced in terms of the ''Yellow Peril'' part of our history in the early 1900s. What we have been trying to do is at least say to the world, if you have immediate family, we put a high priority on families. But also, if you have some special skills, fine. It means further employment.

But as we were looking at the further employment, I thought we were also trying to educate and train Americans to be able to fill those jobs. That is what I thought we were trying to do: Have this as a program so, right now, we have not got the Americans who can fill the very highly technical kind of jobs that are demanded because we have not given the training or the education. In the earlier H–1B we said we were going to have a training fee, we were going to put that fee in to train Americans to be able to take those jobs.

Oh, no, the other side says. Let's just drain the Third World of their smart people to come here. After we have gotten 800,000 special skills, let's drain them as well. It seems to me at some time we ought to say, How about those jobs for Americans? But it seems the mood and atmosphere is, Let's have as many of those bright people who come in here, and it doesn't make much difference. There is not much talk out here in the Senate about training and educational opportunities, investing in Americans. How quick it is, when it is just get more visas out there in the high tech area. Let's go ahead and do that.

This is wrong for a lot of reasons. I hope it will not be accepted. I believe diversity is one of our greatest sources of strength, one of the truly unique things about this country. In earlier times, as I mentioned, we discriminated against major areas in the world. In 1965 we reformed our immigration laws to get rid of those discriminatory quotas. In 1990 we acted again to ensure greater equality of immigration by creating the diversity visa program. The Gregg amendment would be a major step backward, and I urge my colleagues to reject it.

Mr. President, how much time do I have? I believe the Senator from Illinois is on his way.

The PRESIDING OFFICER. The Senator from Massachusetts has 8 minutes remaining.

Mr. KENNEDY. I intend to yield a major part of that to the Senator from Illinois and then maybe retain a couple of minutes for response to the Senator from Washington when she addresses the Senate.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. As a point of inquiry, if I can get the attention of the Senator to Massachusetts, just for the point of clarification, how much time is remaining on our side?

The PRESIDING OFFICER. The Senator has 14 minutes.

Mr. GREGG. And 8 minutes is remaining on the side in opposition, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. GREGG. I ask unanimous consent that that time be set aside and we move on to whatever is the next matter, but that time be reserved for debate on this matter at whatever time the parties wish to pursue it later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, do I have 7 or 8 minutes?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. KENNEDY. I yield 6 minutes to the Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in opposition to the Gregg amendment. This amendment would literally destroy the diversity visa program and threaten the jobs of American citizens. It would make worse the brain drain which is occurring now, where some of the most talented people from the poorest countries in the world are migrating to the United States.

This morning's New York Times had an important story, a story about how the United States, through this legislation and other efforts, plans to lure nurses from some of the poorest countries on Earth. I visited some of those countries. Senator BROWNBACK of Kansas and I were there just last December, in Democratic Republic of Congo. In the Congo there are only 7 doctors per 100,000. In the Eastern Congo, there is only one doctor per 160,000, and, I was told a surgeon is literally one in a million.

Think of the circumstances from which those doctors and nurses are being drawn to the United States. We can use the talent, that is for sure. But we have to understand that there is a zero sum here. We take the talent from somewhere that needs it desperately.

The diversity visa program which is currently in place is open to people of many talents. They may not have a Ph.D, and they may not have a medical degree. It may just be a very ambitious entrepreneur with a small shop somewhere in the world who is willing to wait in line for a chance to come to the United States and maybe open another shop here, a shop that may grow into a larger business, employ people and make a livelihood for him and his family. That is what the diversity visa program is all about, to provide immigration from people all around the world, those who otherwise might not come to the United States, and to continue to make America the most diverse country in the world. That is a fact which I think is one of our strengths and not one of our weaknesses.

Diversity visas open the door for thousands of people from around the world to come to America. We make 55,000 diversity visas available each year, and the draw of America is such that over 5 million people applied for those 55,000 visas in 2005.

The diversity visa program is the only opportunity to immigrate to the United States for many people from lesser developed countries, especially African countries. For example, of 55,000 diversity visas issued in fiscal year 2005, 10,000 went to African immigrants.

A recent article in the New Yorker magazine called the diversity visa program ''a splendid overseas marketing campaign for the American Dream.''

Let me give an example of one American citizen who came to this country under the diversity visa program, which would be destroyed by the Gregg amendment. His name is Army Specialist Sola Ogundele from Nigeria. He came to the United States and he joined the Army. He recently took his oath of citizenship in Iraq where he was serving the United States and risking his life for this country. Here is what he said.

> I'm the happiest man on Earth today to be a U.S. citizen. I know the sky is the limit for me in the United States. I have absolute freedom to pursue my dreams.

People like Specialist Ogundele make the United States stronger, and make us proud. That is what the diversity visa program contributes to our country.

I am the son of an immigrant. I know when my grandparents brought my mother to this country at a very early age, they were looking for that American dream. I don't think they would have imagined the possibility that their grandson would be the 47th Senator in the history of the State of Illinois. That is what it is all about.

The Gregg amendment fundamentally alters the diversity visa program, setting aside two-thirds of these visas for immigrants who hold advanced degrees in science, mathematics, technology, and engineering, saying you can only be considered if you have an advanced degree. These set-asides would favor immigrants from wealthier countries and reduce the diversity of future immigration to our country. By bringing in more high-skilled immigrants, the Gregg amendment would also increase competition for jobs here, jobs like computer programmers and engineers.

The H–1B visa program already allows those with specialized education to come the United States. Why don't we keep the diversity visa program intact? Why don't we protect this program for the value that it brings to America?

The H–1B visa program already grants 65,000 visas to high-skilled immigrants every year. This bill would increase that number to 115,000, and allow that cap to increase by up to 20 percent per year. I am a little concerned, I might add, that the H–1B visa is entirely too generous. The Gregg amendment would add insult to injury, creating even more competition for Americans wanting to keep their jobs.

The Gregg amendment would essentially convert the diversity visa program into just another H–1B program, bringing many more highly trained competitive people to America. You can argue that is good for us. But, as I mentioned earlier, it is at the expense of someone else. I am concerned the Gregg amendment would really make this brain drain I have talked about even worse.

This bill already includes provisions that will increase the brain drain. The New York Times story I mentioned reports on a provision in this bill that will lift the annual cap on the number of nurses who can immigrate to our country every year. The article, which is headlined, ''U.S. Plan to Lure Nurses May Hurt Poor Nations,'' talks about the impact of importing nurses into the United States. They now have a situation in the Philippines where there are so many nurses needed in the United States that medical doctors in the Philippines are signing up to come to the United States as nurses, where they will be paid more than they are paid in the Philippines as doctors.

I need not tell you what that means for the people in the Philippines—fewer and fewer medical professionals that they desperately need. This bill already includes provisions that will increase the brain drain.

I want to tell you candidly, I have stood up for hospitals in Chicago, in poor areas, that needed nurses. I have even stood up and explained on the floor of the Senate why Filipino nurses should be given the chance to immigrate here. But I have second thoughts about that today, after what I read in the New York Times about what is happening in the Philippines and around the world. We have to think twice.

I have an amendment, the brain drain amendment, No.4090, which I hope will be considered by the chairman for inclusion in the manager's package. This amendment would take two modest steps to address the dire shortage of healthcare personnel in the least developed nations of the world.

In exchange for financial support for their education or training, some foreign doctors, nurses, and pharmacists have signed voluntary bonds or made promises to their governments to remain in their home countries or to return from their studies abroad and work in the healthcare profession.

My amendment would ask a simple question to healthcare professionals who are applying to work in this country: have you signed a commitment to work in your home country in exchange for support for your education or training? If they have made such a commitment, they would be inadmissible until they have fulfilled this commitment.

Second, my amendment would allow doctors and nurses who are legal permanent residents of this country to work temporarily in developing countries without prejudicing their own immigration status.

Many immigrants who have come to this country would like to participate in the fight against global AIDS and other health crises. Under my amendment, they could lend their skills to the cause without sacrificing their own American dreams.

These small but important steps will not stop the brain drain, but they will signal American leadership in the effort to help stem the migration of talent from the poorest countries in the world to the richest.

The Gregg amendment, on the other hand, would increase the brain drain, reduce the diversity of immigration to the United States, and increase competition for jobs that Americans want. I will oppose the Gregg amendment and I encourage my colleagues to do the same.

I urge my colleagues to oppose the Gregg amendment and stick with the diversity visa program.

Mr. SPECTER. Mr. President, we are about to go to the amendment of the distinguished Senator from Louisiana, Ms. LANDRIEU, with 20 minutes equally divided. This is an amendment which relates to adoption procedures. It has been reviewed by both Senator KENNEDY and myself. We are prepared to accept it. But I understand there are some who oppose the amendment. If anybody wishes to speak in opposition, they ought to come to the floor now because we gave notice a couple of hours ago that this amendment was going to come up under the unanimous consent agreement after we concluded with the Byrd amendment. Anybody who wants to oppose the amendment should come to the floor at this time.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). Under the previous order, the Senator from Louisiana, Ms. LANDRIEU, is recognized to control 10 minutes, with 10 minutes in opposition.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to lay aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4025

Ms. LANDRIEU. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for herself, Mr. DEMINT, and Mr. CRAIG, proposes an amendment numbered 4025.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Tuesday, May 23, 2006, under ''Text of Amendments.'')

Ms. LANDRIEU. Mr. President, I thank the manager of this bill for accepting this amendment and for basically agreeing to it. I am very hopeful that no one will show up and object to this amendment because it has broad bipartisan support. I offer it on behalf of myself, Senator DEMINT, Senator CRAIG, Senator BROWNBACK, and others who have worked for years to bring this amendment to a position of getting it approved on the Senate floor.

This amendment was actually started by one of our colleagues and a great mutual friend of many of us, Senator Don Nickles, the former Senator from Oklahoma, who spent a great deal of his career, besides being an expert in finance and budget matters, as a tremendous advocate for adopted children, for families with adopted children, and to make the process more accountable, more transparent, to remove the barriers to adoption, to remove any corruption associated with adoption, and, most of all, was such a ferocious and effective advocate for children who need homes.

We have millions of children around the world who need an opportunity for a family. When Senator Jesse Helms was here many years ago, Senator Helms and Senator JOE BIDEN led the joint bipartisan effort to pass a new treaty that was a model for the world, that was profound in its essence, that basically said children should be raised in families, not alone, not in a cardboard box, not in a ditch, not under a highway somewhere, not left alone but should be raised and nurtured by a family.

I do not know what took us so long to come to that. Governments do a lot of things well, but raising children isn't one of them. Children should be raised in a family.

They set about creating a treaty, which has now been agreed to by many countries in the world, to set up a process of international adoption which goes something like this: Every child should try to stay with the parents who bring them into the world, but if they are separated from those parents by death, disease, war, famine, violence, or perhaps in some cases, as we know, the terrible thing of parental abuse, and children have to be removed to keep them safe and keep them alive, then we need to find another home for those children as quickly as possible—in their extended family, the treaty says.

After that, if there is no extended family opportunity somewhere in the community, and if there is no family that can be found in the community, then some family in the country. But if no family can be found in that country suitable to raise a child with siblings, which is what the treaty says, to try to keep siblings together, then the children have a right to try to find a family somewhere in the world because, frankly, we are one human family.

I am so aggravated, as you can tell a little bit, that it has taken us so long to pass something that is quite so simple. I am very interested, if a Senator wants to come and debate this issue. We only have 10 minutes to debate it. I wish we had more time. I am going to be very interested if someone wants to debate this. I don't think a Senator is going to come and oppose it. We have been trying to pass it.

There are some objections by the State Department. When Senator Helms passed the original treaty, they didn't think this was a big enough issue for them. Of course, they have very serious issues to deal with—the war in Iraq and other things. But some of us think American citizens adopting children from all over the world deserve a little support from their own Government to get this done.

Parents go through a lot, some of them, to build their families through adoption, and some parents want to expand their families through adoption, and at great expense to themselves. It is a very fundamental value for Americans to want to do this, and 20,000 Americans do this every year. Some Members of Congress have adopted children from overseas.

The bottom line is, this bill, which is the Intercountry Adoption Reform Act, helped to establish a center in the State Department. It streamlines the bureaucracy. It eliminates a lot of red tape, and hopefully it will eliminate the cost. But it also makes sure that there is a central agency that works with the States and with our adoption agencies around the country. It just makes the process work better.

As I have said—and I am going to conclude with this—our children are adopted, and I am proud of that. Our children are adopted from this country. But I know hundreds and thousands of people who have children adopted from other countries.

We are proud of this process that has been implemented. We need to pass this bill to make sure that when children come into this country they come in as citizens—just as American citizens give birth to a child overseas, they become automatic citizens. They don't need the extra step of a visa.

In addition to setting up a certification process for agencies that will be very helpful and effective as we again try to eliminate barriers to adoption and give parents a central agency which is required under this treaty, which all the countries now in the world are moving to, and while it respects our States' roles and respects the role of adoption agencies, it provides a central place where this important work can take place and have a focus.

That is basically what it does.

I think Senator DEMINT wanted to speak on behalf of this amendment. I will be happy to answer any questions, and I will stay here on the floor until our time has expired.

I sincerely submit this to my colleagues. Hopefully, it can be accepted, as the Senator from Massachusetts and the Senator from Pennsylvania indicated. It might be accepted without a rollcall vote.

Mr. KENNEDY. Mr. President, I was wondering, I support the Senator's amendment. I think it is a good amendment, as does the Senator from Pennsylvania.

We would like to, if it is agreeable, temporarily set the amendment aside. I think under our agreement it would be set aside in any event because we have a sequence of votes coming up. It would be our intention, unless someone comes down here, to go ahead and voice-vote it through. But the manager thinks we ought to give at least another 15 or 20 minutes for an opportunity—and we can use the time now for the Senator from Texas. If someone does come down, we will try to get the Senator a few more minutes since she has been very accommodating to try to respond to another Senator. If they do not, our intention would be to voice-vote it.

Ms. LANDRIEU. I thank the Senator from Massachusetts.

Mr. SPECTER. Mr. President, as I already stated, I think it is a good amendment. As I also stated, there may be some who object to it who are not here to raise their objection. I suggest that we just keep it listed on the vote order. When it comes up, unless somebody reserves the remainder of the time, and when it comes up on the vote order, unless somebody objects or wants to be heard, we will simply accept it at that time. And if somebody calls for a vote, we will go to a vote.

Ms. LANDRIEU. Mr. President, I have no objection to that. Could the Senator give me some timeframe? Would it be on for another hour or 2 or will this go on for several days?

Mr. SPECTER. Our schedule is as soon as we conclude this we turn to the Senator from Texas, Mrs. HUTCHISON, for 30 minutes equally divided. She will finish at about 2:45. Then we would go to Senator SESSIONS' point of order under a time agreement of 2 hours, which would be 4:45. But my sense is that there will be some time yielded. It won't go all the way to 4:45. That is the approximate timeframe.

Ms. LANDRIEU. I understand we could do this, which sounds fine to me: We would be voting sometime today either by voice or rollcall.

Mr. SPECTER. We will vote in this sequence when the votes start at 4:45, or earlier.

Mr. DEMINT. Mr. President, this immigration debate has proved divisive on many levels, but I believe there can be a shining beacon of agreement. In all of this back and forth, one group has been voiceless: the infants and young children longing for a loving home who don't care about or understand borders.

In 2004, I introduced the Intercountry Adoption Reform Act, known simply as ICARE, in the House of Representatives. I am pleased to rise today to join my colleague, the Senior Senator from Louisiana, who is introducing ICARE in this Congress as an amendment to the Immigration Reform Act.

Adoption represents the very best of the generous American spirit. In 2004 alone, Americans opened their homes through adoption to over 23,000 orphaned children from overseas. We must ask, how many more children would be with a loving family today if the maze of government regulation was not so complex?

The ICARE amendment takes two important steps to break down the roadblocks these children face on their journey to find a permanent family. First, and most importantly, it affirms that foreign adopted children of American citizens should be treated in many respects like we treat children born abroad to an American citizen. Under existing law, these children are treated as immigrants, having to apply for, and be granted, immigrant visas to enter the U.S.—a process that we all know to be cumbersome, time-consuming, and expensive. Had they been born abroad to American citizens, they could simply travel back to the U.S. with a passport and enter as citizens. This amendment eliminates this discrepancy and injects common sense into the way our law views these children.

Second, this amendment streamlines the existing foreign adoption functions of the Federal Government. Rather than having to navigate through three Federal agencies the Departments of State, Health and Human Services and Homeland Security—adoptive parents would instead have to deal with only one: a consolidated office of intercountry adoptions located within the State Department. I believe this is an essential step to cut through the layers of redtape that currently bind adoptive parents trying to give the gift of a family to a child from overseas.

Mr. President, our laws simply must do a better job of accommodating the unique circumstances surrounding intercountry adoption, and I believe that is exactly what this ICARE amendment will do. That is why, today, I ask my colleagues to join the Senior Senator from Louisiana and myself in affirming our commitment to protect these children and provide them with a loving home.

Mr. CRAIG. Mr. President, if the chairman will yield, I thank the chairman and the ranking member for handling this amendment in this fashion. It is an important amendment. We have moved it before. We are doing so very well in the area of adoption, both domestically and internationally, at this moment. This is a great facilitator. We thank the chairman for its consideration in this fashion.

Mr. SPECTER. Mr. President, I suggest that we conclude the consideration of the Landrieu amendment and now move to the Hutchison amendment.

AMENDMENT NO. 4101

The PRESIDING OFFICER. Without objection, it will be in order to go to the Hutchison amendment for 30 minutes equally divided.

The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I wish to take 10 minutes and then be notified when I have taken 10 minutes so I can reserve the remainder of my time.

Mr. President, there is something missing from the debate that we have had so far. I do think that this debate has been productive. I think it has been civil. I think our differing views have been aired. And I think there has been a fair consideration of the bill on the floor of the Senate. But no one is talking about the underlying cause of the problem of illegal immigration in our country. What can we do about the root cause of the problem?

Most of the people who are coming here—not counting the criminals—the people who come here to do criminal acts, such as drug dealers and human traffickers, people who come into our country surreptitiously to become a part of a movement that would harm our citizens, those people are in a different category. They are criminals. They intend to be criminals. And one of the reasons we are trying to secure our borders is to keep people like that out of our country. But the vast majority of people who are coming across our borders are not people who wish to do us harm. They are people who come here to work, to do better for their families. They want a better life. They are people who want jobs. Their countries do not provide the number of jobs to absorb them into the system. So they go to a neighboring country—our country—to seek those jobs.

Is this good for our country? I would say when people have to risk their lives to come here, it is not good for our country. Is it good for Mexico? It is certainly not good for another country to have a mass out-migration, especially because the people who want so much to work and to do better for themselves are the enterprising people of this society. If they had training, education, and opportunity, they would be able to add even more to the economy of Mexico. As it is, their U.S. earnings are the second largest economic producer in Mexico, second only to tourism.

We need to start talking about how we can address the issue of jobs in our country, address the issue of illegal immigration as we protect our borders and as we protect the economy of our country, but also to try to do what is right for the people involved in this issue.

I rise today, joined by my colleague, Senator BOND, to offer an amendment that is called the Secure Authorized Foreign Employee Visa Guest Worker Program. I am going to call it the SAFE visa. It is for people who want to work in our country but do not wish to be citizens of the United States. It is modeled after the Canadian guest worker program with Mexico that has been in place for over 30 years.

Our amendment creates an additional guest worker program available to workers from NAFTA and CAFTA nations. It is a pilot program. It does not displace the guest worker program in the Hagel-Martinez bill. It is another option. It would be one that could be expedited to meet the demand of more workers in certain fields. It would also be something the employers would know is safe for them to hire based on this visa.

The amendment seeks to create a new visa category for those individuals who want to enter and work in our country legally but do not seek a path to residency or citizenship in the United States because they want to remain citizens of their country of origin. They would be able to take the money that is earned here and use it to improve their living conditions and the living conditions in their country of origin.

Any legislation addressing immigration must firmly address the safety and security needs of the United States. In a world where terrorists continue to seek to harm Americans, we must protect our citizens. We have every right to know who is in our country, who has

crossed our borders, the nature, purpose, and length of the visit. We are negligent if we do not know those things.

Everyone in the Senate and everyone with whom I talk with wants to secure our borders. I have visited with many of the Hispanic leaders in my home State. I have visited with my Hispanic-American supporters and friends. They all want to secure our borders. They are Americans. They are loyal Americans. They want to secure our borders. I have supported amendments throughout this debate to help secure our borders and to pay for these measures.

When I came to the Senate 12 years ago, I started the process of doubling the Border Patrol because we had never sufficiently manned the border. We are still in the process of doing that. We are not nearly where we need to be. We must have a sovereign nation and control our borders.

My proposed amendment will not strike any of the provisions of the underlying bill. It will not eliminate the H–2C visa program that has been put into the bill. Instead, it would be adopted so that workers and employers have a choice. The SAFE visa would be tamper proof so that an employer could look at this card, test it, and know it is valid. It would have either a fingerprint or an eye matrix that could not be duplicated, that immediately would let the employer know he or she is able to hire this person because that person is legal.

The tamper-proof card enables us to have something employers could count on which is not the case today. Today, an employer is at peril because the employer will look at a Social Security card. It may look perfectly valid, but we all know there are many fraudulent cards out there in the market. The employer cannot be the policeman. There are employers who are doing the wrong thing who should be charged with doing the wrong thing, but there are many employers who try to do the right thing, but we do not have a tamper-proof visa that allows them to do that.

Here are the guidelines in my amendment. All SAFE visa applicants would be required to apply while in their home countries. This would be a program generated in the home country. A guest worker would be subject to appropriate background checks and required to present proof of secured employment before receiving the SAFE visa. The employer would be responsible for withholding all standard payroll deductions so that all employees are on an equal footing. You would not put the foreign employee under the American employee, thereby giving an advantage to the foreign employee.

Medicare withholdings for SAFE cardholders would go into a fund to pay for emergency health care provided to foreign workers. The SAFE visa holder would not be eligible for Medicare, and therefore the money that goes from the Medicare deduction would go into a fund to pay for uncompensated health care that would be provided to foreign workers in our country.

This has been an issue for hospitals all across our country that are serving the illegal aliens in our country. They are not compensated. It is a burden on these hospitals which we can relieve with this program.

The program would be structured for a maximum of 10 months per year of work. The person would then go home for 2 months and would be able to come back and renew his or her job on an annual basis. It would be like a driver's license but annually renewable.

A SAFE visa holder could remain in the program as long as they continue to meet the qualifications. The visa would be terminated if the worker is unemployed for 60 or more consecutive days. The SAFE visa worker would not be eligible for Social Security Programs such as welfare or unemployment compensation. They would be able to take what is deducted from their paychecks for Social Security home with them when they retire from the SAFE visa program.

I yield 5 minutes to the distinguished cosponsor of the amendment, Senator BOND.

The PRESIDING OFFICER. The Chair informs the Senator that the amendment has not yet been called up. The Senator may wish to do so.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the pending amendments be set aside, and I call up amendment No. 4101.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself and Mr. BOND, proposes an amendment numbered 4101.

Mrs. HUTCHISON. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To enhance border security by creating a pilot SAFE Visa Program to grant visas to authorized nationals of a NAFTA or CAFTA–DR country who receive employment offers in job areas in the United States that have been certified by the Secretary of Labor as having a shortage of workers)

On page 313, after line 22, add the following:

Subtitle C—Secure Authorized Foreign Employee Visa Program

SEC. 441. ADMISSION OF TEMPORARY GUEST WORKERS.

(a) IN GENERAL.—Chapter 2 of title II (8 U.S.C. 1181 et seq.), as amended by this title and title VI, is further amended by inserting after section 218 the following:

"SEC. 218I. SECURE AUTHORIZED FOREIGN EMPLOYEE (SAFE) VISA PROGRAM.

''(a) AUTHORIZATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall, subject to the numeric limits under subsection (i), award a SAFE visa to each alien who is a national of a NAFTA or CAFTA–DR country and who meets the requirements under subsection (b), to perform services in the United States in accordance with this section.

''(b) REQUIREMENTS FOR ADMISSION.—An alien is eligible for a SAFE visa if the alien—

''(1) has a residence in a NAFTA or CAFTA–DR country, which the alien has no intention of abandoning;

''(2) applies for an initial SAFE visa while in the alien's country of nationality;

''(3) establishes that the alien has received a job offer from an employer who has complied with the requirements under subsection (c);

''(4) undergoes a medical examination (including a determination of immunization status), at the alien's expense, that conforms to generally accepted standards of medical practice;

''(5) passes all appropriate background checks, as determined by the Secretary of Homeland Security;

''(6) submits a completed application, on a form designed by the Secretary of Homeland Security; and

''(7) pays a visa issuance fee, in an amount determined by the Secretary of State to be equal to not less than the cost of processing and adjudicating such application.

''(c) EMPLOYER RESPONSIBILITIES.—An employer seeking to hire a national of a NAFTA or CAFTA–DR country under this section shall—

''(1) submit a request to the Secretary of Labor for a certification under subsection (d) that there is a shortage of workers in the occupational classification and geographic area for which the foreign worker is sought;

''(2) submit to each foreign worker a written employment offer that sets forth the rate of pay at a rate that is not less than the greater of—

''(A) the prevailing wage for such occupational classification in such geographic area; or

''(B) the applicable minimum wage in the State in which the worker will be employed;

''(3) provide the foreign worker one-time transportation from the country of origin to the place of employment and from the place of employment to the country of origin, the cost of which may be deducted from the worker's pay under an employment agreement; and

''(4) withhold and remit appropriate payroll deductions to the Internal Revenue Service.

''(d) LABOR CERTIFICATION.—Upon receiving a request from an employer under subsection (c)(1), the Secretary of Labor shall—

''(1) determine if there are sufficient United States workers who are able, willing, qualified, and available to fill the position in which the alien is, or will be employed, based on the national unemployment rate and the number of workers needed in the occupational classification and geographic area for which the foreign worker is sought; and

''(2) if the Secretary determines under paragraph (1) that there are insufficient United States workers, provide the employer with labor shortage certification for the occupational classification for which the worker is sought.

''(e) PERIOD OF AUTHORIZED ADMISSION.—

''(1) DURATION.—A SAFE visa worker may remain in the United States for not longer

than 10 months during the 12-month period for which the visa is issued.

''(2) RENEWAL.—A SAFE visa may be renewed for additional 10-month work periods under the requirements described in this section.

''(3) VISITS OUTSIDE UNITED STATES.—Under regulations established by the Secretary of Homeland Security, a SAFE visa worker—

''(A) may travel outside of the United States; and

''(B) may be readmitted without having to obtain a new visa if the period of authorized admission has not expired.

''(4) LOSS OF EMPLOYMENT.—The period of authorized admission under this section shall terminate if the SAFE visa worker is unemployed for 60 or more consecutive days. Any SAFE visa worker whose period of authorized admission terminates under this paragraph shall be required to leave the United States.

''(5) RETURN TO COUNTRY OF ORIGIN.—A SAFE visa worker may not apply for lawful permanent residence or any other visa category until the worker has relinquished the SAFE visa and returned to the worker's country of origin.

''(6) FAILURE TO COMPLY.—If a SAFE visa worker fails to comply with the terms of the SAFE visa, the worker will be permanently ineligible for the SAFE visa program.

''(f) EVIDENCE OF NONIMMIGRANT STATUS.—Each SAFE visa worker shall be issued a SAFE visa card, which—

''(1) shall be machine-readable, tamper-resistant, and allow for biometric authentication;

''(2) shall be designed in consultation with the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement; and

''(3) shall, during the alien's authorized period of admission under subsection (e), serve as a valid entry document for the purpose of entering the United States.

''(g) SOCIAL SERVICES.—

''(1) IN GENERAL.—SAFE visa workers are not eligible for Federal, State, or local government-sponsored social services.

''(2) SOCIAL SECURITY.—Upon request, a SAFE visa worker shall receive the total employee portion of the Social Security contributions withheld from the worker's pay. Any worker who receives such contributions shall be permanently ineligible to renew a SAFE visa under subsection (e)(2).

''(3) MEDICARE.—Amounts withheld from the SAFE visa workers' pay for Medicare contributions shall be used to pay for uncompensated emergency health care provided to noncitizens.

''(h) PERMANENT RESIDENCE; CITIZENSHIP.—Nothing in this section shall be construed to provide a SAFE visa worker with eligibility to apply for legal permanent residence or a path towards United States citizenship.

''(i) NUMERICAL LIMITS.—

''(1) ANNUAL LIMITS.—Except as provided under paragraphs (2) and (3), the number of SAFE visas authorized under this section shall not exceed 200,000 per fiscal year.

''(2) WAIVER.—The President may waive the limit under paragraph (1) for a specific fiscal year by certifying that additional foreign workers are needed in that fiscal year.

''(3) INCREMENTAL ADJUSTMENTS.—If the President certifies that additional foreign workers are needed in a specific year, the Secretary of State may increase the number of SAFE visas available in that fiscal year by the number of additional workers certified under paragraph (2).

''(4) CONGRESSIONAL OVERSIGHT.—The President shall transmit to Congress all certifications authorized in this section.

''(5) ALLOCATION OF SAFE VISAS DURING A FISCAL YEAR.—Not more than 50 percent of the total number of SAFE visas available in each fiscal year may be allocated to aliens who will enter the United States pursuant to such visa during the first 6 months of such fiscal year.

''(j) SAVINGS PROVISION.—Nothing in this section shall be construed to affect any other visa program authorized by Federal law.

''(k) REPORTING REQUIREMENT.—Not later than 3 years after the implementation of the SAFE visa program, the President shall submit a detailed report to Congress on the status of the program, including the number of visas issued and the feasibility of expanding the program.

''(l) DEFINITIONS.—In this section:

''(1) NAFTA OR CAFTA–DR COUNTRY.—The term 'NAFTA or CAFTA–DR country' means any country (except for the United States) that has signed the North American Free Trade Agreement or the Central America-Dominican Republic-United States Free Trade Agreement.

''(2) SAFE VISA.—The term 'SAFE visa' means a visa authorized under this section.''.

(b) CLERICAL AMENDMENT.—The table of contents (8 U.S.C. 1101) is amended by inserting after the item relating to section 218H, as added by section 615, the following:

''Sec. 218I. Secure Authorized Foreign Employee Visa Program.''.

Mrs. HUTCHISON. I yield 5 minutes to the cosponsor of the amendment, Senator BOND.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. BOND. Mr. President, I am proud to be a supporter of the Hutchison amendment. This is a model for the way things should work for seasonal workers. I hope this construct is one that could be agreed to, perhaps, in conference with broader application. Many of the criticisms of the current system with which I agreed are addressed by this amendment.

Workers come to America to fill jobs unwanted by Americans, but they are staying and they are not going home. Workers who declared an intent to leave, instead, are requesting permanent residency and a path to citizenship.

This is not the way things used to be when workers came to the United States, worked a spell, and then returned to their foreign homes and families.

The Hutchison amendment returns to those days. Workers have to apply for the program from outside. They come in for 10 months to work and then must return home for 2 months. They cannot bring their family for the temporary work, and they may not apply for renewal within the United States or for permanent residency.

I am also delighted Senator HUTCHISON has taken the suggestion to ensure that enough visas remain midyear for cooler States, such as Missouri, where our seasonal agricultural work does not begin until the late spring or after. Many Missourians claim to me that past programs allowed all visas to be issued in waiver States at the beginning of the season, and that left out the northern States.

I heard these concerns, and Senator HUTCHISON accommodated them, for which I am grateful. I hope this amendment is agreed to as a model in conference for the seasonal work program.

I also use this opportunity to talk about a modest little amendment I have, No. 4071. Senator GREGG is a cosponsor of this amendment.

I ask unanimous consent additional cosponsors be added, including Senator HUTCHISON, Senators ALEXANDER, ALLEN, BURNS, COBURN, SUNUNU, and WARNER.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4071

Mr. BOND. Mr. President, I have an amendment, No. 4071, for the benefit of America's workers, America's universities, and America's economy.

While we rightfully have spent a lot of time in the debate so far discussing low-skilled, undocumented workers, I want to spend some time discussing our vital need for legal, high-skilled, high-tech workers.

America's workers face a battle for their jobs. They are the finest workers in the world. American workers grow, harvest, and mine some of the world's highest quality and most plentiful raw materials.

American manufacturing workers made the U.S. a global giant, turning back fascism, and lifting millions into the middle-class.

American workers are not just out in the fields or on the assembly line. They are in the storefront serving customers. They are in the backrooms placing orders and balancing books. They are on the streets delivering wares. They are on the floors stocking products.

And who do all these workers count upon? What does every company need to compete and succeed in today's modern economy? They all need high technology, innovation, and invention.

It has become increasingly clear that if American workers are not supporting high tech products in demand today, they are losing their jobs.

If Americans are not using cutting edge technology to extract raw materials efficiently, or produce record harvests, they are losing their jobs. If American workers are not part of innovative companies making the next new gadget or gizmo, they are losing their jobs.

Where will tomorrow's innovations and inventions come from? Where does the brainpower needed to make a cell phone smaller, a plasma TV bigger, or digital camera clearer come from? Where does the know-how to make disease-resistant crops, infection-killing drugs, and cars and power plants emitting only water come from?

These are the products that will cause new orders—the products that will stock shelves and bring in customers—the products that most importantly will provide new, plentiful, good-paying jobs.

They will come from our best and brightest, our engineers, our scientists. They will come from our mathematicians. They will come from our technology experts, full of new ideas and know-how.

They are among us even now—at our universities across the Nation. They are in physics class. They are in computer science class. They are doing their papers, their thesis, their dissertations.

They are graduating with their masters degrees and their PhDs. They are completing their post-doctoral work. And they are vital to every worker in the Nation.

They call these people STEM students—for science, technology, engineering, and math. They form the lynchpin of our high-tech economy. Without them, there is no innovation, no invention.

Who are these STEM students? Increasingly, many STEM students graduating from U.S. universities are from other countries. We can all picture them. Engineering students from India, science majors from China. Foreign students are earning 30 percent today's U.S. doctorates in engineering, 50 percent in math, and computer sciences.

We are lucky to have them because the number of U.S. citizens enrolling in science and engineering is way down. From 1993 to 2000 it dropped 14 percent in total, 32 percent in math, and 25 percent in engineering.

U.S. undergraduate programs in science and engineering report the lowest retention rates among all disciplines. Less than half of all U.S. undergrads who attempt engineering or science majors complete a degree in one of these subjects.

American companies are calling, regardless of the student's home country. The companies of every manufacturing worker, every accountant, every stockperson, every salesman, are vying for our STEM graduates.

Employers hiring international students from Missouri universities last year included: Cisco Systems, Intel, Honeywell, Proctor & Gamble, Black & Veetch, Emerson, Cummins, and Deere among others.

And what are we doing with many of our international students? We have put so much money into them, with tuition grants, loans and fellowships. We have poured so much time into their instruction, tutoring, and study. What are we doing with this vital resource?

We are kicking many of them out of the country. We are giving them insufficient time for U.S. companies to place them. We are requiring them to leave for 2 years before coming back. We are hurting their employment chances by putting their long-term residency in doubt. All of these are ways that our antiquated visa system is out of touch with the needs of our 21st century economy.

This at the very time American workers need them the most—at the very time American workers are struggling to meet the 21st century economy, we are undercut by outdated student visa rules.

At the same time, China and India are exploding with new engineers and scientists. Last year, according to Fortune Magazine, China graduated over 600,000 new engineers, India 350,000, and the U.S. only 70,000.

China is pouring government funds into research and development. They recently decided to double such funding to 2½ percent of their GDP. India just boosted R&D by 10 percent.

The result as the Wall Street Journal recently portrayed: ''Low Costs, Plentiful Talent Make China a Global Magnet for R&D.''

Foreign-invested R&D centers in China more than tripled from 4 years ago. U.S. companies such as Procter & Gamble, Motorola, IBM, and others are opening research centers in China.

Motorola now has 16 R&D offices in five Chinese cities, with accumulated investment of about $500 million. Emerson, based in my home State in St. Louis, MO, a global leader in electronics engineering and technology, recently established four R&D centers in Asia—three in China and one in India.

What are we doing to counter this tidal wave? Many would say we need to invest in U.S. research and students—produce more U.S. scientists and engineers.

I would agree Wholeheartedly. I have long supported doubling the budget of the National Science Foundation. I am a cosponsor of the Protecting America's Competitive Edge Act. It calls for more investment in U.S. science and research funding and education.

But it also recognizes that encouraging more U.S. kids to go into science and math is not enough. It won't produce enough scientists and engineers. Our U.S. employers will not get the brainpower they need by this alone.

The National Academy of Sciences that produced the recommendations on which the PACE legislation is based said as much.

They document America's high-tech needs in their report ''Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future.''

A section of that report addresses the need of U.S. universities to get international STEM students—the need of U.S. employers to get international STEM students—the need for us to change our visa rules to allow us to keep our STEM graduates here at home, to the benefit of U.S. workers and the U.S. economy.

A recent Wall Street Journal article highlighted this need. It begins with: ''Last year, Stanford University awarded 88 PhDs in electrical engineering, 49 of which went to foreign-born students. U.S. business would like to hang on to these kind of prized graduates and not lose them to the world.''

And so I am thrilled that the Judiciary Committee, under Senator SPECTER's fine leadership along with Senator KENNEDY, included provisions trying to answer this call. Similar provisions were included in Leader FRIST's bill and in the Protecting America's Competitive Act, of which I am a proud cosponsor along with 61 of my colleagues.

We seek to provide an answer to U.S. workers losing out on good-paying jobs in manufacturing, raw material supply, distribution, advertising, sales, and administration when their employers can't get the high-tech innovators and inventors they need to compete with foreign companies in the 21st century economy.

We seek to answer taxpayers who are sending billions of dollars to U.S. universities to fund research and student education, only to see the product of that hard work and money, U.S. university graduates from other countries, forced to leave the country to the benefit of foreign competitors.

We seek to update U.S. immigration laws to meet the needs of 21st century educators and workers. S. 2611's underlying provisions update visa requirements so that U.S. universities can get the students they need and U.S. companies can get the U.S. STEM graduates they need.

It provides U.S. advanced STEM degrees graduates up to 1 year after graduation to be placed with a U.S. company in their field of study. This will stop these valuable U.S. graduates from being forced out of the country before they have time to be placed with a U.S. company needing their expertise. It will also make the U.S. competitive with other countries with the same reform now attracting talented high-tech workers to America's detriment.

It also makes U.S. advanced STEM degree graduates placed with a U.S. company eligible for permanent residency and gives them the time they need to process their application. This will allow U.S. companies to keep U.S. graduates to the benefit of U.S. jobs and the economy. Again, it will also make the U.S. competitive with other countries with the same reform now attracting talented high-tech workers to our detriment.

With my amendment I want to ensure that we do not leave a portion of these valuable STEM students behind. It ensures that in addition to the advanced STEM degree students on F-

visas, we also include those same types of students on J-visas.

Most advanced STEM degree students come to the U.S. on an F-visa. This is the primary student visa. But many may not know, including those who advocate and practice in the immigration arena, that many advanced STEM degree students also come to the U.S. on J-visas.

What's the difference with these students? Nothing really when you look at who they are. They are STEM students pursuing advanced studies in biology, biomedical engineering, and similar disciplines. They are PhDs and they come to pursue and complete their postdoctoral studies at leading universities across the nation.

In Missouri, J-visa holders make up 10 percent our University of Missouri advanced STEM degree students. At Washington University in St. Louis they form 25 percent of the advanced STEM degree student body. I think every Senator in this body will have advanced STEM degree students on J-visas at universities in their states and thus will benefit from this amendment.

There is no substantive reason to include advanced STEM degree students on F-visas and not on J-visas. Indeed, I think it may have been just an oversight.

My amendment applies strictly to advanced degree STEM students on J-visas. Other persons on J-visas in the U.S. for other reasons will not qualify for this program.

So, I urge my colleagues to support this amendment. I am thankful for the support of Senator GREGG, along with Senators ALLEN, ALEXANDER, COBURN and SUNUNU cosponsoring this amendment. It is a modest set of provisions, but its impact will be great.

Our workers need this amendment, our universities need this amendment, the Nation's competitiveness in the 21st century needs this amendment.

This amendment I am not calling up now because I understand it will be included—I hope it will be—in the managers' package.

I will tell my colleagues what it does and also alert many Members who are interested in it because it will keep our best and brightest students from abroad, the science, technology, engineering, and math students who come here for postgraduate degrees, in the United States.

Right now, there is a provision in the bill for the F-visa students to stay here, but it omits the J-visa students. American students who come from overseas and study in our institutions, which we proudly support, ought to be making their contributions to the well-being of the economy, to the knowledge and the skill base. I believe these students, if they want to stay here, ought to be given the opportunity to stay here.

Right now, under the J-visa system, you come in and you can be working postdoctorate in a science area which is exploding and creating the jobs of the future, and then the J-visa system says you have to go home for 2 years. By the way, they go home for 2 years, and guess what. They have started a business there, they have hired people in their country, and instead of having their skills, knowledge, and expertise that was gained in the United States put to work here, they are putting it to work in other countries. It does not say they have to stay here, but right now, the current system says you have to go home. We put a lot of money into training these great students. They are a wonderful resource.

I have visited many colleges in my State, and I have talked to the master degree student, doctorate degree, and postdoctorate international students working there. They want to stay here. And, reasonably, the universities want them to stay here because they form a tremendous support base for the universities.

These are people who not only can earn a good living for themselves, but their scientific know-how, their technical, managerial, engineering, and mathematical skills can provide opportunities to put all of these workers with their skills into the hiring of workers in the United States.

Regrettably, too many American students are choosing not to go into science, engineering, and mathematics.

If there is time before 2:45, after Senator HUTCHISON completes her statement, I ask to utilize that time.

Mr. KENNEDY. If the Senator will yield, we welcome having his participation. I wanted to be able to respond briefly. I don't know if Senator HUTCHISON will talk until 2:45.

Mrs. HUTCHISON. Mr. President, I say to the Senator from Massachusetts, I have 5 minutes remaining on my time which I wish to reserve for any rebuttal, and then I will be finished.

Mr. KENNEDY. And did Senator BOND want something?

Mr. BOND. Mr. President, I definitely don't want to preempt the manager from his comments, but if there is additional time, I would like another 5 minutes after the Senator from Massachusetts and the Senator from Texas have made their comments.

Mr. KENNEDY. Fine.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I say to the Senator, I will be glad to give you 5 minutes of my time, if you want it.

Mr. BOND. Fine. That is most gracious.

Mr. KENNEDY. If we could do that after my final comments.

Mr. BOND. Sure.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 4101

Mr. KENNEDY. Mr. President, I thank the Senator from Texas for her vision in the importance and the role that temporary workers can play in our society, but I have to reluctantly oppose her amendment.

We are on this issue of temporary workers. The body is being sort of whipsawed. We started out with 400,000; and we have had good debates and discussions, and we have reduced the number of temporary workers to 200,000. And we are going to have further amendments before the end of the evening or on the morrow that will probably be to eliminate all of the temporary worker programs. There is a number of our colleagues who feel that way.

I had supported the number with Senator MCCAIN of 400,000 temporary workers, and then we reduced that number to 325,000. And now it has been reduced to 200,000. As I mentioned, we have amendments on the list now that are going to try to, effectively, eliminate the temporary worker program. The Senator from Texas wants to increase it from 200,000. It seems to me we had it right in the earlier time when Senator MCCAIN and I had introduced the legislation. It still was at the 325,000. I am going to advocate that we continue the program at the 200,000, later on in the afternoon or evening, when we are going to have attempts to eliminate it.

But this program is a very different program than the one that is in the underlying legislation. I want to talk about that very briefly.

First of all, there is a dramatic difference in the recruitment process between what we have in our legislation in the underlying bill and what is in the Hutchison amendment. We have a very extensive recruitment-and-posting program where we post, in a vigorous effort, to try to recruit American workers and indicate also what they are going to get paid. That is very extensive. It is spelled out in some detail in our legislation. I think it is far more extensive than a general designation of a category where there are some jobs available.

Secondly, we have much stronger worker protections in terms of the wages and in terms of protecting workers' rights, such as if there is going to be a walkout or a strike, which does not exist in Senator HUTCHISON's amendment. We have a complaint process and procedure, so if there are violations of the rights or wages or working conditions of these temporary workers, they will have the ability to file a complaint with the Secretary of Labor, which does not exist in the Hutchison amendment.

There is the ability for a temporary worker, if he or she does not get along with their particular employer, to be portable. He or she can go to a different job and different employer so we can free these workers from what has

happened historically, and that is exploitation. That is an enormously important protection for workers. That does not exist in the Hutchison amendment.

In our particular temporary worker program, it can last for 6 years, which is very desirable both from the workers' point of view and the employers' point of view in terms of the training they give to the workers themselves.

But most importantly—most importantly—after the 4-year period, the worker, under our proposal, can actually petition for permanent citizenship—a green card, effectively. Then they have to start the process toward naturalization. It will take them 5 more years, but they can get on the path. They have to work hard over the period of some 4 years. If there is a green card available, they can move toward a green card. If not, they will have to wait, and eventually they will get to the process of citizenship—but not under the Hutchison amendment. After a total of 21 months, they return back home.

So there is a very dramatic difference in the concept of the temporary worker program included in the underlying bill than that of the Hutchison amendment. And that underlies the fact we are going to respect these workers. In our underlying bill we are going to profit and learn from the historic past, where there has been the exploitation of workers, where workers have not been able to have portability, where workers have not had a complaint procedure, where workers have not had whistleblower protections, where we have seen workers exploited.

It gives them the opportunity, if they work hard, play by the rules, to be able to be law-abiding citizens. That gives them an opportunity, then, to get on a path, with 5 more years, to be part of the American dream. Nine or 10 years it is going to take. They are going to have to demonstrate that hard work, play by the rules, stay out of trouble, and have a good work ethic to be a part of the whole American system.

That does not exist. I think that is important because it really is a reflection of the fact that we value this work. It may not be Americans who are prepared to take these jobs, but, nonetheless, we value these individuals. We value these individuals. We have the high-skilled individuals, but we also value those individuals who are going to come here, work hard, play by the rules, and are going to be able to be eventually transitioned into citizenship.

So, first of all, we have the overall scope, the fact of the total numbers we have; secondly, we have the protections. In the existing and underlying bill, I believe a careful reading of the legislation will show there are vastly more protections for the temporary workers than in the Hutchison amendment. I am concerned both about the numbers and the failure of the protections for those particular workers.

Finally, it is limited to just certain countries. Our temporary worker program can include other nations, Asian countries, countries other than those on the particular list the Senator from Texas has outlined.

So it does seem to me we really do not need an additional temporary worker program. I hope we will not accept her amendment.

Mr. President, I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I do not know how much time I have available.

The PRESIDING OFFICER. The Senator from Massachusetts controls 12½ minutes. The Senator from Texas controls 5 minutes.

Mr. KENNEDY. Mr. President, I would be happy to yield 5 minutes of that time to the Senator from Missouri after the Senator from Texas speaks.

Mrs. HUTCHISON. No. Mr. President, I would like to reserve the remainder of my time until the Senator is finished with the rebuttal so I can close on my amendment.

Mr. KENNEDY. Fine. I was just trying to accommodate the Senator. I was going to yield the floor, and I thought both Senators wanted time. I say to the Senator, you have been very accommodating in working out the time agreements earlier, so I was glad to yield some of my time to the Senator, who is supporting your position.

Mrs. HUTCHISON. Mr. President, I appreciate that very much. I will yield to the Senator from Missouri to use the 5 minutes from the Senator from Massachusetts, and then I will wait if the Senator wishes to continue any kind of rebuttal, and then I will reserve my time until he is finished so I can close on my amendment.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 5 minutes.

Mr. BOND. Mr. President, I thank my colleagues, who are very generous.

I should have stated at the beginning that I very much support the provision that Senator SPECTER and Senator KENNEDY put in the underlying bill. There were similar provisions in Leader FRIST's bill, in the Protecting America's Competitive Act, of which I am a proud cosponsor.

AMENDMENT NO. 4071

Mr. President, this underlying bill provides that U.S. advanced STEM degree graduates—that is science, technology, engineering, and math—get up to 1 year after graduation to be placed with a U.S. company in their field of study. It will make sure they can find a place to work, and then get permanent residency to process their applications. It will allow U.S. companies to keep U.S. graduates to the benefit of U.S. jobs. And it will make our country much more competitive with other countries with the same reform now attracting high-tech workers to our detriment because they go overseas.

The amendment I have offered ensures that we do not leave a portion of these students behind. The underlying bill says it applies to students on F-visas. We include those same types of students on J-visas.

There are a significant portion of J-visa students studying in my State, pursuing advanced studies in biology, biomedical engineering, and, particularly in my State, genetic engineering and plant biotechnology. They are Ph.Ds. They come to pursue and complete their post-doctorate studies at leading universities in Missouri and across the Nation.

In Missouri, J-visa holders make up 10 percent of our University of Missouri advanced STEM degree students. At Washington University in St. Louis, they make up 25 percent. I think every Senator will have J-visa STEM students at universities in their States. There is no substantive reason not to include them in the underlying bill. I assume it was merely an oversight.

When you bring in these workers, as I was saying earlier, American manufacturing workers are getting good jobs because they have the science and the math, the technology that is enabling them to produce 21st century products and to do the kind of work that 21st century science enables them to do.

It is becoming increasingly clear that if American workers are not supporting high-tech products in demand today, they are losing their jobs. As a recent book by Tom Friedman, ''The World Is Flat,'' explains, those high-tech jobs can go anywhere in the world and be linked up by computer. So Americans need to be using cutting-edge technology. Whether it is some of our basic activities—extracting raw materials efficiently or producing record harvests—we need to use the technology that is being developed. And with today's and tomorrow's innovations and inventions, they are going to have to come from students who are studying at our universities.

Right now, foreign students are earning 30 percent of today's U.S. doctorates in engineering, 50 percent in math and computer sciences. We are lucky to have them in the U.S. because the number of U.S. citizens enrolling in science and engineering is way down. It dropped 14 percent in total from 1993 to 2000; 32 percent in math, 25 percent in engineering.

AMENDMENT NO. 4101

Mr. President, I reiterate my support for the amendment offered by my colleague from Texas. I am very proud to support her SAFE Visa Program amendment because I do think the system she has laid out is one that is appropriate in a much broader field. I

would like to see this measure in the bill because I think when the conferees start looking at how we deal with guest workers, they are going to want a commonsense solution.

That solution is to say, you can come for 10 months. We want to make it possible for you to come here and work, knowing you can come back and forth freely, knowing you are not locked in here, so you can go home and see your family and so you can take money home; and when you finish work here, you will have that portion of Social Security taken out of your paycheck as your own savings account.

This will be a tremendous boom for them, and enable them to go back to their villages or cities, or wherever they came from, and be able to provide for themselves and their families, and also, we hope, invigorate the economies of those communities from which they came.

So I am very proud to support the Senator from Texas, and I urge my colleagues to join with her in supporting the amendment.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I have 7 minutes. I was not going to make a further comment on this amendment. The Senator from Alabama indicated he had a few questions on this amendment, so I am glad to yield my time to the Senator. Then the Senator will make her concluding remarks. And then I understand we are going to go ahead with the point of order of the Senator from Alabama.

Mr. SESSIONS. That would be correct.

I thank the Senator from Massachusetts for his courtesy.

The PRESIDING OFFICER. Who yields time?

Mrs. HUTCHISON. Mr. President, let me just clarify that the remaining amount of Senator KENNEDY's time would go to Senator SESSIONS for questions, and then I would have 5 minutes after that to close; is that correct?

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, how much time would remain, then?

The PRESIDING OFFICER. The Senator from Massachusetts retains 6½. The Senator from Texas has 5 minutes.

Is there objection to the Senator from Alabama being allowed to control the 6½ minutes of the Senator from Massachusetts?

Without objection, it is so ordered.

The Senator from Texas is recognized for 5 minutes.

Mrs. HUTCHISON. Mr. President, I defer to the Senator from Alabama, and then I will use the remainder of my time.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I am very interested in and supportive of the concept embodied in the Hutchison amendment. A few weeks ago Senator SPECTER and I met with President Uribe in Colombia and with officials of the Dominican Republic. President Uribe and the Dominican Republic said they didn't understand this controversy. They have a good guest worker program. Both of them apparently had a guest worker program with Spain and Canada. Under those programs, the workers would sign up. I am not sure whether it was with the Colombian Government or the Canadian Government. They would be given a visa to work for so many months with the clear understanding that they would be able to come home to their families when they finished work and be able to sign up for the next year unless something significant changed. They were both very happy about that. To my knowledge, we have really nothing like that in our legislation in the main part of the bill. I ask Senator HUTCHISON, is this something similar to what you are proposing? If so, you definitely have support from those two countries.

Mrs. HUTCHISON. Mr. President, that is what is missing from this bill. Many countries have temporary worker programs with other countries that have worked very well. Many other countries even come across the ocean for temporary work. In many places you have temporary workers who go back and forth across international boundaries every day to work. In some countries it is considered that those workers are an underclass. I disagree with that. Having the ability to go back and forth, a circularity, is healthy. We want commerce with Mexico and Central and South America. We want to have the ability for people to work 3 months and go home for 2 weeks and then come back and work 3 months, whatever the employer and employee can work out, as long as it is basically 10 months here and 2 months at home. You can have exactly what Senator BOND just said. You can have the money going into the country of origin which Mexico wants. They want the ability for their people to work in the United States. But I don't think Mexico wants their good people to leave and become citizens of our country. Some will want to. That is available to them. But not every one of them wants to. And why should we force that, or why should we encourage it? If they want to go into the citizenship route, that is available.

In fact, one of the arguments that was made by the Senator from Massachusetts is, are we going to create a permanent underclass of citizens? As long as you have the citizenship route, there is no underclass because the people who abide by the laws and decide to learn English and to do the things required for citizenship can get into the citizenship track. There are many people who might not want to do that, who would like to work but take their money home, maybe have their nest egg with them when they retire to start a business at home or to pass on to their children.

We should have more options. That is what this amendment does. We should have a guest worker program in this bill that creates another option that is not now in the underlying bill.

Mr. SESSIONS. Any of these guest workers that at some point decide they wish to become a citizen or become a permanent resident wouldn't be prohibited from applying under that provision of the bill that we would pass that would allow them to get in that track, correct?

Mrs. HUTCHISON. Absolutely. If they decided to go into the SAFE visa program, they would make the decision they are not going on the citizenship track, but if they change their mind, they can withdraw from the SAFE visa program, take the Social Security that has been deducted from their salaries home with them, go back to their home country and get in line for the citizenship track.

Mr. SESSIONS. One of the problems is that people come into the country and they feel bound. If they come illegally, as they come today oftentimes, they don't feel free to go back and forth. Then there is pressure on them to try to bring their family. Whereas if they had a card such as you propose and they could come and go and leave their family at home and just work for so many months like so many Americans do, they work in different cities and towns all over America and come back home to their families, wouldn't that be a positive offering for people who wanted to come work and not a demeaning thing?

Mrs. HUTCHISON. It is so important that we have the different options. It is important that we give the opportunity to people not to disrupt their families, to be able to go back and forth, if that is the option they would choose. Maybe they want to contribute in their home country, and they want to remain citizens. As long as you have the citizenship route for people who want the rigorous test of citizenship that goes with our country, then you should have two options on the table and people can choose. This is a country of entrepreneurs who want to have options, and we need programs that work.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. SESSIONS. I thank the Chair.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Alabama. I thank the Senator from Massachusetts for letting us have the colloquy. It is so important that we recognize that we are in a system that does not work right now. We have 11 million people living under the radar screen. That is

not good for them, and it is not good for our country. Since we had 9/11 and the wake-up call, we now know that we must secure our borders first. We must also not ignore the invaluable contributions made by immigrants. We are a country of immigrants, of course. Many of us in this body had parents or grandparents who were immigrants, who were the first to come to this country. They have known hardship. They have assimilated. That is a good thing.

Why not have another option for people who would not want to go the citizenship route but who could work. Some of these temporary worker permits in the underlying bill are limited to 3 years or 6 years. The SAFE visa is not limited at all. As long as the person still qualifies and there is a willing employer, the employer can train someone and know that they will come every year and be able to keep that training. It is a 10-month program, but any employer can figure out that they would hire one group of workers in January and another in March, so they would have a full year employment if they don't have a seasonal business and the jobs they need to fill are not filled by Americans, which is also part of the amendment. But you could have people in this program for 10 years. They could then take their nest egg back home with them. They would be trained workers for the employer. So it is a win for everyone.

If we are going to have a system that works, with secure borders, with a guest worker program that allows people to work and not seek citizenship, not be able to go into the social programs of our country, but people who will be well paid, well treated, and be able to build their nest egg with their Social Security deductions, we should offer that kind of opportunity side by side with the opportunity for citizenship which is a longer track. That is a system that can work for the long term.

We cannot make the mistake of 1986, when we passed an amnesty bill and said: This is the last one. In 1986 we didn't provide a guest worker program going forward that worked. As a result, we have millions of people under the radar screen not having the protections of the American system. That is not good. It is not good for them, and it is not good for us.

It furthermore sends a signal that if you come here illegally, you will be able to eventually become legal through amnesty. That is not an ordered system. An ordered system would be one in which we secure our borders, we have temporary worker programs that work, some with the citizenship track, some without, and then you deal with the people who are here illegally one time. You do it in a rational and responsible way, but you know you have a system in place that is going to work for the future.

I don't expect to carry this amendment. I do expect that the airing of this view should have an impact on the conference committee that will meet to create a bill that I hope all of us will be proud to support. It will not be the bill that is going to leave the Senate floor this week. This is not the bill that will provide a long term solution. It is not the bill that is going to assure that we have economic viability in our country as well as safety and security and protection for American workers. We can get a good bill, but that bill will have to come out of conference. I hope that the Senate speaks with a strong voice that this should be part of the solution, that we should have an option for people who could get into the system within a year, who would have a tamper-proof visa, that they would be safe and the employer hiring them would be safe to trust, and that they would be able to make a living wage and go home and keep the citizenship of their country of origin, if they choose to do that.

This is an option we should have. I hope we have a strong vote in the Senate so that this will become part of the solution to this issue that we must reach to get control of our borders and create a strong economy.

Mr. President, I ask unanimous consent that a letter of support for my amendment from the American Farm Bureau be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, May 22, 2006.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR HUTCHISON: Thank you for requesting the views of the American Farm Bureau Federation on the Secure Authorized Foreign Employee (SAFE) visa amendment to the Hagel-Martinez immigration bill, S. 2611.

The SAFE visa would appear to provide agriculture with an alternative temporary worker program in addition to the existing H–2a program, to recruit workers from abroad when workers cannot be found locally. The amendment would not in any way affect other agriclultural provisions in the bill.

Under the SAFE program, growers would be required to pay not more than the prevailing wage. Employers would be responsible for transportation but could deduct those costs from pay under an employment agreement.

In addition to the H–2a program, we believe that the SAFE visa could help ensure that agriculture has access to a legal foreign workforce during labor shortages and therefore, we would support the amendment.

Sincerely,

BOB STALLMAN,
President.

The PRESIDING OFFICER. All time for debate on the Hutchison amendment has expired.

Under the previous order, it is now in order for the Senator from Colorado to offer a point of order.

Does the Senator wish to be recognized for that purpose?

Mr. ALLARD. Mr. President, I do. Following making my point of order, I would ask unanimous consent that the manager be recognized and then there be an opportunity for Senator SESSIONS to make a few remarks. I want to make a few remarks. I ask unanimous consent for that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, 2 hours has been allocated for debate. One hour will be controlled by the Senator from Colorado making the point of order, 30 minutes to the Senator from Pennsylvania, Mr. SPECTER, and 30 minutes under the control of the Senator from Massachusetts, Mr. KENNEDY.

The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I raise a point of order that the pending bill violates section 407(B) of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2006.

Mr. SPECTER. Mr. President, I move to waive all applicable points of order under the Budget Act and the budget resolutions.

The PRESIDING OFFICER. The motion to waive the act is heard. Under the previous order, the time allocated for debate will be on the motion to waive.

Who yields time? The Senator from Colorado.

Mr. ALLARD. I yield to my colleague from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank my colleague from Colorado. He is a senior member of the Budget Committee. He is capable and does, in fact, help us monitor spending in this body. I am pleased that he shares my view, and I hope our colleagues will listen to the discussions we have that indicate that this bill, indeed, is a tremendous budget buster. There is very little doubt about that in any fashion whatsoever. The Congressional Budget Office has concluded that it busts the budget in the first 10 years. And they conclude, without much analysis at all, frankly, because the numbers are so much worse in the second 10 years, that it clearly will break the budget in the next 10 years. They generally do their studies on a 10-year basis.

This is a matter that is tremendously important. It is one of the reasons the legislation before us today is considered such an important matter. It has importance beyond immigration. It has great importance toward the financial stability of this Nation in the future, our ability to make ends meet and not spend more than we take in. You have heard it said, and I have talked to some fine economists and they have it in their minds—well, let's say not a lot of them because most of the economists

we have heard testify here have the view that I share. But a lot of people seem to think if we just bring in more people, that will then raise revenues and that will then help us balance the Social Security default we are in. That is one of the myths that are out there. It is a very powerful myth, and it is an appealing myth.

First of all, these kinds of pieces of legislation tend to get worse rather than better. I just point out that the Congressional Budget Office study they gave us a few days ago—we have a response to it today to update it. It adds 4 million more people to their estimate in the amnesty section of the bill than they estimated a few days ago. That is a 33-percent increase, a third more than they estimated. These numbers are hard to estimate. We know that in 1986, they predicted that a little over 2 million would be eligible for that amnesty, and 3 million showed up, a 33-percent increase. These are the kinds of numbers we are dealing with.

Further, I note, very troublingly, that until we got the initial report from CBO on May 16, nobody had presented a cost estimate on this piece of legislation, and nobody really has today. In fact, the CBO score just goes out 10 years. They don't attempt to deal with the second 10 years, which is where the extraordinary growth in costs to our Government will occur.

So I challenge my colleagues. We will hear some talk, but I would like to really see how any increase in revenue the Government might have would have an ability to overcome the huge costs in the future. I think it will be, in 20 years, clear that this amnesty bill—if it goes in like it is today—will add more in costs and will absolutely not help us pay for Social Security, and it will absolutely leave us in a weaker fiscal condition than we are today.

Mr. President, how much time have I used? And I ask to be notified at 12 minutes.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. SESSIONS. Mr. President, according to the budget point of order the Senator from Colorado has raised, he will be focusing on, I believe, the second 10 years. The Congressional Budget Office has told us that the first 10 years are net losers. They say that direct spending in this bill authorizes $54 billion. There will be $66 billion in revenue, and discretionary spending will be $64 billion, for a net cost in the first 10 years of $52 billion. That is really significant. The numbers are far worse in the outyears.

Those of us who have watched this Congress operate over the years and have been in it a few years realize that we make some of our biggest mistakes when we jump into programs that sound good at the time and we have not calculated the long-term costs to our country, and we wake up wondering how it ever happened. Sometimes we need to go back to look at precisely how it occurred.

Robert Rector has done some serious number-crunching for the second 10 years. He was a chief architect of America's welfare reform bill. He is a senior analyst at the Heritage Foundation, a very well respected group in town. These are some of the things he says about that. He believes—let me tell you—that the numbers could be $50 billion to $60 billion per year in the second decade. This is one of his quotes:

> In the long run, this bill, if enacted, would prove the largest expansion of Government welfare in 35 years.

The largest expansion of Government welfare in 35 years. He estimates that the bill's provisions that put illegal aliens on a direct path to citizenship will result in $16 billion per year of net additional costs to the Federal Government for benefits given to the amnestied individuals alone. This is just the group that is in the first amnesty. This will be in the amnesty of those who are already here. That will cost $16 billion per year.

He also points out that the fiscal impact of the cost to the Treasury caused by the Senate bill will extend far beyond the benefits given to the individual aliens, those who are here seeking amnesty. Once those aliens receive legal permanent status—that is the green card, and that is what they will receive under the bill before us—they have an automatic guaranteed right to bring their spouses and minor children into the United States even if this had not been one of their strong desires to begin with. Now they have an automatic right to do this. So that will greatly expand the total number of people ultimately granted citizenship under this bill's provisions. It is not just the people who are here.

Undoubtedly, the welfare estimate of $16 billion per year will increase. That is a low estimate. Once an illegal alien becomes a citizen, they have an additional unrestricted right to bring their parents in. Many of these parents will be elderly and need medical care. The Heritage Foundation report points out that parents under the Medicare system could cost as much as $18,000 per person. They estimate that even if 10 percent of the people who are provided citizenship—we are talking about getting into the second 10 years because it will take about that long to go through the process of getting a green card under the restrictions of the bill and under their request for citizenship. You can bring your children and your wife with a green card. If you have a green card, you can bring them. If you become a citizen, you can bring your parents and your brothers and sisters, and they can bring their children. But he estimates that would be $30 billion a year in the outyears.

You say that cannot be. Well, all I know is Members of this body debated for years welfare reform. The people who opposed welfare reform and opposed it steadfastly—and President Clinton vetoed it several times—said it was going to increase poverty. The others argued: No, it will help lift people out of poverty. What has happened? Welfare rolls have dropped by more than 50 percent, and the number of children being raised in poverty is lower than it was at that time. Who said that would happen? Robert Rector at the Heritage Foundation. He was proven correct in that debate. I submit that he is one of the more brilliant students of public life today, of welfare and all of the related issues. He said it will be $50 billion to $60 billion a year in the next decade. That is a lot of money. That is really a lot of money. Over 10 years, that amounts to a half trillion dollars.

So we have to think about this. I suggest to my colleagues that we have not thought this through. We don't even have an official CBO score on the second 10 years. We are asking the country, the American taxpayer, who lifts the burdens and pays our fat salary and takes care of us and everything else in this Federal Government, to just take a walk with us in the hope that something good might happen. I don't think so.

I urge my colleagues, if you are concerned about this and other aspects of the bill, to cast a vote against waiving the Budget Act. Our chairman has said: Well, we don't deny the Budget Act is being violated, we don't deny spending increases more than it is supposed to under the Budget Act, but with 60 votes, we want to waive it, and we will move right on and pass something and send it to conference.

We have made some progress on the bill. We have had some good debate in the Senate. It is still not fixed, in my opinion, in a number of ways. What really needs to be done is the bill pulled down and seriously talked about.

The PRESIDING OFFICER. The Senator has used 12 minutes.

Mr. SESSIONS. I ask unanimous consent to have 2 more minutes.

Mr. ALLARD. Mr. President, I extend 2 more minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator is recognized for 2 more minutes.

Mr. SESSIONS. Mr. President, that is what we are talking about. This is not a technical matter. I don't believe any study is going to show that these numbers are fundamentally incorrect. I don't believe any numbers will show that the approval of this bill will not be a net cost to the Treasury of the United States. One of the reasons that is sadly so is because so many of the people who are here illegally do not have a high school education. That

means they have less opportunity to succeed than if they had come here with higher abilities and skills and were in areas in our country where we really needed them. That could make them be more successful.

I thank the Chair, and I yield the floor and yield back whatever time is remaining.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLARD. 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. ALLARD. Mr. President, I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 7 minutes.

Mr. ALLARD. Mr. President, I wish to express in a public way my gratitude for Senator SESSIONS, the Senator from Alabama, for his efforts on behalf of many of us who have concerns about the immigration bill. I think we should recognize his yeoman work and the amount of time he spent studying all of the ramifications of this bill.

All of us have begun to study this bill more and more over the past week, and we began to realize the long-term implications the immigration reform bill we have on the floor will have on America.

I have grave concerns with the effects of this bill on the future of this country, not the least of which is its potential fiscal impact.

Section 407 reads:

> It shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report that would cause a net increase in direct spending in excess of $5 billion in any of the four 10-year periods beginning in 2016 through 2055.

The Congressional Budget Office issued a May 16, 2006, cost estimate explicitly stating:

> Enacting S. 2611 would cause an increase in direct spending greater than $5 billion in each of the 10-year periods between 2016 and 2055.

The fiscal impact of this bill can be summed up in simply two words: budget buster. This is a budget buster.

The Congressional Budget Office estimates that this legislation would increase direct spending by $54 billion over the next 10 years. While it is estimated to increase only $13 billion over the first 5 years, during the course of the second 5 years, it is expected to skyrocket up another $41 billion as the amnesty provisions begin to kick in.

Conveniently for the authors of the bill, CBO's cost estimate stops there. See, under the bill, illegal immigrants have a 6-year waiting period from enactment to establishing legal permanent resident status. Then after another 5 years, they can become citizens. Thus, in the 11th year, conveniently just out of reach of CBO's analysis, millions of people who entered this country illegally will be granted citizenship.

Where the CBO leaves off, the Heritage Foundation picks up. They estimate that the additional cost to the Federal Government of providing benefits to the individuals granted amnesty under this bill is around $16 billion annually.

On top of that, when an individual is granted citizenship, he is entitled to bring his spouse, minor children, and parents into the country. Once in the country, these individuals would become eligible to receive social services and government-funded medical care. Then after 5 years, they could become citizens, whereupon they could be eligible for supplemental security income and Medicaid at an average cost of $18,000 per person per year.

Think about that. That is about the time when many of us are talking about a financial crisis around 2016 for Social Security and Medicare. Then on top of that, we are incurring this huge liability in this bill, if we happen to pass it in its current form.

The Heritage Foundation study provides this example: If only 10 percent of the parents of those receiving amnesty under this bill became citizens and enrolled in the aforementioned Government programs, the extra costs to Government would be over $30 billion per year.

Obviously, we cannot predict how many spouses, children, and parents of those granted amnesty will come into the country, but one thing is for certain. The pool is enormous and the potential long-term effects staggering.

All this takes place against the existing backdrop of runaway Federal spending. Entitlement spending alone is on pace to exceed total Government revenues before the end of this century.

With the looming retirement of the baby boomers, we are grappling with how to pay for existing entitlement programs. The last thing we need to do is grow Federal spending by potentially hundreds of billions of dollars to provide benefits to millions of people who enter our country illegally. This stands in contravention to the rule of law and is unfair to the American taxpayer.

As a member of the Senate Budget Committee, I believe it is my duty to bring to the attention of my colleagues, as well as the American people, the staggering impact this legislation will have on the fiscal health of this country. This issue has not been thoroughly considered in the Senate. I bring it to my colleagues' attention today in hopes that we will have the debate we need.

It would be irresponsible of me not to mention a violation of personal duty to the American taxpayer, to stand idly by while my colleagues enact a bill that drives a dagger into the heart of this country's fiscal health.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Chair recognizes the Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Colorado for the concern he has expressed in a heartfelt way. I believe all of us have the potential of reaching an agreement on comprehensive legislation that we could actually support. I would think the Senator would agree with me that good enforcement and a good workplace enforcement system would be critical.

According to an article in yesterday's paper, Mr. T.J. Bonner, who heads the Border Patrol union and has always been correct fundamentally, I believe, on these issues, is very dubious that even the House plan is sufficiently effective on enforcement in the workplace.

The next thing we would want to do is to figure out some way to treat the people who are here illegally in a fair way. Most of them would want to stay here. Most of them have been here for over 5 years. We need to develop a system to allow people to stay here in a legal way, to come out from the shadows. I think that is a worthwhile goal, and I support that goal. But they do not need to be given every single benefit that we provide to people who come to our country legally, people who have waited in line to have their shot to come to our country. We should not give them every single benefit that a person gets who comes here legally. So we have to worry about that.

What happens when we give them a complete amnesty package is they are put on a guaranteed path to citizenship and then they automatically become eligible for these programs, with huge costs. They didn't ask for that when they came to our country. That was not why they came here. They came just to work and make some extra money and, for whatever reason, they stayed.

We have to think this through. We cannot be operating on simple feelings alone, but we should analyze it in a fair and objective way and even consider what they want. A lot of them don't want to stay and become permanent residents.

Then, finally, we ought to develop a system of immigration that provides more incentives. Why shouldn't a young high school valedictorian in, say, Peru, Brazil, Colombia, or the Dominican Republic, who already has learned to speak English, has had some college, have an advantage of coming into our country over someone who is

elderly and would have a guaranteed right under the bill to come in under the parents provision, as Senator ALLARD suggested? That is what gets us in trouble. We have to think about this. It has real financial consequences.

I reiterate what the Heritage Foundation found. They found that without any change in the current law, 9.5 million individuals would enter the country as legal permanent residents over 10 years. CBO acknowledges that 11 million illegal immigrants currently are residing in the United States and over 10 years will be given legal permanent residence as a result of the bill, and an additional 7.8 million new legal immigrants will come into the country under this bill.

Not only do we provide legal status for that large group of people here illegally, we start a new system that allows very substantial increases in legal immigration. According to the Congressional Budget Office numbers, over 28 million individuals, therefore, will obtain legal permanent residence over the next 10 years if S. 2611 passes, which is three times the current level that would occur under current law.

People say this is just a bill to take care of people and to confront some issues we have to confront, work on the border, and deal with the future flow of immigration. It increases it, according to him, three times in the next 10 years. That is almost 30 million people. That is about 10 percent of the existing population of the United States of America.

Mr. Rector of the Heritage Foundation estimates that the real number would be higher. That is just an estimate. And I note, it does not account for people who come here illegally. If we give amnesty for the second time, we are going to have a lot of people believing if they can just get here illegally, somehow they also will be allowed to stay in the country eventually. So we are going to have a substantial number of illegal people. Remember, they are entitled, once they get on this automatic path to citizenship, to bring in their parents, presumably elderly parents, and presumably they will seek, as they have a right to, health care in America which could be $30 billion per year, and they have the option, although it does have to come in under the caps, of also bringing brothers and sisters into the country.

I thank the Chair and reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time? The Senator from Colorado.

Mr. ALLARD. Mr. President, I yield myself 5 minutes.

Again, I thank the Senator from Alabama. When we think about it, the Congressional Budget Office figures are way off. I do think the Heritage Foundation has probably come about as close as any figures I have seen.

Here is what concerns me and concerns those of us who believe we ought to have a balanced budget, those of us who believe we owe something to future generations of Americans: We have to be conscious of the cost of this type of legislation. It will have a huge impact. In fact, I am trying to think back in my career in the Congress to whether I have seen as expensive legislation. I don't believe I have. We are looking at astronomical figures.

If we look at the Heritage Foundation figures, $30 billion each year—and I think those are conservative and that builds into the base, so you have $30 billion the next year on top of that, as I understand it. It is astounding. We need to back up a little bit and think on what we are doing to the cost of many of those programs. We need to think more carefully about the solutions we are proposing and have in this bill.

I am real concerned about the costs. I am real concerned about escalating deficits, although I have to say I am pleased with the response to the President's efforts to stimulate the economy. By growing the economy, we bring down the deficits. They have been going down. They went down last year. They are going down this year. When we pass legislation like this, that is all for naught. That undoes everything the President has been doing to try to hold down deficit spending and what we have been doing in this Congress to hold down deficit spending. For those of us who believe that we need to balance our budget, we are going in the wrong direction. It is awfully easy to stand here on the floor and say, Look, I support a balanced budget, I support eliminating deficit spending. But then bills like this come up on the floor, and I think we forget about what we have been saying about how important it is to the future of this country to reduce and eliminate deficit spending and to bring our budget into balance.

This is an important piece of legislation if for no other reason than the fiscal impact that carries with it. That is why I made my point of order, because I think that we need to step back and think about the results of this piece of legislation.

Mr. President, I yield 5 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. SESSIONS. Mr. President, just to drive home these numbers, according to the Congressional Budget Office report under the refundable tax credit—and these are primarily the earned income tax credit provisions—the Joint Tax Committee estimates that the bill would increase outlays for refundable tax credits by $29.4 billion, the largest direct spending effect in the bill over the first 10 years. That is a really huge number. For the earned income tax credit, I have an amendment that will try to reduce that number. But ultimately it is going to be a cost because as a person becomes a citizen, they will be entitled to it. I personally am of the belief that this amount of money is not necessary to be provided to people who transfer from illegal to legal status prior to citizenship, and I will offer an amendment. They weren't getting it before and they don't need to get it now. So I wanted to mention that point.

I would recall what Robert Rector said in a press conference yesterday. He referred to S. 2611 as a ''fiscal catastrophe.'' This is a man who, I submit, knows more about welfare and health care benefits in America than probably anybody; he is certainly one of the top few in this country.

Mr. President, I see the distinguished Senator from Nebraska. I will yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. How much time do we have remaining on our side?

The PRESIDING OFFICER. Twenty-six minutes and 40 seconds.

Mr. ALLARD. Mr. President, would 10 minutes be satisfactory to the Senator from Nebraska?

Mr. NELSON of Nebraska. I don't believe I will need 10 minutes—certainly less than 10 minutes—but any time yielded is appreciated.

Mr. ALLARD. Mr. President, I yield 10 minutes to the Senator from Nebraska, my good friend, BEN NELSON.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for up to 10 minutes.

Mr. NELSON of Nebraska. Mr. President, I thank my friends from Alabama and Colorado for this opportunity to rise in support of Senator SESSIONS and our colleagues who are raising a budget point of order on this bill. I have said throughout the entire debate and since I introduced legislation last fall that we have to secure our borders first.

The budget implications of this all-encompassing, do-everything bill are just overwhelming, but what concerns me the most is that we are not doing enough to secure our borders first. We shouldn't spend one dime on any sort of amnesty provisions until we secure our border first. We shouldn't attempt to guess how many billions of dollars we are going to spend on how many millions of people might be coming into our country until we secure our borders. It is a very simple equation. We will never get a real grasp on solving the problem of illegal immigration in this country until our borders are secure. Border security first.

The deficit is real, and the problem of illegal immigration is also real, and we should make a serious investment in securing our borders. But to adopt an all-encompassing, do-everything bill

with a multi-billion-dollar price tag that won't match up with what the House has passed, and that doesn't do nearly enough to secure our borders, is irresponsible, and I can't support it.

That is why I am here today to support Senator SESSIONS and the budget point of order he intends to raise against this bill.

If we don't get a bill out of Congress this year—and when I say out of Congress, I am talking about out of committee as well—the costs associated with this illegal immigration issue that we have right now will only continue to go up. That is why investing in border security first is, in fact, the right investment.

Now, not only does this do-everything bill cost a considerable amount of money—although we can't be sure exactly how much, but we do have some idea from the CBO estimates that for the first 10-year window, it could be as much as a net of $52 billion, and direct spending from 2017 to 2026 could be at least at $108 billion. So while we don't know everything about the costs, we do have estimates that would suggest that the cost will be significant and even end up costing us more.

So we do have to address the border security first. Until we do, the implications and the costs will continue to grow at an alarming rate.

Mr. President, there is an old saying that I imagine every parent has told their child: When you are in a hole, the first thing you have to do is stop digging. We have to stop digging. We must secure our border first, and we must shut down illegal immigration, and only then—only then—can we move forward in a financially responsible way that secures our border and, at the same time, gives us an opportunity to put an end to illegal immigration and deal in a comprehensive manner with the illegal immigration that we already have. We must, in fact, stop the problem from getting bigger in terms of the number of illegal immigrants before we can deal with the problem of what we do with illegal immigrants already here.

It is not mean-spirited to want to protect our borders, to want to close the back door on illegal immigration and look at opening the front door to legal immigration. There is nothing irresponsible about wanting to secure the borders with appropriate barriers, fences, and walls to make sure that we are secure against not simply illegal immigration for people who want to come to work, but also against the drug dealers, the smugglers, as well as the gang members from Central America who continue to come over the border at an alarming rate. We have a security issue. I stand today to support the budget point of order.

I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. I yield 10 minutes to my colleague, the Senator from Oklahoma, Mr. COBURN.

Mr. COBURN. Mr. President, I spend a lot of time on the floor on budget issues and on spending issues, and I am first of all appreciative that this point of order was brought up. One of the greatest problems we have is not thinking in the long run. We think in the short run. We think in election cycles. We don't think in generation cycles.

Here are some facts that we do know: We are on an unsustainable course as a country. We have approximately $70 trillion in unfunded liabilities. That is greater than our private net worth today. And we are going to transfer those liabilities to our children and our grandchildren.

What is important about this point of order is a reflection of one of the things we are going to be talking about in June in this body, and that is budget process reform. Because the instructions to the CBO are so arcane that they didn't really even look at the real numbers associated with this bill. They didn't talk about the discretionary costs associated with this bill. This bill actually costs $40 billion over the first 10 years. After that, at a minimum, this bill will cost in the next 10 years one-half of $1 trillion. That is $500 billion.

Let me put that in perspective for a minute, what a billion is, because we throw that number around here all the time. A billion seconds ago it was 1959. Three hours and 20 minutes ago, we spent $1 billion, over 3 hours and 20 minutes, this Government. The debt that we are transferring now is close to $27,000 per person; that is $8.3 trillion. That is 8,300 billions. So the fact is that the scoring by the rule says CBO has to say it costs in excess of $5 billion. The fact is, CBO didn't even look at this. The one thing that they did look at is that in one year, in 2016, the 10th year, the direct spending, the direct cost is at a minimum of $11 billion. That is not counting EITC. That is not counting figuring in the 12 million people who are here already in any of the numbers or any of the costs associated with this.

So when we use CBO scoring to say it is a net plus in the first 9 years, you have to ask, what does CBO say about where we would be on surpluses? What does CBO say about the cost of Medicare when it was started and the cost of Medicare 10 years ago when they projected it to be about 70 percent of what it is today, and the projected cost in the outyears of Medicare? They never get it right. One of the reasons they never get it right is because we are not honest with them in the legislation that we put through.

So if we are going to pass this bill out of the Senate, as I suspect we will, the American people need to know not only the four things that are in this bill that are inappropriate for a constitutional republic that is going to need to defend itself in the future—and I am not talking about anti-Hispanic or anti-immigrant; I am talking about the rule of law and how that will impact us as a future country—we have to be considerate about what this will do from a financial impact to the very perilous state that we will find ourselves in 10 years from now anyway.

In 2016, we are going to be close to having 81 percent of the budget—81 percent of the budget—consumed by Medicare, Medicaid, Social Security, and interest on the debt. That means 19 percent is going to have to do everything else. So what you are talking about with this bill in the outyears is at a minimum of $50 billion in new expenditures per year starting in 2016. And probably the CBO scoring, because it does not reflect the direct costs of discretionary spending in this bill today for the 12 million who are here, this will be a net cost of several billion dollars over the next few years, up to $40 billion to $50 billion in year 10, and $50 billion plus after that. That violates the budget rules of this body.

We may not get the votes to win this point of order, but the American people should know, even if they agree with everything that is in this bill, that they are transferring again a lower standard of living, less opportunity, and less future to the Americans who are here today by passing this bill.

Mr. President, I yield back the remainder of my time.

Mr. ALLARD. I would let the other side use some time if they feel they want to. If not, I will recognize the Senator from Louisiana and yield him 7 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 7 minutes.

Mr. VITTER. Mr. President, I stand in strong support of this budget point of order under section 407, which is being raised against the Comprehensive Immigration Reform Act. I encourage all of my colleagues on both sides of the aisle to look very hard at this fiscal impact and this budget issue, because it has gotten very little attention in this entire debate but will have a dramatic impact on our country, our Government, and our budget for decades to come.

Section 407 of the Budget Act specifically is about impacts on the budget of various legislation for the long term, and the point of order says:

> It shall not be in order to consider any bill, joint resolution, amendment, motion or conference report that would cause a net increase in direct spending in excess of $5 billion in any 10-year period between 2016 and 2055.

That is $5 billion per decade. There is no argument. There is absolutely no argument of which I am aware that

this bill is not above that mark. Everyone seems to agree—CBO, other experts—everyone seems to agree that this bill is above that mark, causing huge increases in spending—direct spending, Government liability, building into the budget forever and ever, particularly after 2016.

The proponents of the bill were very smart. They specifically limited certain benefits that would be available to new citizens under the bill in the first decade because there are other budget points of order, more immediate budget points of order, more focused on that first decade after the passage of any bill. But even in that first decade, the expected net increase in expenses is very significant—about, perhaps, $52 billion in a 10-year window. But beyond that first decade, of course, it increases exponentially. It is much more, as previous speakers have said.

I am disappointed, frankly, in the Congressional Budget Office. First of all, as I said, they make perfectly clear that this budget point of order is blown out of the water. The long-term impact is clearly more than $5 billion per decade. But that is all they said. I would have hoped, I would have expected the CBO would do a more precise analysis to give us more exact numbers, better numbers. They have not been able to do that. All they have been able to say is:

> CBO estimates that enacting S. 2611 would cause an increase in direct spending greater than $5 billion in each of the 10-year periods between 2016 and 2055.

We are not only blowing that budget point for one decade or two decades, but we are doing it for every decade because that is going to be the permanent, everlasting impact, with no end in site on Federal Government expenditures and on the budget.

Other folks outside of Government have tried to perform a more exact analysis. One of them, of course, is Robert Rector of the Heritage Foundation, who released a study on the welfare costs of S. 2611. In fact, his number, his study, goes way beyond this $5 billion per decade. He says, to sum up, that this would be the biggest increase in Federal Government spending, welfare spending, in at least 35 years.

I find it particularly ironic that many of the leading proponents of this bill also are some of the very vocal proponents of things such as earmark reform, getting spending under control, looking at the budget—the dangers of increasing automatic spending and entitlement programs without end. I agree with them about all of those concerns. I am not saying they are wrong about those things. They are exactly right. That is why I supported so many of those measures, including earmark reform. But this increase in spending under this bill will make those issues look penny ante, in dollar terms. This is of a magnitude far surpassing that in terms of their very real and very legitimate budget concerns.

We are just coming out of an experience I hope we never see again, dealing with horrific hurricanes, Katrina and Rita, with that unprecedented Federal spending in response to those storms, about $100 billion. What concerns me even more is that this legislation threatens to build into our budget, particularly after the first 10 years, a Hurricane Katrina-like event in terms of Federal spending every other year forever, with no end in sight, just repeating that every other year, as if a Katrina came across our shores and caused that need and that amount of spending every other year forever. Of course those expenditures would only increase over time.

Let me say, this is a very real, legitimate concern about this bill. I hope all of us focus on it more in the closing hours of this debate. It has gotten far too little discussion up until now, and I encourage everyone to focus on the very real and frightening budget and fiscal impacts of this bill.

I yield back my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusettes.

Mr. KENNEDY. Mr. President, I think I have 30 minutes; is that correct?

The PRESIDING OFFICER (Mr. SUNUNU). The Senator has 30 minutes.

Mr. KENNEDY. I am going to speak briefly and then yield 10 minutes to the Senator from South Carolina.

Mr. President, it is important to deal with this document which is from the Congressional Budget Office. This is an authoritative document. We understand that the Congressional Budget Office—the CBO—document is the document we ought to listen to and we ought to regard. What do they say? On May 16, 2006:

> CBO and the Joint Committee on Taxation estimate that enacting this legislation would increase direct spending by $13 billion over the 2007–2011 period and by $54 billion over the 2007–2016 period. Pursuant to section 407 of H. Con. Res 95 (the Concurrent Resolution on the Budget, Fiscal Year 2006), CBO estimates that enacting S. 2611 would cause an increase in direct spending greater than $5 billion in each of the 10-year periods between 2016 and 2055. JTC and CBO [The Joint Committee on Taxation and CBO] estimate that the bill would increase total federal revenues by $66 billion over the 2007–2016 period.

It would increase revenues by $66 billion. Actually, what CBO has determined is the passage of S. 2611 will actually reduce the deficit by $12 billion over 10 years. Do we understand that? This is CBO. They estimate we are going to reduce the Federal deficit by $12 billion over 10 years. The newly legal immigrants will pay $66 billion into taxes and cost $54 billion. Net gain to the Treasury: $12 billion.

What else do they point out? They point out that after 2016, there is going to be, again, an expenditure of over $5 billion. So there goes the budget. That is what those who are complaining and raising a budget point of order are saying—which is true. But what they don't include is what is going to be paid in by the immigrants. Do we hear that? When we look at what is being expended versus what was taken in, we are reducing the deficit by $12 billion. But the CBO did not review after 2016 what will be coming. All they say is there will be more than $5 billion going out. They are giving not even half the story.

We ought to look at the statistics and figures in the studies that have been done. The most authoritative study was done by the National Research Council. It is not a Democratic or Republican organization. They are the ones that have been doing the studies. When the National Research Council's report sought to estimate a bottom-line figure for the fiscal impact of immigration, here is what they found:

> When we simultaneously average across both age and education to get a single summary measure of net fiscal impact based on the characteristic of recent arrivals, under our baseline assumptions, we find an average value of plus $80,000.

Mr. President, $80,000 per immigrant is what the NRC says. That is a good deal of money. In a country that absorbs about a million immigrants a year, that means that each year of that pays $80 billion more in taxes over the course of a lifetime, more than it consumes in services.

So when we talk about waiving the point of order, we do it from a very sound fiscal point of view. These are based upon the CBO, the National Research Council. It is wise that we waive the point of order. It is absolutely irrefutable that over the next 10 years, we are going to reduce the deficit by the $12 billion.

Mr. COBURN. Will the Senator yield for a question?

Mr. KENNEDY. Yes.

Mr. COBURN. Is the Senator aware whether the CBO included in their scoring the disaggregated cost of the 11 million people who are here already in terms of the discretionary costs associated with them?

Mr. KENNEDY. The CBO has an estimate in there, what is necessary for border security.

Mr. COBURN. I am talking about the discretionary costs associated with the implementation. There are 11 million people here today. In fact, if the Senator will yield for just a moment, they do not consider that. That is just one of the flaws in the CBO's report.

I thank the Senator for allowing me to ask a question.

Mr. KENNEDY. For pieces of legislation that are going through the body, they have the request for the CBO requirements. The Congressional Budget Office conforms to those particular requests. That is the process which we

are involved and engaged in, not some ancillary kinds of expenditures but to use the tried and tested evaluation the Budget Act requires. CBO has conformed with the Budget Act request. What I have just related relates to what is necessary for the CBO to provide in response to the Budget Committee. When you do that, you find out the surplus.

I yield 10 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. I thank Senator KENNEDY for yielding. I will try to add a little bit different perspective.

Senator KENNEDY is right. If you look at the chart with the numbers, the revenues taken in at a point in time from the immigrant legislation exceed the outlays, and that is what CBO says. My good friend Senator COBURN and others dispute that. I think CBO is something you use when you agree with them and something you run away from when they disagree with you. Their methodology is probably flawed when I agree with them and it is probably flawed when I disagree with them.

What I am trying to bring to the table about the economic impact of this debate is that there are more people involved than just the Federal Government. It does seem as if, from a Federal Government perspective, it is probably good business to get people to pay taxes and get them legalized versus having them undocumented. That is one of the economic conditions we are dealing with, is how do you sign up people, who are here to work, in a regularized fashion so we will know who they are and they will contribute to social programs, not just take away, and they will not have to live in fear, and they can help through their tax contributions.

It is true some of them withdraw services from programs set up for people who are on economic hard times, but generally speaking, I would argue the 11 million people we are talking about assimilating and the future flow people we are talking about coming here work very hard. We all have impressions of this group. My impression of the undocumented workforce we are talking about is it is not a group of people sitting around wanting something for nothing. They are doing five and six jobs a day, working very hard, and economically there has to be room in America for somebody like that. If there is no room in America for somebody who is willing to do the hardest job in America from sunup until sundown, then America has changed.

We have 4.7 percent unemployment nationally. I am a Republican. I am going to take credit for it, along with my President, and share it with my Democratic colleagues. Whatever we are doing or failing to do, one thing I can tell you for sure: the economy is as good as it is ever going to get in your lifetime—4.7 percent unemployment. The GDP growth is over 4 percent. There is wage growth over 4 percent and an 11,000 stock market.

One thing for sure is that the 11 million undocumented workers have assimilated into our economy and are not a drain because it is humming. That is just a fact. We can't issue a press release on Monday taking credit for the good economy and talk about a workforce that has been here for years and say it is going to kill the economy because it has not yet, nor will it ever.

Our biggest problem in America from an employer point of view is how do you sign people up, knowing who is legal and who isn't. Let's fix it. Because you really don't know. What do employers tell me more than anything else? I need workers, particularly in the construction business, tourism business, agricultural business. I advertise within the native population, and I can't get enough workers. Our bill requires proof that an American has not been put out of a job, a native American citizen hasn't been put out of a job because of someone coming out of this pool of undocumented workers.

The truth is, colleagues, we need these workers.

A few years ago, Japan crossed a demographic line of having more older people than younger people. We are getting there. It is going to be impossible, because of the demographic changes in our country, to fill all of the jobs we need to keep this economy humming without assimilating more people. How do you do that?

That is what this bill is about. The economics of assimilating hard-working people, who believe in hard work, who want to play by the rules, raise families, and join the military, is a net positive. You will never convince economists that the people we are talking about are a drain on our society. They have jobs that do not pay a lot right now, but they have a heart and a mindset that makes America a wonderful place to live. Just watch them go and watch them grow. Some of the children of this illegal immigrant, undocumented workforce are now in college, in military academies, and fighting our wars in Afghanistan and Iraq, just like every other group that came to America. You start on the bottom, and people around you don't really appreciate you at first, but you eventually work your way up. That is going to happen here.

The budget impact of assimilating this undocumented workforce into our economy needs to be looked at in terms of dynamic scoring. That is what Senator KENNEDY is calling for—dynamic scoring—because that is what he is basically saying.

You need to look at all the things they do and not just at the services they take. You need to look at the economic needs of our economy for workers. We are short of workers. Let us not drive away people who are willing to work. Let us punish people who broke our laws but punish them proportionate to the crime.

There are several avenues in the bill as to how you can come to America and work, but there is one thing in common for every approach to solving the illegal immigration problem. Here is what is in common: You have to work to stay. We are not letting people come here and just sit on the corner and suck us dry. In the underlying legislation, if you are out of work for over 45 days, you are ineligible for the program. You have to learn English, as part of this bill. You just can't come here and not assimilate. You have to take a civics class. You have to hold a job. You cannot break the law, and you have to assimilate into our society. An economic benefit will be gained if we allow that to happen. A social benefit will be gained if we allow that to happen. The cost of doing nothing is catastrophic.

And how do you score it? How do you score the cost of having a border that is a joke? How do you score the cost of having a legal system nobody knows how to apply? How could you score the cost of having millions of people living around you who are scared to death?

What I hope my colleagues will look at when it comes to the budget is not only what the Congressional Budget Office says but the reality of where we are as a nation. We need good, honest, hard-working people, decent people who will get up early and stay late to keep this economy humming. And they are here among us. Make them pay a just and fair debt for getting here by cutting ahead of the line, but do not ruin our economy in the process.

I hope that when we look at the economic condition that this bill will create in America for our budget and our society, we will look at it in a dynamic way, in a realistic way, and come to grips with the idea that in 2006, America has assimilated these 11 million people who are working very hard. What do we do with them now? They are here. How do we control those who want to come after them?

I am all for employing people on our conditions—not theirs—of regularizing, legalizing, making people pay a debt, pay fines, pay back taxes and future taxes, pay your way the best you can. But I am very confident that the net benefit to our country and our society by assimilating a needed workforce in a humane fashion is a budget winner and a winner for our society as a whole.

I gladly will vote against this budget point of order because while you look at the dynamics of the economic condition of our country and the value the immigrant workforce has now and in the future, it is a plus for our country.

And doing nothing is the consequence of this bill falling or failing. What will be the cost for the next generation of politicians to do something we can't do among ourselves now? It will be more, it will be harder.

Let us do it now. Let us get it right the best we can and realize that America needs honest, hard-working, decent people now more than ever. They are among us, and let us figure out a win-win.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. Mr. President, I yield 7 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I rise to speak in support of the point of order and my colleagues' efforts to point out that this immigration bill is ill conceived and, I am afraid, misrepresented and oversold.

I would like to say up front that I appreciate all of my colleagues' attempts to solve a big problem for our country. Illegal immigration is a huge problem which we must address. But, unfortunately, as this bill has moved along, I am afraid it has gotten worse instead of better. I am afraid that we are failing to look out 10, 15, 20 years to see the financial tsunami, the category 5 fiscal crisis we have as nation, and we are adding costs without thinking about it.

I am afraid the supporters of this legislation would have us believe that it is a rather harmless effort to incorporate illegal immigrants into our culture and that this bill will not have a detrimental impact on our society and, more importantly, on the Federal Government's finances. The truth is this bill would add billions of dollars of debt. And tomorrow, our children and grandchildren will have to pay for our irresponsibility today.

Let me point out a few examples.

This legislation would allow an unprecedented wave of immigrants, and we cannot possibly assimilate that many immigrants in that period of time. The Heritage Foundation estimates that the number of legal immigrants entering this country under this legislation would be 66 million over the next 20 years. And this doesn't include the continued stream of illegal immigrants who are projected despite what we say we are doing to the border. This bill also does not prohibit tax credits for illegal work done during illegal periods that these immigrants were here. We are going to force them to do their tax returns, and some will pay taxes. But most, we suspect, will actually qualify for an earned income tax credit worth perhaps thousands of dollars. One projection is that illegal immigrants—the average in the United States since 1986—could qualify for up to $88,000 in earned income tax credits. We must not force our fellow citizens and taxpayers to pay their bill.

In addition to this bad policy, it would also allow immigrants to get Social Security benefits for the work they performed while in this country illegally. The Senate rejected efforts to prevent Social Security benefits from being awarded to immigrants for the time they worked illegally in this country. We need to realize that they will be working with stolen Social Security numbers, which often causes chaos in the lives of Americans who have had their identities stolen. We cannot reward this behavior with Social Security checks.

The bill would also provide some immigrant workers with greater job protection than American workers. The bill supposedly would protect U.S. workers by ensuring that new immigrants would not take away jobs. However, the bill's definition of ''U.S. worker'' includes temporary foreign guest workers, so the protection is meaningless. Foreign guest farm workers, admitted under this bill, cannot be ''terminated from employment by any employer . . . except for just case.'' In contrast American agriculture workers can be fired for any reason. Hence, there is really no protection for Americans, who could be terminated for almost any reason, while providing more protection for those who are here under temporary work visas.

In addition, this legislation straps States and local governments with additional unfunded burdens that could cost $16 billion over the next ten years, while providing no relief. This is perhaps the biggest hidden cost in all of this legislation.

The tremendous expenses from these illegal workers, who are here, whether it be health care or education or the many things they have to provide can not be easily paid for.

I can tell that I am running out of time, but I think it is important to note.

The Congressional Budget Office's projections are that this bill will cost our country $54 billion in mandatory spending over 10 years and $63.8 billion in discretionary spending over the next 10 years. However, the bill will only raise $66 billion in revenue. Put simply this bill will give us $51 billion more debt in 10 years and, I am afraid, even more debt over a 20-year period. We cannot increase our debt so significantly.

I rise in support of this budget point of order, and I thank my colleague for raising it.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 5 minutes.

Mr. MARTINEZ. Mr. President, the Senator from Pennsylvania has yielded 5 minutes from his time. I thank the Senator from Massachusetts.

Mr. KENNEDY. I yield in behalf of the Senator.

Mr. MARTINEZ. Mr. President, I speak in opposition to the budget point of order. I have heard a lot of arguments in opposition to this bill, and I guess when all else fails and we are moving toward passing comprehensive immigration reform, there is an opportunity to raise yet one other objection, which is a budget point of order. The fact is, if we did only a border security bill, if we just went about the fact of securing our border, which we must do, there is a cost associated with that. That doesn't come free. Securing the border costs money. Sending the National Guard to the border, increasing the number of Border Patrol, building vehicle obstructions and other barriers, electronic surveillance—none of that comes free. All of that has a cost.

In fact, it is estimated it would cost about $25 billion. If we only did border security and did not concern ourselves with more comprehensive reform, that $25 billion would now be offset and it would be an outlay of a net $25 billion. Our bill raises over $12 billion in revenue. It collects $66 billion where the costs are estimated to be only $55 billion, according to the Congressional Budget Office, the arm of the Congress that is supposed to do this evaluation for us.

We also have been talking about the outyears, the period of time beyond the moment, calls that may come about as a result of people ''taking'' from the system. First of all, we could not do it without the people here today, many of them working illegally, in an illegal system that, unfortunately, has perpetuated itself for too many years. In the State of Florida we have a labor shortage today. The famous theme parks that we hope many Americans choose to enjoy year after year cannot keep enough people on their payroll. They have a need for more people than they have available to do the work of the theme park.

The same is true in our agricultural industry. I was meeting with friends from the Florida Farm Bureau today. They were saying, whatever you do, please, help us to keep a stream of labor so we can get our work done. Talk to Florida home builders. The housing industry in Florida would grind to a halt. The construction industry depends on what is now an illegal workforce. All of these people are not working for the minimum wage, as the Heritage study would assume. Many move right on up the ladder.

The best thing I can do is use my own life as an example. Yes, my parents did come after I came to America. I came at the age of 15. They came later. If I do dare say, over the time I have been fortunate to live the American dream, I have made my contributions to the Treasury in taxes. So did my father, who came here at a much later time in

life, who went to work and made a living, paid his taxes. Far more than whatever benefits may have been received were paid into the Treasury by the taxes, by the Social Security withholdings and all the other ways in which taxes are paid—whether they be property taxes for the homes we have bought, whether it be other contributions, not to mention the charitable contributions.

Yes, believe it or not, immigrants do go to work on Sunday. We talk an awful lot about the few bad apples that always are in any group that has come here, and their purposes are not good. What about the folks that go to church on Sundays and put something in the basket, help a fellow neighbor, bring someone else along and help them to get a job or give them a job?

Illegal immigrants in this country also create jobs. They open businesses. They do not just take; they give. That is the story of America. I am not saying anything that is unique or different. All I am saying is, a reflection, a mirroring of the America I have known in my life, the same America for immigrants that came at the turn of the century from other places also understood and knew to be the America they knew; it is the America that allows people to rise in accordance with their hard work, the story of immigrants in America that work, the story of hard work, people who come here to make a better life—not to take, but to give—to be part of this great experiment we call America and to not change America by what they do, but to be changed by America.

Beyond the issues of money, some worry that our culture will be changed. I have heard that, too. The nature of our country will be changed. How? Perhaps when Italian Americans came to our country, they introduced us to the menu of pizza. Are we any different or worse today because there have been cultural differences that have enriched America while, at the same time, we harness to that ideal of being an American, of looking at our flag and being proud of it, of knowing what it is and what it means to be an American?

So, let me just say, what we are doing today is to look at a bill that has been carefully crafted, that has been put together, that has had a substantial majority of support. I was very pleased 73 of our colleagues chose to vote to invoke cloture, to move forward, to end debate and to proceed so we can bring the bill to final closure. This is one last attempt to try to derail this good legislation, the legislation that our President eloquently spoke about, the need for it, that he persuasively said is part of what he believes to be comprehensive reform.

Beyond that, we have an opportunity today to begin to fix a broken down immigration system. We need to overcome this hurdle. I encourage my colleagues to vote against the budget point of order. It gives us an opportunity to move forward with this bill so that we may then engage in a conference with the House of Representatives and end up providing a secure border for our country, which this bill does, and a pathway for those who are here to be part of the American dream, to join in this great experiment we call America, to allow them to do what I have done in my own life, which is to become a part of the American dream and the American experience.

Today, I hope we will defeat this budget point of order so we can move on to put this good bill in order and get to final passage.

Mr. SPECTER. How much time remains?

The PRESIDING OFFICER (Mr. COBURN). The Senator has 23 minutes remaining.

Mr. SPECTER. I yield 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes.

Mr. MCCAIN. I thank my friend from Pennsylvania for his leadership, along with that of my friend from Massachusetts, on this issue. They have done a great job in the last few days. Hopefully we are winding down.

I pay special attention and appreciation to my colleague from the State of Florida who is the embodiment of the American dream, as is my colleague on other side of the aisle, Senator SALAZAR, from Colorado. They have provided the experience, the knowledge, the background and the motivation to continue our efforts to see this bill passed.

Let's be clear. It is not a practice of mine to waive budget points of order. I believe the circumstances surrounding the validity of the point of order and the actual intent of its sponsors warrants my support to the waiver.

First, I take issue with the Senators over the misinterpretation and editing of the CBO score of this bill. If one were actually to read the text of that report, one would see that the CBO study also finds that the impact of the compromise bill would actually be moderately positive for the Federal Government during the next decade. Legalization would actually produce an increase in Federal revenues between 2007 and 2016 of $66 billion, mostly through increased collection of Social Security and income taxes but also from fees and fines.

Remember, we have at least a $2,000 fine being paid. That has been raised a couple of times already through amendments. Spending would go up by an accumulative $54 billion, but the surplus would be $12 billion. In reality, this program has the possibility of producing a net gain for the Federal budget.

However, putting the argument about the numbers aside, we have to get down to the fundamental question of whether or not we really want a bill. We have voted several times over the past week and a half to affirm the intent of this Senate to pass a comprehensive immigration reform bill. It is clear to me that the Senators from Colorado and Alabama are not nearly as interested in saving money in our budget as they are to sink the bill because we know that if this budget point of order were passed, it would take the bill down—as the Senator from Alabama articulated in his press release, relating to this point of order, ''to derail'' the bill.

So your vote on this amendment should be clear. Do Members want an immigration bill or not? I understand there are Members in this Senate who will answer that question with a resounding no. However, I believe that is not the true intent of the majority of this Senate.

This Nation is calling for our borders to be secured and an overhaul of our immigration system, and that it be done in a humane and comprehensive fashion. Vote after vote after vote has indicated that. The President's speech to the Nation last week, which I thought was inspired, was greeted by 74 percent of the American people overnight favorably, including his absolute determination to see the Congress of the United States send him a bill which has a comprehensive approach to this issue which we as a Congress and a Federal Government have ignored for 40 or 50 years.

We will not be deterred from this effort. We will not be deterred from this effort. I tell my colleagues that the cloture vote indicated the support for this bill. More importantly, the American people want us to act. And the American people, driven fundamentally by Judeo-Christian principles, want this issue handled in a humane fashion, taking into consideration the highest priority, which is our national security. No one believes that simply by enforcing the border we will be able to solve this issue.

I thank my colleagues again for their efforts. I hope this may be the last poison pill we have to fight off, but it may not be. Again, I appreciate the overwhelming support of my colleagues on this issue as well as the cloture vote which I think sends a clear message.

I yield back the remaining time to the Senator from Pennsylvania.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, the effort by those raising the budget point of order is pure and simple: Another effort to defeat this bill. There have been a series of amendments, call them killer amendments, call them poison pill amendments, which are directed to defeating a comprehensive bill by those who are interested only in border security.

The fact is that the comprehensive bill which we have proposed is a moneymaker. The direct spending costs over a 10-year-period are $54 billion; the legislation produces $66 billion. So there is a net surplus of $12 billion.

The budget resolution is a very complex resolution relating to $5 billion in expenditures in any 10-year-period between 2016 and 2056. I am advised by the Parliamentarian that in the calculation on this budget point of order—and the Parliamentarian is listening so I am subject to corrections—that it is the expenditures which are calculated but it is not the revenues to offset those expenditures in making this arcane, esoteric, complex, convoluted procedure under the Budget Act.

Over half of the fees collected from the guest worker program goes to border security. The reality is, an orderly flow of guest workers into the United States is—''vital'' is not sufficiently strong—is indispensable for the American economy.

We had hearings in the Judiciary Committee on the impact of this bill on wages and economic benefit to the country. The views were unanimous that this legislation will stimulate the economy.

We have an economy where a great many industries rely upon immigrants, including the agriculture field, which has been attested to repeatedly during the course of this debate regarding the need for agriculture workers. Also, the hotel industry and the construction industry rely upon immigrants.

If we were to take away the 11 million undocumented immigrants, there would be a tremendous shortage of necessary labor. As a Senator from a State with 12 million people, a whole procession of constituents have talked to me about what would happen if the immigrant workers were suddenly eliminated in the United States, in my State, Pennsylvania.

In this legislation we have an orderly way to handle the 11 million undocumented immigrants who are in this country. Putting them on the path to citizenship is a key ingredient. Specifying that they have to work for substantial periods of time. They have to be employed, contributing to the economy, contributing to the tax base. That is in addition to passing a criminal check and paying their back taxes and the very, very substantial fees which are collected.

So there is no doubt, no doubt at all, in the aggregate, the immigrants play a vital part in making our economy expand and thrive. If you take it in the macro sense, where would this country be in the year 2006 without immigrants?

For one thing—and perhaps a minor matter—ARLEN SPECTER would not be here because both of my parents were immigrants, and perhaps most of the Senators would not be here, maybe even Senator SESSIONS. His ancestry goes back to 1850. I know because I made a trip to the Amazon with him, and we traced the path taken by an uncle. He is quoted in today's newspaper as still being angry that Abraham Lincoln killed one of his ancestors. But immigrants produced Senator SESSIONS. Immigrants produced everybody in this room, and virtually everybody in the country.

Now, where would we be if the immigrants had not come to make this a thriving capitalistic country? Where would we be? The same thing applies to the future. If you are going to cut off the immigrants, the 11 million who are here now and a calibrated guest worker program, it would be devastating to the economy, taking into consideration all of the ramifications.

So just because there is a scintilla—that may be an overstatement: ''a scintilla''—that the budget point of order can hang on, on section 407 of the Budget Act—I do not know of any substance smaller than a scintilla or I would cite it; perhaps a molecule is smaller than a scintilla. Scintilla is a legal term, which does not amount to very much when you talk about $5 billion over a 10-year period from 2016 to 2056.

We have some very serious business at hand; and that is passage over an immigration bill to protect America's borders and to see to it that America's economy is strong. It would be tragic if this bill were to fail on an arcane technicality. And I am concerned that this vote may be close.

I urge my colleagues to look at the broad picture here and, most fundamentally, not to use this artifice, this tactic to defeat an important bill.

How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator from Pennsylvania has 11 minutes 10 seconds.

Mr. SPECTER. Mr. President, I yield the floor and reserve the remainder of my time.

Mr. LEAHY. Mr. President, I hope that Republicans will not succeed in derailing comprehensive immigration reform through procedural gamesmanship. I hope the bipartisan coalition is strong enough to withstand this ploy. With respect to funding, I find it ironic that the Senator who added a billion dollars to the bill is now complaining that it is too expensive and that so many in the Republican majority who have failed to enact a budget and have violated the requirements of the law by their failure are considering using budget rules to defeat this measure.

We are long past the time when individual Americans dutifully file their taxes and the Congress is required to enact a Federal budget. That date, April 15, has both those legal requirements. But unlike filing tax returns and paying our income taxes, there is no provision in the law that allows the Republican-controlled Congress to call a timeout or obtain an extension. Although Republicans remain in charge of the White House, the Senate, and the House, they have utterly failed to enact a Federal budget. With respect to the budget, they have succeeded in turning the largest budget surplus in our history into the largest deficit. They have run unprecedented annual budget deficits for year after year of $300 billion to more than $400 billion. They have turned a $5 trillion surplus into a $9 trillion deficit. For Republicans to attempt to take advantage of technical budget rules in these circumstances is simply astonishing. I trust that the only affect will be to remind the American people of their gross budgetary mismanagement.

This bill is expensive to be sure. The enforcement provisions it contains and those that have been added will come at significant costs. When the Senate was considering the amendment proposed by the Senator from Alabama for $1 billion in fencing, I raised the question of how he intended to pay for these measures. I still await an answer. The billions this bill will cost now have not been accounted for and are not budgeted. Paying for the National Guard is requiring the diversion of funds that had been intended for capital accounts and technological improvements. We heard last week from the chairman of the Homeland Security Appropriations Committee about his frustrations and the difficulties of funding these measures.

I trust that the bipartisan coalition working for improved border security as part of comprehensive immigration reform will hold together to overcome procedural, technical, and budgetary objections. I have already suggested ways to pay for these costly enforcement and security measures. I did so last week in connection with the $1 billion fencing amendment of the Senator from Alabama.

After noting the irony of the President signing into law an extension of tax breaks for the wealthiest Americans, I suggested that we end the millionaires' tax breaks and direct those revenues to border security. If we want to return to pay-as-you-go budgeting, that is an obvious way to do it.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I yield myself 2 minutes.

First of all, I would like to point out that this is not that difficult to understand. There are two points of order we can make on spending. We can make a short-term point of order, which is within 10 years, or we can make a long-term point of order, which is in the next 40 years, which is long-term spending.

This point of order is made on the latter, the 40 years. All the arguments

that have been made on the floor have been on the first 10 years. So what you can do in this kind of piece of legislation is, you can lump everything to make it look good, and then after the 10 years you put all your spending. That is why we have the long-term provision where you can make a point of order for those of us who are concerned about long-term spending—programs such as Social Security and Medicare, and programs like what we are talking about in this bill that have a profound long-term effect on spending. That is what the point of order addresses.

The Budget Committee is not out here fighting this bill. They are presenting figures to us. And this is what they say: Pursuant to section 407 of House Concurrent Resolution 95, the CBO estimates that enacting this bill would cause an increase in direct spending greater than $5 billion in each of the 10-year periods between 2016 and 2055. That is the last 40 years we are talking about.

All the arguments on this floor have been on the first 10 years. This point of order is about the next 40 years and long-term spending and what it is doing to the long-term fiscal health of this country and the huge deficits that are going to lead to huge debts in the 40 years after the first 10 years. That is what this point of order is all about.

One other point I would like to make is that we are concerned about spending. The figures that are put in here by CBO—they are concerned about spending—these are real figures that will make a difference in American lives, in the next generation of American lives.

We need to face up to our responsibility. When pieces of legislation such as this are on the floor, we need to think seriously about the fiscal impact long term. That is why I made the point of order.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Nebraska?

Does the Senator from Pennsylvania yield time?

Mr. SPECTER. Mr. President, I yield 4 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 4 minutes.

Mr. HAGEL. Mr. President, I thank you and appreciate the time from the distinguished chairman of our Judiciary Committee.

I rise in opposition to this budget point of order. I have listened attentively to the points made. Certainly, we are not a model of fiscal discipline in this body, in this Congress, as we have run up the debt in this country year after year. But let's be clear about some of the facts.

First, as you have heard from others who have spoken on behalf of this responsible comprehensive immigration reform bill, CBO has scored various dynamics of this. No matter what we do—and more importantly, unfortunately, we have not done much, but no matter what we do, it is going to cost some money. It is going to cost money to reinforce our borders and to do the things that all Members of Congress have felt strongly about—enhancing the security of our border—and what the President has talked about.

But let's go a little deeper into these numbers. The CBO numbers have estimated that this bill will increase total revenues by about $66 billion over a 10-year period. But even deeper than that, what happens when people go to work? What happens when people invest in communities? What happens when there is a multiplier effect in communities?

What happens is that there are more tax revenues. There is more employment. There are more opportunities. There is better education, a higher standard of living, more consumer spending. That is what happens. And that is what we are talking about in this immigration reform bill as much as any one thing.

Now, I do not know how many of my colleagues have actually looked at this bill. This is a pretty good-sized bill—I don't know—550 pages. I think the American people, if they took any time to really read this—it would be boring, but if they would just peruse it, do you know what they would find? They would find answers we have been debating on the floor of the Senate. They would find national security answers. They would find economic answers. They would find job and employment answers. They would find social fabric answers in this bill.

This is not a bill about one or two things. Yes, the first part is significantly focused on border security. And again, there is little debate about that. But the economic factor here, the consequences are significant, just as all have said today. But the fact is, to be dragged down into the underbrush with subsections of slivers of what we are trying to accomplish here is irresponsible.

Yes, this is an immigration reform bill. But it is also a job generation bill. It is an economic development bill. It is a social fabric bill. It says something about our country.

I think we have done pretty well over the last 4 weeks—in total what we have devoted to debating on this bill—in that we have been able to deflect and knock off amendment after amendment that has not taken a wider-lens view of what we are trying to accomplish.

If we do not address all of the pieces that are in play, the cost will be far more than my dear friends on the other side are talking about. The cost to this society, the cost to our economy will be far beyond what they are talking about. This is not a cheap deal—just border security alone. But I have had colleagues, from Senator MARTINEZ to Senator SPECTER to Senator MCCAIN, on the floor this afternoon explaining what the real facts are.

So I hope our colleagues would recognize this is another attempt to defeat this bill. If this budget point of order is sustained, it will defeat immigration reform, it will defeat the President of the United States, and it will defeat our country.

I yield the rest of my time to the chairman of the Judiciary Committee. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I will take a couple minutes, and then I am prepared to yield back the time.

This budget point of order does not mean that S. 2611 would result in a significant net cost to the Federal Government over time. In fact, the revenues that will be produced when the undocumented immigrants become legal residents and start paying income taxes will far exceed the cost of any services they receive.

CBO has determined that passage of S. 2611 will actually reduce the deficit by $12.1 billion over 10 years, and the newly legal immigrants will pay $66 billion in Federal taxes. The cost during the same period will be $54 billion. Thus, there will be a net gain to the Federal Treasury of $12 billion.

There is a reason to believe this same pattern—revenues coming in from immigrants in taxes exceeding the cost of services—will continue in subsequent years. The problem with the budget point of order is that it only looks at new spending in the outyears and does not consider the new tax revenue offsetting the cost of that spending. It does not look at the full picture.

Raising this budget point of order at the end of the Senate's long deliberations on this important legislation is an unfortunate diversion from the real question before us. This legislation will not cost the Federal Government money. It will actually raise revenue and reduce the deficit. But, more importantly, this legislation will address the serious problem of illegal immigration, both by increasing border security and by creating a path to earned citizenship for millions of undocumented workers. It will enhance our security, strengthen our economy, and reaffirm America's fundamental values of justice and inclusion.

Mr. President, I am prepared to yield back time. I do not know what the desire of those on the other side would be.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. Mr. President, I yield 2 minutes to Senator SESSIONS. Then after his comments, I think we will be ready to wrap it up.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 2 minutes.

Mr. SESSIONS. Mr. President, I do not want to impose, but if I might have 3 additional minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator is recognized for 5 minutes.

Mr. SESSIONS. Mr. President, first of all, I want to say, nobody is talking about ending immigration if this bill does not survive this amendment. The 1 million people who are allowed to enter our country every year will continue to be able to come in under current law. So it is not so to say a vote to pull this unwise and flawed bill, and send it back for further review, is an effort to end immigration, for Heaven's sakes.

We are going to pass, sooner or later, I believe, a bill that will increase immigration, and I will be pleased to support that. However, this one is about three times what the current rate is, and I think that is higher than we ought to approve. So we need to talk about that.

I talked to the Congressional Budget Office people today. They only did a 10-year score. Do you know why the first 10 years look better than the second 10 years? Because under the bill, you basically do not get citizenship until the 11th year, and you become entitled to all the benefits our country can give you in the 11th year, including that you have a right to bring in your aging parents. If 1 out of 10 bring in their parents—1 out of 10—according to Mr. Robert Rector at the Heritage Foundation, that will be $30 billion a year. He also estimates that the basic welfare medical cost for the people who will be given amnesty will be $16 billion. So it is $46 billion. He actually said, in his opinion, it would probably be between $50 billion and $60 billion. That is what he said.

And we do not have a CBO score, people, for the second 10 years. We do not have one. So we have here moving through this body one of the most significant pieces of legislation in decades, and we have no idea what the score is. That is how we get in trouble with spending. The entitlements for the benefits under the bill will not really kick in, in big numbers, until the second 10 years.

But I asked CBO about it. Their 10th year was $10 billion. You figure, if that just continued without an increase for the next 10 years, the second 10 years, under the CBO score, would be over $100 billion. Then, I asked a CBO guy, referring to the Heritage Foundation numbers: Well, do you think it would be worse in the second 10 years? This is the direct quote of what the CBO person told me: Very much so.

Shouldn't we know that? Shouldn't the sponsors of a bill that purports to be comprehensive, that is going to fix immigration problems in America, be able to tell us what the cost of the bill would be in 20 years? The budget point of order goes out 40 years. Through 2056, CBO says this will be a negative. This will be spending above $5 billion, and the budget point of order lies for any of those.

All I am saying to my friends is: We need to stop. We need not to run forward and go off on a bill that costs an extraordinary amount of money without giving it a great deal of thought. We haven't even considered it. Until I received this report on May 16 about what the cost was, nobody even had given any figures on the cost, none. Isn't that how we get in trouble, good friends? Isn't that how spending gets out of control?

I urge my colleagues to understand that this bill has a direct and discretionary spending increase in it of $110 billion over 10 years, that tax revenues come in at $66 billion, which is not countable as a matter of law, but we will count it as a matter of practicality, leaving a total net loss to the Government in the first 10-year window of $52 billion. That is where the budget point of order lies. We ought to sustain it.

We have made progress in making this legislation better since it has been on the floor, but the flaws are so significant and the issues important to immigration have been so little addressed in many key areas that we ought not to go forward. We should pull the bill and get a better one.

The PRESIDING OFFICER. The Senator from Colorado has 1 minute.

Mr. ALLARD. Mr. President, is the other side ready to yield back their time?

Mr. SPECTER. No.

Mr. ALLARD. Then I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield back my time.

The PRESIDING OFFICER. The Senator from Pennsylvania has 6 minutes.

Mr. SPECTER. Mr. President, it is a little surprising to find this budget point of order being raised so late in the proceedings. We have been on this bill now for almost 2 weeks. We expect to finish up either late tonight or tomorrow for the 2-week period which was allocated. So had there been a judgment that this bill should fall on a budget point of order, it would have been expected to have been raised much earlier to save the Senate some time.

We have the same parties raising this objection who have raised earlier objections in what is an effort to defeat the bill. They have a right to offer amendments which may be poison pills or may be killer amendments or to raise a budget point of order, but when we are dealing with the vagaries of the Budget Act, we are talking about a $5 billion expenditure, 10-year periods beginning in the year 2016, through 2055. We are dealing in concepts that are not very tangible. And when compared to the importance of this immigration bill, those arcane tactics and procedures are not nearly as weighty as getting some action on this important bill.

I made the argument—Senator KENNEDY followed through on it—that the problem is that this calculation deals with expenditures and not with offsetting revenues. And the expenditures in the first 10 years, CBO says, are $54 billion, and the revenues are $66 billion, for a net gain of $12 billion. That is to say nothing about the importance of these 11 million undocumented immigrants for the economy of the United States. That is to say nothing about the use of guest workers calibrated very carefully for the future.

I urge my colleagues not to accept this artifice and tactic to defeat a bill which is enormously important.

I yield back my time.

The PRESIDING OFFICER. The Senator from Colorado has 1 minute.

Mr. ALLARD. Mr. President, I want to quickly summarize by saying this is about long-term spending. The Congressional Budget Office, a week ago, brought out a cost estimate that explicitly states: Enacting S. 2611 would cause an increase in direct spending greater than $5 billion in each of the 10-year periods between 2016 and 2055. This is a big spending bill in the outlying years. That is what the point of order is all about. It is not difficult. It is straightforward. These are figures that we were presented with from the Congressional Budget Office a little over a week ago. I urge my colleagues to join me in voting no to grant a waiver.

I yield back my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. SPECTER. Mr. President, parliamentary inquiry: We will now proceed to a vote on the motion to waive the budget point of order?

The PRESIDING OFFICER. The Senator is correct.

Mr. SPECTER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on the motion to waive section 407 of the budget resolution. The yeas and nays have been ordered. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The result was announced—yeas 67, nays 31, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—67

Akaka	Durbin	McConnell
Alexander	Feingold	Menendez
Baucus	Feinstein	Mikulski
Bayh	Frist	Murkowski
Bennett	Graham	Murray
Biden	Hagel	Nelson (FL)
Bingaman	Harkin	Obama
Bond	Hutchison	Pryor
Boxer	Inouye	Reed
Brownback	Jeffords	Reid
Cantwell	Johnson	Salazar
Carper	Kennedy	Sarbanes
Chafee	Kerry	Schumer
Clinton	Kohl	Smith
Cochran	Landrieu	Snowe
Coleman	Lautenberg	Specter
Collins	Leahy	Stabenow
Conrad	Levin	Stevens
Craig	Lieberman	Voinovich
Dayton	Lincoln	Warner
DeWine	Lugar	Wyden
Dodd	Martinez	
Domenici	McCain	

NAYS—31

Allard	Dole	Roberts
Allen	Dorgan	Santorum
Bunning	Ensign	Sessions
Burns	Grassley	Shelby
Burr	Gregg	Sununu
Byrd	Hatch	Talent
Chambliss	Inhofe	Thomas
Coburn	Isakson	Thune
Cornyn	Kyl	Vitter
Crapo	Lott	
DeMint	Nelson (NE)	

NOT VOTING—2

Enzi	Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 67, the nays are 31. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

AMENDMENT NO. 4127

The PRESIDING OFFICER. Under a previous agreement, the next order of business is the Byrd amendment on which there is 2 minutes equally divided.

The Senator from West Virginia.

Mr. BYRD. Mr. President, the Byrd-Gregg amendment would provide $3 billion for border security and interior enforcement by assessing a $500 fee on the illegal aliens who would benefit under title VI.

The bill authorizes appropriations for $25 billion over the next 5 years with no means to pay for it. The Byrd-Gregg amendment is a modest fee increase that would help to provide essential border security funds.

So for Senators who want to secure the border, this is the amendment that will provide a source of funding to make it happen.

I yield the floor.

The PRESIDING OFFICER. Who yields time in opposition? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, just so the membership knows, under the existing bill, we are collecting $18 billion in fees. With the Cornyn amendment, there is $5 billion to $6 billion in addition. That is $2,750 for every worker who is going to make their adjustment and try to become a citizen. These are the poorest of the poor. If they have a child, it is going to cost them $100 for every extra child. This amendment is adding another $500.

It seems to me that we have addressed the underlying issue in terms of cost, and this is going to be a major burden for people who work hard and are making the minimum wage. It is a big burden on them. We have adjusted for it. With the Cornyn amendment, I think we have met the responsibilities. If we need to have more, we can come back for more. But I think this is adding an additional burden, and we are doing it for low-income workers who will be covered by this legislation. I hope it will not be accepted.

The PRESIDING OFFICER. The question is on agreeing to the Byrd amendment No. 4127.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) was necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 25, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—73

Alexander	Crapo	Menendez
Allard	DeMint	Mikulski
Allen	Dodd	Murkowski
Baucus	Dole	Murray
Bayh	Domenici	Nelson (FL)
Bennett	Dorgan	Obama
Biden	Ensign	Pryor
Bond	Feinstein	Roberts
Boxer	Frist	Santorum
Brownback	Grassley	Schumer
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Burr	Hatch	Smith
Byrd	Hutchison	Snowe
Cantwell	Inhofe	Stabenow
Carper	Isakson	Sununu
Chambliss	Kohl	Talent
Clinton	Kyl	Thomas
Coburn	Landrieu	Thune
Cochran	Lautenberg	Vitter
Coleman	Lieberman	Voinovich
Collins	Lincoln	Warner
Conrad	Lott	Wyden
Cornyn	Martinez	
Craig	McConnell	

NAYS—25

Akaka	Graham	Leahy
Bingaman	Harkin	Levin
Chafee	Inouye	Lugar
Dayton	Jeffords	McCain
DeWine	Johnson	Nelson (NE)
Durbin	Kennedy	
Feingold	Kerry	
Reed	Salazar	Specter
Reid	Sarbanes	Stevens

NOT VOTING—2

Enzi	Rockefeller

The amendment (No. 4127) was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4114

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I believe we are now ready to vote.

The PRESIDING OFFICER. The next amendment is the Gregg amendment. There are 2 minutes equally divided.

Mr. GREGG. Mr. President, can we have order?

Mr. President, I ask unanimous consent that the following Senators be added as cosponsors: Senators FRIST, SESSIONS, ALEXANDER, and BOND.

I yield my minute to the Senator from Washington.

The PRESIDING OFFICER. The Senate is not in order.

Mr. GREGG. I will yield my minute to the Senator from Washington.

The PRESIDING OFFICER. Will the Senator please restate his additional cosponsors?

Mr. GREGG. I filed them with the clerk—Senators FRIST, SESSIONS, ALEXANDER, and BOND.

I yield my minute to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, this amendment addresses the diversity lottery program. This is not the asylum program. This amendment is not the H–1B program. This is not the broad immigration program. This is the only program that was added to immigration legislation to try to get diversity from a number of countries that weren't sending immigrants to the United States. This amendment simply says, for those immigrants coming from those countries, let's try to get 70 percent of them to be of the education degrees—technology, math, science—that we need in the United States. That is a benefit to us because those are occupations and expertise which we need. It is also a benefit to those countries as these individuals gain expertise that can later be used in their countries.

I urge my colleagues to support this ''best and brightest'' amendment but still leave diversity for these countries and diversity for those who are nonskilled as well.

The PRESIDING OFFICER. Who rises in opposition? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, in the time that the Senator from Washington has been in the Senate, I have

never differed with her except on this one occasion I do.

We have 860,000 individuals who come here. They primarily come here from Asia or from South America. We have a diversity program to permit in 42,000 of the 8 million from around the world who apply for this program who otherwise would never have the opportunity to come here. We have increased the high-tech people by three times in this legislation—three times. All we are saying is America: diverse America, melting pot America. If these individuals come here, they have to have a high school diploma, they have to meet the security requirements, and they can't be a burden on the State. That is just one feature of a very important immigration bill, but it has been an aspect and commitment of our Nation—diversity—since the history of this country.

Let me point out the opposition: the Chamber of Commerce, National Association of Manufacturers, Business Roundtable, et cetera.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4114.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—56

Alexander	Crapo	Martinez
Allard	DeMint	McConnell
Allen	Dole	Murkowski
Baucus	Domenici	Nelson (FL)
Bennett	Dorgan	Reed (RI)
Bond	Ensign	Roberts
Bunning	Frist	Santorum
Burns	Grassley	Sessions
Burr	Gregg	Shelby
Byrd	Hagel	Smith
Cantwell	Hatch	Specter
Chambliss	Hutchison	Stevens
Coburn	Inhofe	Sununu
Cochran	Isakson	Talent
Coleman	Johnson	Thomas
Collins	Kyl	Thune
Conrad	Landrieu	Vitter
Cornyn	Lott	Warner
Craig	Lugar	

NAYS—42

Akaka	Dayton	Jeffords
Bayh	DeWine	Kennedy
Biden	Dodd	Kerry
Bingaman	Durbin	Kohl
Boxer	Feingold	Lautenberg
Brownback	Feinstein	Leahy
Carper	Graham	Levin
Chafee	Harkin	Lieberman
Clinton	Inouye	Lincoln
McCain	Obama	Schumer
Menendez	Pryor	Snowe
Mikulski	Reid (NV)	Stabenow
Murray	Salazar	Voinovich
Nelson (NE)	Sarbanes	Wyden

NOT VOTING—2

Enzi Rockefeller

The amendment (No. 4114) was agreed to.

CHANGE OF VOTE

Mr. BAUCUS. Mr. President, on rollcall No. 141, I voted nay. It was my intention to vote yea. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4025

Mr. SPECTER. Mr. President, I believe we are now prepared to go to the Landrieu amendment. It is an amendment which Senator KENNEDY and I had earlier stated we found agreeable. There have been some reports that there might be objections. If there are no objections, we can take Senator LANDRIEU's amendment on a voice vote. I urge adoption of the Landrieu amendment.

Mr. KENNEDY. I ask unanimous consent that the time be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 4025) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4101

Mr. SPECTER. Mr. President, I believe we are now prepared to vote on the final amendment in this sequence.

The PRESIDING OFFICER. There will now be 2 minutes equally divided on the Hutchison amendment.

Who yields time?

Mrs. HUTCHISON. Mr. President, this amendment is a pilot program which is based on the Canadian guest worker program with Mexico. It has worked successfully for over 30 years. It would provide a safe, tamper-proof visa for people coming into this country to take jobs that Americans are not filling. The guest worker would retain citizenship in his or her own country. It doesn't replace anything in the bill. It is in addition to what is in the bill.

The American Farm Bureau supports this.

I hope that we will get a good, solid vote. This is something that could be part of an overall balanced solution to the problem we are facing. It is another option for people who want to work but do not seek citizenship in our country.

I hope my colleagues will support this amendment. It could be part of the final solution to a good bill that we would all like to support.

Mr. KENNEDY. Mr. President, this creates an entirely new guest worker program without the kind of protections for the workers that are included in the underlying legislation. It is 10 months and then 10 months with no path to be able to go forward. We have a good temporary program that has been built in. It has been modified from 400,000 down to 200,000. But why now invite an entirely new guest worker program without the worker protections? This is going to be another Bracero issue question, and we don't need to repeat that period. I hope it will not be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. VITTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 67, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—31

Alexander	DeMint	Lott
Allard	Dole	McConnell
Allen	Ensign	Roberts
Bennett	Frist	Santorum
Bond	Grassley	Sessions
Burns	Gregg	Sununu
Coburn	Hatch	Thomas
Cochran	Hutchison	Thune
Coleman	Inhofe	Vitter
Cornyn	Johnson	
Crapo	Kyl	

NAYS—67

Akaka	Durbin	Murkowski
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (FL)
Biden	Graham	Nelson (NE)
Bingaman	Hagel	Obama
Boxer	Harkin	Pryor
Brownback	Inouye	Reed
Bunning	Isakson	Reid
Burr	Jeffords	Salazar
Byrd	Kennedy	Sarbanes
Cantwell	Kerry	Schumer
Carper	Kohl	Shelby
Chafee	Landrieu	Smith
Chambliss	Lautenberg	Snowe
Clinton	Leahy	Specter
Collins	Levin	Stabenow
Conrad	Lieberman	Stevens
Craig	Lincoln	Talent
Dayton	Lugar	Voinovich
DeWine	Martinez	Warner
Dodd	McCain	Wyden
Domenici	Menendez	
Dorgan	Mikulski	

NOT VOTING—2

Enzi Rockefeller

The amendment (No. 4101) was rejected.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask unanimous consent to address the Senate for 3 minutes.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mrs. BOXER. Mr. President, reserving the right to object, and I will not object, but I just want to find out what the regular order is because I am prepared to offer an amendment. I want to make sure that is still the plan on both sides, that that will happen after the Senator from Georgia speaks.

The PRESIDING OFFICER. There is no agreement to that effect at this time.

Mrs. BOXER. OK. Then I must object at the moment.

The PRESIDING OFFICER. Objection is heard.

The Senator from Virginia.

Mr. WARNER. Mr. President, has the motion to reconsider and the motion to table been stated?

The PRESIDING OFFICER. It has not.

Mr. WARNER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. 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. ISAKSON. Mr. President, I ask unanimous consent to address the Senate for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, I thank you and I thank the Members for allowing me this courtesy.

MINE SAFETY LEGISLATION

Mr. President, I just received a phone call about 30 minutes ago from the House of Representatives to notify me they are prepared, tomorrow, to agree to the mine safety bill which this Senate just passed today. That is record speed for the House of Representatives. It is record speed for the Senate. But it proves that Congress can respond to a great tragedy.

Certainly, with the Sago mine disaster of January 2, followed by other disasters, and now the recent Kentucky disaster, it was very important that we look at all the mine safety issues, all the occupational safety issues, and look at coal mining.

I want to pay tribute today to the staff that worked so diligently, the staffs of Senator KENNEDY and Senator ENZI, the staff of Senator MURRAY, my staff, and the staffs of the two distinguished Senators from West Virginia, Mr. ROCKEFELLER and Mr. BYRD: Ilyse Schuman, Brian Hayes, Kyle Hicks, Holly Fechner, Portia Wu, Sharon Block, Ed Egee, Bill Kamela, David McMaster, Ellen Doneski, and John Richards.

These individuals worked tirelessly to bring a bill to this floor which we adopted unanimously. I am pleased to tell you the House intends to do the same tomorrow.

I particularly commend Senators ROCKEFELLER and BYRD, in whose State the Sago mine tragedy took place, who have worked tirelessly on behalf of the citizens in their State, and the Senators from Kentucky in their response to this tragedy that took place just last week.

But in symbol of all those brave miners, I want to pay tribute to George Junior Hamner. I went to West Virginia to see the Sago mine families 3 days after they had been found dead in that mine. I met Junior's wife and I met his 22-year-old daughter. His daughter gave me this picture, taken on Christmas Eve, just 8 days before he died in the Sago mine. And she said: Sir, if you will take this back to Washington and make sure, whatever you do, you pass legislation that hopefully will keep people from ever facing the tragedy my father faced in that mine.

So as a tribute to Junior Hamner, to his daughter, to his wife, and to all the families of those who died in the Sago mine tragedy, I pay tribute to the Senators from West Virginia, the Senator from Washington, Mrs. MURRAY, to Senator ENZI, the tireless chairman of this committee, who has worked tirelessly to see this happen, and to all the Members of this great body for passing legislation to respond to a tragedy—with hope, with reasoned responsibility, and with the promise for better technology and better safety in the future of all coal miners.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that the following amendments be in order; further, that these be the only remaining amendments in order other than the managers' amendment: Senator BOXER, amendment No. 4144, with 24 minutes equally divided; Senator BURNS, amendment No. 4124, with 10 minutes equally divided; Senator CHAMBLISS, amendment No. 4084, with 40 minutes equally divided; Senator CORNYN, amendment No. 4097, with 40 minutes equally divided; and that at the conclusion of the debate on these four amendments, we proceed to four stacked votes, with the first vote on the Boxer amendment being 15 minutes, with 5 minutes overtime, according to our practice, and the following amendments being 10 minutes, with 5 minutes overtime; and that tomorrow morning we proceed with the Dorgan amendment No. 4095, with 30 minutes equally divided; Senator BINGAMAN, amendment No. 4131, with 40 minutes equally divided; Senator SESSIONS, amendment No. 4108, as modified, with 1 hour equally divided; Senator FEINGOLD, amendment No. 4083, with 1 hour equally divided; provided further that there be no second-degree amendments in order to the above amendments; provided further that the first four amendments on the list be debated with the four votes occurring in a stacked sequence at the conclusion of debate on the four amendments, with 2 minutes equally divided between each of the amendments, and that following agreement on the managers' package, the bill be read a third time and the Senate proceed to passage, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SALAZAR. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I say to my friend from Pennsylvania, we cannot yet come to agreement on the modification on amendment No. 4108 by Senator SESSIONS.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. 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. SPECTER. Mr. President, we are awaiting clearance on the modifications as to Senator SESSIONS' amendment No. 4108, so I will restate the unanimous consent request in a more limited form.

I ask unanimous consent that we may proceed to four amendments to debate them this evening: Senator BOXER, amendment No. 4144, with 24 minutes equally divided; Senator BURNS, amendment No. 4124, with 10 minutes equally divided; Senator CHAMBLISS, amendment No. 4084, with 40 minutes equally divided; Senator DORGAN, amendment No. 4095, with 30 minutes equally divided; that the first vote on the Boxer amendment be 15 minutes, in accordance with our usual practice, and the following votes be 10 minutes; provided further that there be no second-degree amendments in order to the above amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. Mr. President, then, we now proceed to Senator BOXER's amendment No. 4144.

The PRESIDING OFFICER. That is the amendment, as modified; is that correct?

Mr. SPECTER. Senator BOXER's amendment No. 4144, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

AMENDMENT NO. 4144, AS MODIFIED

Mrs. BOXER. Mr. President, I thank my colleagues on both sides. We made a technical modification. It doesn't change anything, but makes it clearer.

I ask unanimous consent that Senators Dorgan and Stabenow be added as cosponsors to amendment No. 4144.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. DORGAN, and Ms. STABENOW, proposes an amendment numbered 4144, as modified.

Mrs. BOXER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 265, between lines 7 and 8, insert the following:

''(b) REQUIRED PROCEDURE.—

''(1) EFFORTS TO RECRUIT UNITED STATES WORKERS.—During the period beginning not later than 90 days prior to the date on which a petition is filed under subsection (a)(1), and ending on the date that is 14 days prior to the date on which the petition is filed, the employer involved shall take the following steps to recruit United States workers for the position for which the H–2C nonimmigrant is sought under the petition:

''(A) Submit a copy of the job offer, including a description of the wages and other terms and conditions of employment and the minimum education, training, experience and other requirements of the job, to the State Employment Service Agency that serves the area of employment in the State in which the employer is located.

''(B) Authorize the State Employment Service Agency to post the job opportunity on the Internet through the website for America's Job Bank, with local job banks, and with unemployment agencies and other labor referral and recruitment sources pertinent to the job involved.

''(C) Authorize the State Employment Service Agency to notify labor organizations in the State in which the job is located, and if applicable, the office of the local union which represents the employees in the same or substantially equivalent job classification of the job opportunity.

''(D) Post the availability of the job opportunity for which the employer is seeking a worker in conspicuous locations at the place of employment for all employees to see.

''(2) EFFORTS TO EMPLOY UNITED STATES WORKERS.—An employer that seeks to employ an H–2C nonimmigrant shall—

''(A) first offer the job to any eligible United States worker who applies, is qualified for the job, and is available at the time of need;

''(B) be required to maintain for at least 1 year after the H–2C nonimmigrant employment relation is terminated, documentation of recruitment efforts and responses conducted and received prior to the filing of the employer's petition, including resumes, applications, and if applicable, tests of United States workers who applied and were not hired for the job the employer seeks to fill with a nonimmigrant worker; and

''(C) certify that there are not sufficient United States workers who are able, willing, qualified, and available at the time of the filing of the application.''.

Mrs. BOXER. Would the Chair be so kind as to let me know when I have 3 minutes remaining.

The PRESIDING OFFICER. The Chair will notify.

Mrs. BOXER. Mr. President, my amendment would require that employers take real steps to attract and hire U.S. workers prior to petitioning the Department of Homeland Security for authorization to hire an H–2C nonimmigrant. In other words, what we are trying to say here is, if there is a job available for an American worker, for a U.S. worker, let's make sure that they get that job before we give it away to an immigrant worker.

Over the next 5 years, a million foreign workers could enter the country under that guest worker program that is in the bill. This is a million new workers who will be competing with U.S. workers for jobs. Advocates of the guest worker program claim that it is needed because Americans are not willing to do the jobs that will be filled by these foreign guest workers. But it seems to me, whether you believe that or not, we need to ensure that every step is taken to hire a U.S. worker first, because these jobs we are talking about are not agricultural jobs. Those are addressed in a different section, the AgJOBS bill. We are not talking about high-tech jobs because we take care of that in another portion of the bill. So let's take a look at the jobs we are talking about. I have them here on this chart.

These are the jobs that will be taken by guest workers unless we can say that, in fact, there is an American worker for their job. I ask rhetorically, will we have U.S. workers for construction jobs? Will we have U.S. workers for food preparation jobs? Will we have U.S. workers for manufacturing jobs? Will we have U.S. workers for transportation jobs? Clearly, if you look at the jobs that are being held today, 86 percent of construction jobs are held by U.S. workers; food preparation, 88 percent; manufacturing, 91 percent; transportation, 93 percent. So obviously, there are workers in this country, U.S. workers who can take those jobs, rather than importing a guest worker to take them. These are good jobs. They pay well. Right now, again, the overwhelming number of them are held by U.S. citizens and legal workers.

Why is it that U.S. workers want these jobs? It is because they pay well. The average worker in the construction sector gets $18.21 an hour or $37,890 a year. Construction work is a good job. It is a job for which there are many U.S. workers. If we are going to open these jobs to foreign workers through the guest worker program, we better make sure that employers cannot find a U.S. worker who is willing to do the job. U.S. workers deserve to get the first crack at these jobs. All we are saying to the employers is, do anything you can first to make sure you can fill this job with an American worker.

The underlying bill is vague on what employers have to do. That is the reason why we are working with the working people here. We have come up with a very good way to ensure that there are concrete steps that have to be taken by employers before they fill a job with a foreign worker. Again, the underlying bill says the employer has to say: I made a good faith effort. But it does not lay out specific steps that they have to take. So the bill doesn't do enough to ensure that U.S. workers will find out that there are openings, and it doesn't do enough to make sure that they have an opportunity to apply for a job before it is given away to a foreign guest worker.

This amendment throws light on the process. It makes sure the job listings get to the U.S. workers in time to make a difference. I say to colleagues on both sides of the aisle, if you stand with U.S. workers, then vote ''yes'' on this amendment.

What is it that we ask employers to do? It is quite simple. We ask them to submit a copy of the job offer to their local State employment services agency before they file a petition for an H–2C worker. Then the State employment agency is authorized to post the job on the Internet, job banks, and with unemployment agencies. In addition, the agency, if they wanted, could share the job listing with local unions representing workers that are relevant to the job listing.

What else does the employer have to do? I already said they had to notify the State employment agency. They have one more thing they have to do. They have to post in a conspicuous place in the workplace a notice that says there is a job opening. That is all they have to do, put up a notice that there is a job opening. Put it in a conspicuous place, tell the State employment agency there is a job opening, and allow them to recruit. We do not add any more time in the process. It all is done in the same timeframe.

This amendment is a win/win for everyone. It is a win for the employers because they are going to give a good chance to a U.S. worker. It is a win for America's workers. The burdens that we place on employers are practically nonexistent: To notify the State employment department and to post a notice of the job opening.

There is no delay. The bill already requires employers to make a good faith

effort, and they have to do that 90 days before they file a petition. All of this will be done in that timeframe.

Our amendment helps U.S. workers find out about job openings before employers file a petition for a foreign worker. Unemployment agencies and unions get a chance to find out about the jobs. They can present those to qualified workers. In fact, both the AFL–CIO and the Teamsters strongly support this amendment.

We think as a result of this amendment, the news of a job is spread broadly. And hopefully a U.S. worker will fill the position. If not, the employer is free to file his petition and recruit a foreign guest worker. I believe if we do not impose adequate recruitment procedures, it is the U.S. worker who will ultimately pay the price and, frankly, revolt against this bill. Jobs that should have been filled domestically will be given to foreign workers, and that is wrong. Unemployment will increase, and there will be downward pressure on wages and working conditions. This amendment would help ensure that companies will be able to get the workers they need and that U.S. workers will have a chance to fill those positions.

I retain the remainder of my time.

The PRESIDING OFFICER (Mr. BURR). Who yields time?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the objectives outlined by the Senator from California I agree with; that is, to have a period of time to find an American worker so that we don't have a guest worker fill a job when there is an American worker available. We ought to do that—to protect American jobs before we bring in guest workers. The bill currently has a 90-day period during which employers find out if there are willing American workers before a job is offered to a guest worker. I believe that is a preferable course. You spend 90 days looking for an American to fill the job, but if you find, at the expiration of the 90 days, there is no American who wants the job, then you give the job to a guest worker, as opposed to giving the job to a guest worker and then looking for somebody for 90 days after that. That keeps the guest worker on tenterhooks, not knowing whether he or she has the job or not. That may lead the prospective guest worker to go elsewhere and conceivably could lead the prospective guest worker to try to enter the United States illegally since he or she doesn't know whether or not they have the job.

Mrs. BOXER. Will the Senator yield for a moment?

Mr. SPECTER. OK, on your time.

Mrs. BOXER. Absolutely.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, this is not what we do. Before a guest worker is hired, we ask the employer to do two things during the 90-day period, the same period. We ask him, like the bill says, to make a good faith effort. And part of that we define as posting the job in the workplace and calling the local State employment department. And then if they can't find an American worker, then they can hire a guest worker. We don't say it is after the guest worker is hired. I felt compelled to tell my friend. Please, if you could reread the amendment, because what we say is during that 90-day period that you have, we are only adding a requirement of simply posting that position and notifying the department of employment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the current legislation, the bill, provides that the employer must try to find an American worker, must make that effort for 90 days before the employer offers a job to a guest worker. Isn't that correct, if I may direct that question to Senator BOXER?

Mrs. BOXER. I read the section of the bill several times. What you have in the bill is very good. It says the employer must make a good faith effort before hiring a guest worker, and he or she has to take 90 days. All we do is say, in that 90-day period, the employer must post a job notice in the plant and notify the department of employment. That is all we are doing. We don't change anything in the bill. We just say during the 90-day period, post the job and let the State Department of Employment know. I don't understand why we have a problem with this.

Mr. SPECTER. Mr. President, the amendment which I have before me, offered by the Senator from California, does more than that.

How much time remains on this amendment?

The PRESIDING OFFICER. The Senator from Pennsylvania has 8 minutes and 25 seconds.

Mr. SPECTER. Mr. President, if the Senator from California has accurately described her amendment, we may not be too far apart. What I would suggest is that we set aside the Boxer amendment so we can talk about it—maybe we can come to terms—and proceed at this time to the Burns amendment. I believe Senator CHAMBLISS is on the premises. This amendment will not take long. We will be prepared to go to the Chambliss amendment shortly.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I assume the manager of the bill is inviting us to proceed with our amendment.

Mr. SPECTER. Correct.

Mr. BURNS. And the Boxer amendment has been laid aside.

Mr. SPECTER. Correct.

AMENDMENT NO. 4124

Mr. BURNS. I ask unanimous consent to call up amendment No. 4124.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BURNS], for himself, Mr. STEVENS, and Mr. INHOFE, proposes an amendment numbered 4124.

Mr. BURNS. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. EXCLUSION OF ILLEGAL ALIENS FROM CONGRESSIONAL APPORTIONMENT TABULATIONS.

In addition to any report under this act the director of the bureau of the census shall submit to Congress a report on the impact of illegal immigration on the apportionment of Representatives of Congress among the several States and any methods and procedures that the Director determines to be feasible and appropriate, to ensure that individuals who are found by an authorized Federal agency to be unlawfully present in the United States are not counted in tabulating population for purposes of apportionment of Representatives in Congress among the several States.

Mr. BURNS. Mr. President, I ask unanimous consent that Senator STEVENS and Senator INHOFE be added as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, this is a pretty straightforward amendment. Throughout this debate on immigration, we have heard how illegal immigration affects practically every aspect of our life. What many may not realize is that illegal immigration also affects the very foundation of this country—our system of representation, especially in the House of Representatives.

Currently, the policy of this Government is to count illegal aliens in the U.S. census and to use those numbers for reapportioning seats in the House of Representatives. Studies and census data also show that most illegal immigrants reside in just a few areas of the country. And just by being there, illegal aliens have a great deal of influence on how the seats of the House of Representatives are distributed among the States.

I ask the manager of the bill how he wants to proceed on this amendment?

Mr. SPECTER. Mr. President, if my understanding is correct, the thrust of the amendment by the Senator from Montana is to request a study on this issue.

Mr. BURNS. That is correct. This directs the Census Bureau to take a study and get the true impact of how counting illegal aliens affects the reapportionment in the House of Representatives.

Mr. SPECTER. I believe the amendment is a good one. We are prepared to accept it and move to a voice vote.

Mr. SALAZAR. Mr. President, reserving the right to object, I ask a question

of the Senator from Montana. Some on our side have been concerned that the amendment would give new mandates or authorities to the Census Director beyond the study which you have described. Is this amendment intended to give any additional authority to the Census Bureau other than conducting a study as you described?

Mr. BURNS. It is not.

Mr. SALAZAR. Again, to reiterate my understanding of the proposed amendment, it is that you would request and require the Census Bureau to conduct a study on the impact of undocumented workers in this country on reapportionment?

Mr. BURNS. That is correct.

Mr. SALAZAR. Mr. President, I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

The amendment (No. 4124) was agreed to.

Mr. BURNS. I thank the managers of this legislation. I felt all along that we should look at this just like we looked at employers. So I thank the managers of the bill, and I yield the floor.

Mr. SPECTER. Mr. President, I think we are prepared to move to the amendment by the Senator from Georgia.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 4084

(Purpose: To modify the eligibility requirements for blue card status and to increase the fines to be paid by aliens granted such status or legal permanent resident status)

Mr. CHAMBLISS. Mr. President, I call up amendment No. 4084.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS] proposes an amendment numbered 4084.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Friday, May 19, 2006, under ''Text of Amendments.'')

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia is recognized for 20 minutes, and a Senator in opposition will be recognized for 20 minutes.

Mr. CHAMBLISS. Mr. President, this is a very simple amendment. I refer to it as an American values amendment because I think it reflects the values that all Americans hold. It is no secret that I think the approach in this bill to reform immigration as it pertains to agriculture is wrong. I don't agree with amnesty, and I don't think it is in the best interest of American agriculture.

Even so, when I read the fine print of this bill, I am shocked to see who can qualify for the agricultural amnesty provisions in the bill. They are different and a separate amnesty for what exists for the 12 million or 20 million or however many millions of nonagricultural workers who are expected to adjust status under the base bill.

We have heard the proponents of the bill on the floor of the Senate discuss how it is not an amnesty bill. They point to the strict requirements that current illegal workers must meet in order to adjust their status. Illegal immigrants under the base bill, in order to adjust their status, must learn English, pay back taxes, pay a stiff penalty, and go to the back of the line in order to apply for citizenship. The people who are telling the American people this are obviously not referring to the AgJOBS portion of this bill.

If they read the AgJOBS portion of this bill, they will see that, in fact, there are substantial differences relative to the requirements for adjusting status. For agricultural workers to adjust status, they don't have to learn English, they have to pay a total of $500, they have to have worked a minimum of 150 hours over the past 2-year period leading up to December 31, 2005, and they don't have to wait at the back of the line.

This amendment I have filed does three very simple things. First, it inserts a requirement for agricultural workers to learn English if they are going to adjust their status. This is an important standard that we should insist be met by all illegal workers who are going to be put on a new path to citizenship. Why should agricultural workers be exempt from learning English when every other illegal worker under the base bill must demonstrate not only knowledge of English, but also a knowledge of U.S. history and Government?

The answer is that they should not be. We know it is important for the folks to learn English. We also know it is far more likely that if the requirement to learn English exists, then a far greater number of agricultural workers will learn it than not. In addition, this body voted just last week to make English the official language of our country. The least we can do is require folks who are obtaining an enormous benefit and privilege—the right to be U.S. citizens despite having broken our laws—to learn English. They have to do that under the base bill. They ought to be required to do that under the AgJOBS portion of this bill.

Second, this amendment would bring about the amount of fines that must be paid by illegal agricultural workers into conformance with what other illegal workers must pay in order to stay in the United States while on a path to citizenship. The nonagricultural worker must pay a penalty of $2,000 to remain in the United States and work despite their current illegal presence; whereas, agricultural workers must only pay $100. Well, $100 is not what I call a stiff penalty; $100 is one trip to the grocery store; $100 is two tanks of gasoline; $100 is a new pair of fancy tennis shoes; $100 is 33 gallons of milk; $100 is not the blue light special price of U.S. citizenship.

Third, this amendment strengthens the prior work requirements for illegal agricultural workers to obtain blue card status, which puts them on a new path to citizenship. Strengthening this requirement is important for two main reasons. First, because we know that agriculture is a traditional gateway for illegal immigration. Many illegal immigrants come to the United States to work in agriculture for a period of time and then move on to other areas of the country and to other industries. We also know that the number of agricultural workers who can adjust status under this bill is capped at 1.5 million.

If the threshold requirements, cost, future work and language requirements for adjustment of status are so much lower for agricultural workers than for the rest of the illegal population, there will be a significant incentive for those folks who spent a minimal amount of time in agriculture and have since moved on to try to adjust their status through the agricultural amnesty provision. After all, we all tend to choose the cheapest and easiest means of obtaining the things we want. The folks who are here illegally will not do otherwise. I believe this incentive will result in a situation in which many folks who are currently working in agriculture will be beat to the punch in obtaining a blue card by those no longer in agriculture, or who work only part time agricultural jobs.

At the end of the day, it is very likely that this amnesty won't benefit those it is intended to help. So while I wholeheartedly disagree with granting amnesty, if we are going to do it for agricultural workers, let's make sure it is reserved for those working permanently in agriculture.

The second reason it is important to strengthen the past work requirements is because they are generally reflective of future work requirements. If someone cannot be employed for more than 150 days per year, then they should not become a permanent U.S. citizen, but they should be under a temporary worker program.

Again, the three things that this amendment does are: First, require that agricultural workers learn English, just like everyone else, in order to be able to adjust status. Second, increase the penalty fees necessary for agricultural workers to adjust status into conformity with the fees paid by every other illegal worker under the base bill. Third, strengthen the work requirements an illegal agricultural alien must meet in order to adjust status.

Because the first two goals are relatively clear, I will explain further the

third one, the strengthened work requirements. If you look on page 397 of the bill, you will see some important definitions for the AgJOBS title. One that I am seeking to change with this amendment is the definition of a workday.

The term ''workday'' means any day in which the individual is employed for 1 or more hours in agriculture in the AgJOBS title. A 1-hour workday will allow illegal aliens to meet their workday requirements. There are many hard-working Americans across this country who work long hours each day, some in multiple jobs, to provide for their families. It doesn't seem fair to those hard-working Americans to allow illegal immigrants to obtain the prized possession of U.S. citizenship for a 1-hour workday. That is not an American value, and most people spend 1 hour getting ready for work. You can wash and dry a load of clothes in 1 hour. You can watch two episodes of the Andy Griffith show in 1 hour. One hour is not a full workday, and I don't know of a single farm in this country that requires folks to work for 1 hour per day—yet under this bill, that is possible.

Therefore, a key provision of this amendment changes the definition of a workday from 1 hour to 8 hours. This reflects what a workday is to most Americans. Not only that, it is in line with what many agricultural workers are already doing. According to the latest National Agricultural Workers Survey, published by the U.S. Department of Labor in March 2005, the average number of hours worked per week by agricultural workers was 42 hours.

A Congressional Research Service report, entitled ''Farm Labor Shortages and Immigration Policy'' reveals that ''recent data reveal no discernible year-to-year variation in the average number of weekly hours that hired farmworkers are employed in crop or livestock production.''

According to the National Agricultural Statistics Service Farm Labor Survey, ''the average work week of hired farmworkers has ranged around 40 hours since the mid 1990s.''

Now, on page 398 of the bill, it tells you who can get a blue card, which is the amnesty mechanism for agricultural workers in this bill—because once you get a blue card, you are all but assured to get a green card. It says:

> Notwithstanding any other provision of law, the Secretary shall confer blue card status upon an alien who qualifies under this subsection if the Secretary determines that the alien has performed agricultural employment in the United States for at least 863 hours, or 150 work days, whichever is less, during the 24-month period ending December 31, 2005.

If a workday is defined as one or more hours in agriculture and an illegal agricultural worker must have worked 150 days in agriculture over a 2-year period, then illegal aliens who work 150 hours in agriculture automatically become eligible for a blue card and then virtually are assured of a green card after that.

Doesn't that seem like a low threshold requirement for getting permanent resident status in the United States, is the question I ask my colleagues?

For many around the world, U.S. citizenship is the pot at the end of the rainbow that they spend their lives chasing, and in this bill, we are going to give that away to those who worked 150 hours over a 2-year period in agriculture. I don't think that is right, and I don't think it is reflective of the values that most Americans hold.

Another key provision of this amendment, therefore, changes the past work requirement necessary for an illegal agricultural worker to obtain a blue card from 863 hours, or 150 days, over a 2-year period, whichever is less, to 150 work days per year over a 2-year period.

Some might say this is an impossible requirement to meet, but according to the National Agriculture Workers Survey published in March 2005, only 8 percent of agricultural workers had worked on U.S. farms for less than 2 years. Even if that were not the case, let's think about what the bill proposes to do.

The bill proposes to confer permanent resident status on folks who do not work more than 150 days per year. According to my calculations, that is about 7 months per year. That leaves these agricultural workers unemployed for 5 months out of the year, and it seems to make more sense to me to make folks who work less than 150 days per year temporary workers rather than legal permanent residents.

How are they going to support themselves working less than 8 hours per day and for less than 150 days per year? We already know that employers of blue card workers do not have to pay more than minimum wage, and we also know that they don't qualify for public assistance for the first 5 years they are here. So what are they to do? This is a crisis waiting to happen. We have a temporary agricultural worker program that can and should be used by these employers who have jobs that last less than 150 days per year.

While this amendment only changes three main things to try to provide parity between the agricultural adjustment program and other adjustment programs within the bill, there are a number of other differences that make the agriculture amnesty program much more attractive to illegal immigrants. Let me run through some of the major discrepancies between what is required of illegal agricultural workers compared to what is required of the general population of illegal workers in order to adjust status under the base bill.

For those here illegally for 5 years or more who receive green cards, they must have worked at least 3 years during the 5-year period ending April 5, 2006, and must work for 6 years after the date of enactment of this bill. In contrast, agricultural workers only must have worked 150 hours over a 2-year period and going forward only have to work 575 hours per year.

In addition to learning English, nonagricultural illegal aliens must demonstrate a knowledge of history and Government in the United States in order to adjust to that status. In contrast, agricultural workers under the bill do not have to learn English, nor do they need to have a knowledge of the history and Government of the United States. For nonagricultural workers, there is a requirement that illegal aliens register with the Selective Service if within the age period required, but agricultural workers do not have to do this.

Nonagricultural illegal aliens cannot adjust status until the earlier of either, one, the consideration of all green card applications filed before the date of enactment of this bill or, two, 8 years after the date of enactment of this bill.

In the AgJOBS portion of this bill, illegal aliens can get a green card in as short as 3 years without having to go to the back of the line.

Nonagricultural illegal aliens and their spouses and children must submit fingerprints to relevant Federal agencies to be checked against existing databases relating to information for criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status. This is not the case for agricultural workers.

Illegal agricultural workers must submit proof of their prior work to qualify for a blue card, and the Department of Homeland Security is affirmatively barred from sharing that information with anyone unless a law enforcement entity asks for it in writing to use in connection with a criminal investigation or prosecution or an official coroner asks for it in order to identify a deceased person.

And lastly, before a nonagricultural illegal alien is granted employment authorization or permission to travel, the alien must undergo a name check against exiting databases for information relating to criminal, national security, or other law enforcement actions. Not so for agricultural workers. In the AgJOBS portion of the bill, an alien is given employment authorization in the same manner as if that alien is a green cardholder and can travel freely without such a background check around our country.

For those nonagricultural workers here illegally between 2 and 5 years, they must have been employed in the U.S. before January 7, 2004, and not unemployed for longer than 60 days. In contrast, an agricultural worker only has to have been employed for 150 hours.

To qualify, the alien must complete an application that requires answering questions concerning his physical and mental health, criminal history, gang membership, renunciation of gang affiliation, immigration history, involvement with groups or individuals who engage in terrorism, genocide, persecution, or to seek to overthrow the Government of the United States, voter registration history, claims to U.S. citizenship, and tax history. No such requirement is levied on agricultural workers under the AgJOBS title.

Illegal aliens who fall under the category of deferred mandatory departure status must be personally interviewed by the Department of Homeland Security. There is no similar requirement for agricultural workers under the AgJOBS title. The alien cannot obtain the deferred mandatory status until he submits biometric data to the Department of Homeland Security and all appropriate background checks are completed to the satisfaction of the Department of Homeland Security.

Mr. President, I could go on and on, but there is a clear differential in how illegal agricultural workers are treated in the AgJOBS title and how illegal workers are treated under the base bill. We should treat them all the same if we are going to give to them the pathway to one of the greatest treasures in the history of this world, and that is American citizenship.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks time in opposition?

Mr. SPECTER. How much time would Senator CRAIG like?

Mr. CRAIG. Mr. President, first, how much time remains for the proponents of the bill?

The PRESIDING OFFICER. There is 1 minute and 20 seconds remaining.

Mr. CRAIG. I ask that I be yielded up to 10 minutes of the 20 minutes, and I be notified when my 10 minutes is expired.

Mr. SPECTER. I yield 10 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I once again stand in opposition to a Chambliss amendment, and I do so not with any great pride—frankly, with disappointment—because I went to the Senator to see if we could work out a few differences. But it was obvious that the Senator was intent on doing one thing, and that was to destroy the transitional tool that creates stability in the American agricultural workforce that is within this bill. That tool is right here. That tool is called the blue card.

We attempt to recognize those in this country who are illegal, who are working in American agriculture, who have been here for 3 years and say: Come forward, and we will allow you then to work in a temporary status with a blue card—no, I am sorry, you do have to take a background check, and if you are a felon, you are out, and if you have three misdemeanors, you are out, and, oh, by the way, now that we just passed Byrd-Gregg, you have to now pay a fine to enter to get the blue card, not of $100, but $600. It is important we do the math on this bill and we get it right.

Once you have qualified for the 150 hours to get a permanent work status, then you pay another fine, not $400, but $900. That is what the new math is as a result of the votes of just a few moments ago.

So I am not so sure we are making it easy on anyone who toils in the hot sun of America's agricultural fields, who create the stability in the American agricultural workforce today. I don't think we are making it easy on anybody. But let's talk about the key to it, and I think the Senator from Georgia said it was the key, and that is the number of hours in the field.

When this negotiated package was put together, we used the Fair Labor Standards Act definition which said 1 hour of work in agriculture creates the day. But we also knew the facts and the reality. Nobody hires any one worker for 1 hour and then they walk off the field. You just don't do that.

The Senator just admitted that the average time in the field was 40 hours a week. Those are the facts, those are the realities of the American agricultural workforce. He requires in his amendment 8 hours a day, but here is what he didn't tell you. If you worked 7½ hours a day, it doesn't count. It is not an aggregate, it is an 8-hour work day.

What about the tomato harvesters in California? They average 6.3 hours per work day, but it doesn't count. It is not an aggregate. It is 8 hours under the Chambliss amendment.

What about Lake County in California? They work 5 to 7 hours per day for orange pickers, not 8. Those are national statistical facts.

What about the Oregon strawberry pickers? They work 7.3 hours per day, not 8. So they could labor in the field 4, 5, 6, 7½ hours a day, and as I read the Chambliss amendment, it doesn't count. They have to work 8 hours a day to begin to develop the standard established in this bill, and that is fundamentally wrong.

What about the peach harvesters in the State of Georgia? Those are H–2A qualified farmers. They, by their own admission—and I have their paperwork—do not work their pickers 7 hours a day.

I think we are being phenomenally fair, but it is important that we don't make this an easy test. These people did enter our country illegally, but they have been here, they have been working hard, they are the backbone of American agriculture, and we are saying: If you come forward and you are honest and you haven't broken the law and you pay a fine going in, you can begin to work, and over a period of 2 to 3 years, 150 hours, you can get permanent work status. Then you can work, you can go home, but you can work in other jobs, too, during the off season of agriculture, if you want. That is the reward of what we are offering. It is fundamentally important that we get this right.

I would like to agree with the Senator from Georgia on his English language requirement. The English language requirement that is in the bill that we just adopted, that was offered as an amendment and a qualifier for the bill, is not as tough as the provision the Senator from Georgia puts in his amendment.

I must say that when I read these facts that are in the amendment, I have to make the determination that this amendment is not to modify the bill; this amendment is to destroy the transitional tool that creates the stability in American agriculture. We know that nearly 70 percent of American agriculture is premised on an illegal employment base. American agriculture knows it, and they want to fix it. They want to get it right.

The Senator from Georgia and I know that H–2A doesn't work. It identifies 40,000-plus; we have over a million in the workforce. We are not going to take them all, and we shouldn't, because we are saying those who have been here for 3 years and can prove it and meet all of these tests and continue to work in the fields are going to earn the right to stay and work, and that is the stabilizing factor in American agriculture.

Already, instability is showing up in the workforce of agriculture. Why? Because the borders are tightening, as they should be, and it is critically important that we assure and create the transitional tool. So the Senator comes with key plans, key ideas, key amendments. I agreed with his fines, but now we have fines already built in the bill that are equal to his because of the Byrd-Gregg amendment. So that shouldn't be a factor of determination anymore.

I dramatically believe the workday is misrepresented. Let me tell you why. I have an interesting work form here from the Tifton Peach Farmers of Springfield, SC. They by their own admission don't work 8 hours a day; they work 7. No qualification for the hard-working person in the field picking the peaches. That is just fundamentally unfair. Are they illegal? Yes. Did they break the law? Yes. We know that. Yes. Are we forgiving? Well, we fined them. We make them continue to work to qualify, and anybody who has been out there in that farm field knows it is awfully hard work and it is hot and it is dirty. I grew up bucking bails of hay in

a farm field. I know a bit of what it is like. And if we are going to require 150 days of work to get through this status into a permanent work status and have the ability to come and go as a legal worker, then we ought to have a well-defined program. Transition is what is important. Cut it off now and create instability.

In the Imperial Valley of California and in Yuma, AZ, we harvest nearly 10,000 crates of green vegetables a day. This past year, we did 2,800 a day. Why? No workers. At some point, if we don't get this right, we will tip American agriculture on its head, and then who pays the price? Who pays the price? The consumer ultimately pays the price, and the green vegetable industry goes south of the border where the workers are available.

That is why, when we sat down to look at American agriculture 5 years ago, we knew we had to have a transitional tool. We knew we had to assure the stability of the existing workforce while we secured the border and while we made sure we got the hard-working illegal ones who hadn't broken laws right, and those who had broken laws, they leave the country. If you came in yesterday or if you came in last June or if you came in the year before, you don't qualify for this. You had to have been here several years already—3 years. You have to prove that. You have to go through a background check. All of that is part of what we do.

Is it different from the other H-plus programs? Yes, it is, a little bit, because agriculture is different. It is the threshold work that the Senator from Georgia talks about. It is where the foreign immigrant enters the country to work. They gain their experience there, oftentimes before they move on or if they were to qualify for other programs that are within this bill.

My effort is to secure and to stabilize. It is not to throw out the blue card. It is my opinion that the Chambliss amendment guts the agricultural provision by destroying the transitional tool we call the blue card, and I believe that is fundamentally important to creating stability to America's agricultural workforce.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, we are very near the end of the debate on the Chambliss amendment. The Senator from Colorado is going to speak, and then we will be prepared to move to the amendment by Senator DORGAN. I believe he is on his way, and I urge him to arrive at the earliest moment. It is 7:35 now, and we have a series of stacked votes. We are trying to work out the amendment by Senator BOXER. But we are going to conclude this debate fairly soon, and I will repeat, we want to get started with Senator DORGAN's opening arguments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I join my colleague from Idaho in opposition to the Chambliss amendment, with all due respect to my colleague and friend from Alabama.

Over the last several weeks, I have heard many times from the agricultural community in Colorado. The agricultural community in Colorado is strongly in support of the AgJOBS Program. It is only in the last 2 or 3 weeks that I met with the dairy farmers of Colorado. We have 156 dairy farms in my State. They told me that AgJOBS and its passage was so important to them that without having AgJOBS, our dairy industry in Colorado would basically go down the tubes. From their point of view, in their way of articulating the need for this workforce, what they said is the very revitalization of great parts of rural Colorado was very dependent on the passage of AgJOBS. That is why I have been a cosponsor of AgJOBS with my friend from Idaho, because it is the kind of legislation we need to create stability within the agricultural workforce of America. It is not only the dairy farmers, it is also the meat growers, it is the nursery association, and it is all of those agricultural jobs which are so dependent on making sure they have the kind of workforce to keep agriculture as a viable industry within our communities.

The Chambliss amendment is one that also makes it very expensive for people to enter into the program. According to the amendment, it would raise the fine for obtaining a blue card from $100 to $1,000. I think about the fact that these farmworkers are not paid $20 an hour, $100 an hour, $300 an hour. They don't make the kind of money other people in America make. A farmworker is lucky if he can make $10,000 to $12,000 a year. And with that kind of a wage, we are asking farmworkers to pay $1,000 in order to enter into this program if this amendment gets adopted.

The amendment as well doubles the amount of previous agricultural workdays a farmworker has to be employed. In the reality of agriculture and how it works, it is a seasonal kind of labor need where you have potato farmers who require people to come and work sometimes for 2 or 3 weeks at a time. That expectation would essentially exclude a vast swath of farmworkers who otherwise would be coming in through the funnel of the AgJOBS Program.

At the end of the day, what the proposed amendment does is it takes away the opportunity we have to create stability within the AgJOBS Program. I would ask my colleagues to join us in making sure we have stability for American agriculture and hiring labor. I ask my colleagues to join us as well in standing up for those farmworkers who are out there toiling in the fields. I don't think there is a State that any of us cannot drive through and where we haven't walked or driven through those fields and seen the people who are out there toiling in the hot Sun, in the hot summer, July and August Sun, as many of us in this room may have done in the past.

The reality is we need to create a program that will, in fact, work with the agricultural workers of America, as well as for the agricultural industry of America. That is why I am asking my colleagues to join us in opposition to amendment 4084.

Mr. President, may I ask how much time is left on this amendment?

The PRESIDING OFFICER. The opposition has 5 minutes 25 seconds.

Mr. SPECTER. Mr. President, unless the Senator from Idaho wants more time, we are prepared to yield back.

Mr. CHAMBLISS. Mr. President, I have 1 minute 20 seconds; is that correct?

The PRESIDING OFFICER. The Senator from Georgia is correct.

Mr. CRAIG. Mr. President, if the Senator now plans to close, I don't believe we have anything else to say on this issue, and I yield back the remainder for his closing statement.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 1 minute 20 seconds.

Mr. CHAMBLISS. Mr. President, I heard the response to the presentation made relative to my amendment. It is interesting to note that a couple of things were not responded to.

First of all, as I said earlier, this amendment is pretty basic. It requires everybody involved in agriculture who gets on a pathway to citizenship to learn English. Apparently there is no disagreement with that, and this bill does not, in the present way it is written, require that. Apparently there is no disagreement to that.

The Fair Labor Standards Act does say that 1 hour constitutes a workday. But the Fair Labor Standards Act applies to labor laws in the United States. It has nothing to do with the most cherished prize in the world, and that is the citizenship of the United States of America.

Senator CRAIG is my friend, and I appreciate his hard work for the last 5 years or whatever it has been. I had my first vote on modifying H–2A in the House of Representatives 11 years ago. That is how long I have been working on this issue. When he says H–2A does not work, he is wrong. H–2A does work. But what this base bill does is it encourages farmers—and I emphasize this—it encourages farmers to hire illegal workers, and they are going to do that unless we give them the incentive to hire legal workers. The H–2A program will work if we continue to modify it and make it better, streamline it,

and allow our farmers to have a quality pool of workers under H–2A.

Mr. President, I ask that my colleagues support the amendment. Let's make this base bill better.

The PRESIDING OFFICER. The Senator's time has expired. All time has expired.

Under the previous order, the Senator from North Dakota, Mr. DORGAN, is recognized.

AMENDMENT NO. 4095

Mr. DORGAN. Mr. President, I call up my amendment No. 4095 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 4095.

Mr. DORGAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To sunset the H–2C visa program after the date that is 5 years after the date of enactment of this Act)

On page 250, strike lines 5 through 10, and insert the following:

''(a) AUTHORITY.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Homeland Security may grant a temporary visa to an H–2C nonimmigrant who demonstrates an intent to perform labor or services in the United States (other than the labor or services described in clause (i)(b) or (ii)(a) of section 101(a)(15)(H) or subparagraph (L), (O), (P), or (R) of section 101(a)(15)).

''(2) SUNSET.—Notwithstanding any other provision of law, after the date that is 5 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, no alien may be issued a new visa as an H–2C nonimmigrant for an initial period of authorized admission under subsection (f)(1). The Secretary of Homeland Security may continue to issue an extension of a temporary visa issued to an H–2C nonimmigrant pursuant to such subsection after such date.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized for 15 minutes and a Senator in opposition will be recognized for 15 minutes.

Mr. DORGAN. Mr. President, this is a very simple amendment. The legislation that has come to the floor of the Senate dealing with immigration is legislation that not only describes how we might deal with 11 million to 12 million people who are here illegally in this country, it also says in addition that we need to bring more people into the country who now live outside of our country.

I have on other occasions come to the floor of the Senate and said that I don't think it makes a great deal of sense to have what is called a guest worker program which brings additional millions of people into the country who now live outside of America. Why don't I think that is a good thing to do? Because I think the American workers are under a great deal of stress. They see in this country that there are substantial numbers of jobs being outsourced to China, outsourced to Indonesia, Bangladesh, and other countries. And as jobs are being outsourced in search of cheaper labor and American workers are having trouble hanging on to their jobs or finding jobs or continuing to keep their jobs, even as that is the case, we now see a desire to import jobs—cheap labor—through the back door. That is what this guest worker program is.

This guest worker program, by the way, is a program which purchases the support of the U.S. Chamber of Commerce. Export good American jobs overseas; import cheap labor through the back door. That is what this is all about.

I offered an amendment to strip the guest worker program out. I lost. I understand that. I didn't prevail. Many Senators here voted in a way that says we need more people to come into this country who normally would be illegal, but we will simply describe them as legal under a guest worker program. Well, when we had the vote on my amendment to strip the guest worker program, the Washington Post the next day observed that many of my colleagues many of my colleagues on the other side of the aisle came to the floor intending to vote for my amendment but then switched their vote out of deference to the President who just the evening before had expressed support for a guest worker program.

I understand the Senate has made a decision about this, but I suggest with this amendment that at least with the guest worker program, the guest worker proposal, that we have a sunset after 5 years. The sunset provision which I offer with this amendment would give Congress a chance to examine the impact of the so-called guest workers—or low-wage replacement workers, as I would call them—what impact they will have on U.S. jobs and wages. It ought not be in debate.

I quoted a Harvard professor who did a study that shows the impact of these illegal immigrants, or in this case legal, low wage immigrants who now live outside of our country whom this bill will allow to come into our country.

We now know the impact it will have on American workers. It drives down American wages. It makes it more difficult for American workers. We know that is the case.

Title IV of the bill, which is the guest worker title, calls on the Census Bureau to prepare a study of the impact of guest workers on U.S. jobs and wages. I suggest that not just gather dust. I suggest a study be done and Congress take a good look at the impact and, at the 5-year mark, there will have been 1 million guest workers coming into our country. I suggest the underlying bill be changed at this 5-year point to sunset the guest worker provision so Congress can take a look at it and see what this has done to American workers.

I heard all of this discussion in this Chamber now for 2 weeks about immigration: immigration, immigrants, illegal immigrants, legal immigrants—all about immigration. Where is the discussion about the American worker?

Alan Blinder, former Vice Chairman of the Federal Reserve Board, a mainstream economist, says this. He says here is what the American worker faces. He says there are between 42 million and 56 million American jobs that are subject to outsourcing by America's corporations; 42 million to 56 million American jobs potentially could be sent to China or Indonesia or elsewhere in search of cheaper wages. He says, in his article in Foreign Affairs, not all of those jobs will be outsourced. He understands that. But all of the workers in jobs in that category that are subject to outsourcing are going to be competing against people who live elsewhere, who will accept much, much lower wages, and therefore it puts downward pressure on wages. That is a fact.

Let me describe some of the things that we have decided to sunset so we can take a new look at it. After 5 years, if we sunset the guest worker program to evaluate what impact it has had on American workers, we would be sunsetting it as we have done with provisions in the farm bill, the energy bill, the PATRIOT Act, the bankruptcy reform bill, the intelligence reform bill, the Trade Promotion Authority Act. Sunset it and take a look in 4 years, 5 years, 6 years; take a new look.

I propose with this amendment we sunset the so-called guest worker provision. Let me say again I understand those who have put this legislation together say this legislation has to hang together. If you come to the floor of the Senate and you pull a loose thread, it is like a cheap suit: If you pull a loose thread, the arm falls off and the whole thing collapses. That is always the work of the people who bring something to the floor: It can't be changed. If it is changed, it destroys the compromise. Shame on those who want to change it.

I am pulling a loose thread here and the arm is not going to fall out. I am saying maybe just once we would have somebody on the floor of the Senate talking about the plight of the American worker. Who are they competing against? What is happening to their wages? I will tell you what is happening. On average, wages decreased $1,700 a year because of back-door immigration, cheap labor through the back door while they export good jobs through the front door. Send the jobs

to China and bring in cheap labor through the back door—that is what the construct is. That is what is happening and there is no discussion about what is happening to the American worker.

I understand we have an immigration problem. My feeling is you ought to address it, the first step, with securing America's borders. When you have done that, the second step then is to thoughtfully understand what you need to do with all of those who are here illegally. But there ought not be a third step. If 11 or 12 million people who have come here illegally, if this Congress decides they are legal, why is it we need 400,000 or 200,000 of the people who live outside of our country, who are not here, to come as guest workers, above the H–2A, H–2B, and all the other legal mechanisms by which people can come to this country?

My understanding is the numbers last year show this: 1.1 million people tried to come into this country and were stopped, prevented, most on the southern border; 1.1 million people were stopped at the southern border and turned back. Close to three-quarters of a million, in most cases through the southern border, got to this country illegally and became a part of the 11 or 12 million people here illegally. And 175,000 people came to the southern border and came into this country legally because there are many ways in which to do that.

That is the process by which we deal with the immigration issue. We have a lot of people who want to come in. We stop some, don't stop many, and now the proposition is we should tighten up the border, we should allow guest workers, and we should provide legal status for 11 or 12 million who are here.

I believe we ought to tighten the border, but we ought to do it in a way that makes sense, in a way that really is something that will work. I was here in 1986. All of the discussion we hear now we heard in 1986. None of it worked. I also believe we ought to deal sensibly with the 11 or 12 million people who are already here.

I don't support those who say round them up and throw them out. It is not something we should do or can do. We can't do that, frankly. But I don't understand for a minute why we decide that it is not enough; we should also suggest there are others who do not yet live in this country, don't come to this country, who have not been here, who live elsewhere, who should be invited in as guest workers.

It seems to me the underlying proposition of this bill is to make guest workers out of 11 or 12 million people. We need more? At a time when the American worker is under such siege by competition from companies that decide they want to access 33-cent-an-hour labor in China and take American jobs and shift them to China and then, by the way, the jobs they don't ship overseas they want to replace with low wage workers coming through the back door?

Just once I would like to hear some discussion about the plight of the American worker.

I understand immigration is an important issue. I don't denigrate those who come to the floor who have spent a great deal of time responding to it. My colleague from Arizona is on the floor. He likely will speak against my amendment. I am great friends with him. I have great respect for him. We just have a disagreement on this, as I do with my friend from Pennsylvania.

All I ask is this. We have a very serious problem with jobs in this country, jobs for American workers, people at the bottom of the economic ladder who are struggling, trying to figure out, How do I make enough money to provide for my family? How do I make a salary that is worthy? How do I provide for my family's health care when they are stripping health care benefits? How do I have a pension when they are stripping pension benefits away? How do I keep my job when they are sending my job to China and Indonesia and Bangladesh? How do I do that? At the same time this Senate is talking about issues other than the plight of the American worker. I just wish we could have a mix and a balance of discussions about both.

Yes, immigration is important. Yes, we ought to be sensitive in how we deal with it and thoughtful in how we deal with it. But we also ought to understand our first obligation, our first opportunity here in this Chamber is to speak up and stand up for the plight and the interests of the American workers who are having a pretty tough time.

This amendment is very simple. I suggest that we sunset this guest-worker program after 5 years. A million guest workers will have been allowed in after 5 years. All of us know it will be far more than a million, but a million under the 200,000 a year will have been allowed in after 5 years. Let's stop, let's take stock, let's evaluate and understand what the consequences are of this for the American workers. Let's do that.

If we do it for the farm bill, the energy bill, the PATRIOT Act, the bankruptcy bill, the intelligence bill, the trade promotion bill, why would we not do it here? Stop and take stock on behalf of American workers and evaluate what has all of this meant? What has been the consequence for American families at the bottom of the economic ladder, struggling to make a living?

I hope my colleagues will support sunsetting this legislation, the guest worker provision of this legislation, at the end of 5 years so the Senate can take a new look and evaluate what the consequences have been.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the Senator from North Dakota is not the only champion of the American worker. When he asks why there isn't some concern for the American worker, there is plenty of concern for the American worker. This Senator, and I know many other Senators in this body, have been very much concerned about imports, about currency manipulation, about manufacturing job losses. We have spoken out and we have acted on those matters. So when the Senator from North Dakota wants to sunset the guest worker provisions, that is fine; but when he asks, ''Who is concerned about the American worker,'' we are all concerned about the American worker. But we have a great many problems we have to accommodate and work on at the same time.

This effort to sunset the guest worker program is just a rehash of his effort to eliminate the guest worker program. We went into great detail on that—extensive debate. And the evidence was laid out from the Judiciary Committee hearings that there is a minimal impact upon the American worker by the immigrants. It is not true that all of the jobs taken by immigrants would not be handled by American workers, but the impact in terms of lost American jobs is minimal.

On the issue of the impact on salaries, again the economists testified in the Judiciary Committee hearings that that impact was minimal. We went into all of that in debate on the earlier amendment, when the Senator sought to eliminate the guest worker program.

This bill is very carefully calibrated to have a guest worker program that responds to the needs of the U.S. economy, while exhibiting ample concern for the U.S. workers. I don't believe we need to debate this at any great length because we have already debated the subject on the amendment by the Senator from North Dakota, trying to eliminate the entire guest worker program.

Let me yield at this time to the Senator from Arizona for 5 minutes, if that is sufficient.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, first I would like to say I appreciate very much my friend from North Dakota, with whom I have had the great privilege and pleasure of working with on many issues. He is an articulate and impassioned advocate of the American worker, and his view of what is best for the American worker I not only agree with, I respect.

But let's have no doubt about what this amendment is really all about. This amendment, if we would sunset the temporary worker program, which is going to take a long period of time

to get set up and functioning, obviously would be a killer for the legislation. If we tell people that after 5 years what is designed to be an ongoing and continuing program is going to be sunsetted, and the other parts of the legislation obviously are not, we all know what the effect is.

I want to just make an additional comment about 1986. My colleagues keep coming back and coming back to the failure of 1986. I am the first to admit that 1986 was a failure. But why did it fail? That was because there was no enforcement on employers that hired people illegally. An integral and vital part of this legislation—which we now have the technology in order to construct—is for these tamperproof documents, biometric documents, and no employer can hire anyone else unless they have that. That way it is easy when you go to find out whether the employer is employing someone legally or illegally.

When the word gets out south of the border or north of the border that you can't come here and work unless you have that one required document, then those illegals are going to stop coming illegally.

I think it is important to recognize that the difference between 1986 and this bill is, No. 1, there is an enforceable guest worker program on both employers as well as employees, and there is a hard path to citizenship. Many of my friends on the other side of the aisle who are advocates for these people say this is way too harsh. I understand that it is harsh and it is difficult, and there will be many who fall by the wayside for a variety of reasons.

I worry that we have raised this payment so high now that we may be disqualifying people and their families under that system. We have raised it from $2,000 I think, now, to over $3,500.

It is long and it is hard and it is a tough road. It is because they broke our laws, even if it is for the best of motives. An integral part of it is a guest worker program which has to last as long as we are willing to accept the premise of the temporary worker program. If we are not, then let's take it out of the bill. But to say after 5 years that it is going to sunset obviously is a totally unrealistic approach.

I know my time is about to expire, but, again, I appreciate the passionate and articulate comments and statement which I think present a cogent point of view on the part of my friend from North Dakota. I just happen to fundamentally believe that a temporary worker program is a vital part of this comprehensive approach to immigration reform. Being without it—after 2 years, 5 years, or 10 years—would obviously destroy the whole concept behind this carefully crafted compromise.

I believe my time has expired. I yield the floor.

Mr. SALAZAR. Mr. President, I inquire about the amount of time remaining on both sides.

The PRESIDING OFFICER. The opposition has 8 minutes 30 seconds, the Senator from North Dakota has 2 minutes 7 seconds.

Mr. SALAZAR. Thank you, Mr. President.

I have a great deal of respect for my colleague from North Dakota. I understand his heartfelt concerns as he comes to the floor to argue on behalf of American workers. But I have to reluctantly oppose his amendment which would sunset the temporary worker program.

While his amendment is well-intentioned, the amendment would undermine the carefully crafted compromise that has been struck in the underlying bill. We know that one of the fundamental causes of undocumented immigration is that too few visas exist to meet employers' demands for short-term immigrant labor.

The basic logic of this bill is to fix our broken immigration system. Earned legalization for those already here is an important part of the solution. But on its own, legalization will not solve the problem of future flow. What we need here is a solution that is comprehensive and long-lasting.

When you put the kind of sunset which is being proposed by my friend from North Dakota on this, it will only have a temporary solution in place.

I yield the remainder of our time to my friend from Massachusetts.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. KENNEDY. Mr. President, we have had probably 3 years of hearings in the development of this legislation. As a result of the hearings, we found that pressure exist on the border. We also found out in the course of these hearings that there is a great deal that can be done to make the border secure. But if you think you are going to close the border completely and eliminate the magnet of United States employment, that is failing to understand the immigration issue in terms of the border and what is happening here in the United States and what is happening in Mexico and in Central America.

One of the most important aspects of this legislation is trying to get the cooperation of Mexico and the countries in Central America. One of the most important initiatives will subsequently be to try to help Mexico develop so that people want to stay in Mexico and develop and see their own country develop. But as long as we are going to have the economic magnet here, there is going to be the draw. We can extend the fence 500 miles, 700 miles, 1,000 miles, 1,500 miles, but the idea that we are going to close this border and put tens of thousands of border guards down there and not have the pressure to come in here doesn't recognize what the problem is. This legislation attempts to understand the problem.

What we try to do is say, Look, we have the magnet of the United States, we have the vacancy in terms of American jobs, we have the pressure of these people—young people, old people, women, whomever it is—in Mexico, Central America, and Asia who want to come here.

What we are saying is, come through in the orderly process and procedure. Get your card and you will be able to come to the United States with that card when there is a job not being filled by an American worker. And you are going to have worker protection. So you are not going to decrease wages on American workers, and you will be treated fairly and with dignity.

If we think we are going to terminate that and that is going to stop our problem, that fails to understand what the realistic situation is on the border and the pressure that is there in these countries.

I hope that the amendment, with all respect to my friend from North Dakota, is rejected.

As has been pointed out, this compromise is a compromise of legality and a recognition of the pressures that exist on that border.

We believe, if we establish an orderly process and procedure for people to come here with the tamperproof card, and if we have effective implementation and enforcement against employers, that is the best way to assure that we are going to have fairness, both in treatment for these workers and also for American workers.

I stand with those who feel that this is not the right amendment. This isn't the right time. This whole construct of the immigration legislation isn't a 2-year, isn't a 3-year, isn't a 4-year, isn't a 5-year—we are trying to establish something that will serve this country and also serve the countries of Mexico and Central America in the future. That is the construct.

To try to say we are going to terminate an aspect of this after a few years really is a deathblow to the construct of this legislation. I hope that it will not be accepted.

I reserve the remainder of our time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from North Dakota has 2 minutes 57 seconds. The opposition has 2 minutes 58 seconds.

Mr. DORGAN. Mr. President, obviously the opposition has more time. If they are prepared to yield, I will just make some observations for a couple of minutes.

Let me say that I always find it difficult to disagree with my friend. And

I sort of have the code here in the Senate over the years. If they say you are respected, that means they think they are going to beat you by 5 votes. If they say you are articulate, they think they are going to beat you by 10 votes. If they say you are passionate, they think they are going to clobber you by 20 votes.

I understand the language here a little bit.

Let me say this: What if this were a proposal for guest Senators. There wouldn't be one vote for it, would there? But there are no guest Senators. No one here is going to have their job threatened by all of this. This is about guest workers.

My colleague says we can't shut down the border, that there is going to be illegal immigration. Let us be real about this. So the proposition of being real is, let us label those who are going to be illegal ''legal.'' That is the way to deal with this. If we can't shut down the border, they are going to come across anyway, so let us call them ''legal.'' They won't have to call them ''illegal.'' I don't understand that at all.

There are 11 million to 12 million people who are here illegally who this bill is going to say we will give a legal approach to, or an approach to establish legality, and that is not enough. That is not enough. We want to bring more through the book door? I don't think so.

I am not the only one who cares about American workers. I tell you, very few are talking about the impact on American workers. That ought not be some theory. We understand the impact on American workers, those who are struggling to make ends meet, to get a decent salary, to have health care, to have retirement programs and care for their kids. They are wondering about their jobs. The good jobs are being shipped out the front door and the other jobs are being replaced through the back door.

I ask the question: What is happening to the American worker? Take a good look. I ask all my colleagues to take a good look at what is happening to the American worker today in this country.

Alan Binder, a former Vice Chair of the Fed, a mainstream economist, said there are 42 million to 56 million American jobs subject to outsourcing. Not all will go, but all of them are eligible to go and will be competing against people who work elsewhere for 33 cents an hour.

That is a fact. That is not being discussed in this discussion about immigration.

What is the impact on the American worker? And what excuse do we have for adding an additional 11 million to 12 million people and making them legal by this to say we need more, those who live outside this country called guest workers, to come in?

One excuse we are told is we can't keep them out anyway, so let us call them ''legal.'' I don't think that is the way to deal with this. I don't support that.

This is baby step in the right direction, not a big step. At least with this guest worker program, let's sunset it after 5 years, take a look at what it means to the American worker, what it means to this country, what it means to wages and jobs for the American worker. Let's do that after 5 years. This is a baby step. Let's vote for this baby step in the right direction.

I yield the floor.

The PRESIDING OFFICER. All time has expired on the amendment.

Mr. GRAHAM. Mr. President, how much time remains, 2 minutes 58 seconds?

Mr. DORGAN. Mr. President, if I might inquire, I thought you were intending to yield back the time. That was the proposition under which I decided to speak. I said that if the other side was prepared to yield back the time, then I will use my time.

Mr. SPECTER. I don't believe anybody said we are ready to yield back time.

Mr. DORGAN. Mr. President, normally the Member who offered the amendment would close. That was my assumption, to close the debate on my amendment.

Mr. SPECTER. Would the Senator from North Dakota like 2 more minutes to close?

Mr. DORGAN. If the Senator wishes to speak, proceed. My understanding was we were going to yield back the time.

Mr. SPECTER. Would you like 2 more minutes?

Mr. DORGAN. Of course.

Mr. SPECTER. I ask unanimous consent for 2 more minutes. That will be the fastest way to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina is recognized for 2 minutes 42 seconds.

Mr. GRAHAM. Mr. President, what I have to say is not worth arguing about, but I appreciate the opportunity to say it.

My good friend from North Dakota and I have worked together on protecting the American workforce from unfair pressure. The American workforce is under assault from unfair trade practices. The truth is that America needs all the decent, hard-working people she can lay her hands on.

In my State, the tourism industry, the construction industry, and the agricultural industry are very dependent on the new blood of migrant workers. And we have a system where people come in and can't be documented. There is no control. To sunset the temporary worker program would create havoc for our economy. From South Carolina throughout this land, these 11 million have assimilated into our workforce. They are doing a darned good job. They are important to our economy.

Unemployment is 4.7 percent. It will never get any lower. Wage growth is over 4 percent. Gross domestic product growth is at 4.5 percent, and the stock market is at 11,000.

The truth is, we have already assimilated these workers, and they are adding value to our country and our economy. The demographics in this country are relevant and won't change. Japan is faced with this. They have a culture that is closed to outside influences, and there are more older people in Japan than younger people. We are about to get there.

We need new people now like we did in the 19th and 20th centuries—good, honest, hard-working people—to keep our economy humming.

If you sunset this provision of the bill, you are bringing sunset to a problem that is overdue to be solved. Let's not let the sun go down on the problem of immigration any longer.

I know what the Senator is trying to do. I respect it, but this would kill this bill.

We should have done this many sunsets ago. We have been derelict in our duty to control immigration, and we are about there. We need those workers.

I yield.

Mr. DORGAN. Mr. President, let me point out that to the 11 million to 12 million people who have come to this country illegally, this sunset issue has nothing to do with those folks. They are here.

I have not come to the floor suggesting that we interrupt the bill with respect to their plans for these folks. I have said in addition to the 11 million to 12 million, the suggestion that we need to bring in more who now live outside the country makes no sense to me. Even as jobs are moving out the front door of this country—nearly 4 million of them have gone in the last 5 years—you can hardly make a strong case that we ought to bring jobs in the back door, and particularly low-wage jobs.

I know that there are not many of us here who spend our days trying to figure out how you get a job at the bottom of the economic ladder, or how do you make ends meet on a minimum wage that hasn't been raised for nearly 9 years, or how you provide for your family at the bottom of the economic ladder and have health care being stripped away and no retirement program. Not many of us experience that. But that is what a lot of American workers are experiencing every single day.

This provision deals only with the issue of the extra guest workers who do not now live here but who this bill says we should bring here because we need

them to be here to do those jobs. The fact is these jobs ought to go to people in this country who are struggling at the bottom of the economic ladder. We ought to be fair to those American workers.

I am not anti-immigrant. That is not my point. We have a lot of them in this country, and they enrich and nourish this country. But first and foremost our responsibility is to stand up for the American workers who are struggling. If Members do not believe they are struggling, look at the data. Look at what is happening in their lives. Look at the jobs that are gone. Go to Shenzhen, China, and look at the American jobs that now exist there. They are paid 33 cents an hour, 7 days a week, 12 to 14 hours a day. If American workers were asked to compete with that, they can't.

My point is very simple. Let's stand up for the American worker. Let's sunset this guest worker provision. Let's do the right thing.

The PRESIDING OFFICER. The time of the Senator is expired.

Mr. SPECTER. 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 that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4144, AS FURTHER MODIFIED

Mr. SPECTER. Mr. President, I would like to return to No. 4144, Senator BOXER's amendment. We had a brief debate, and it appeared we might be able to work it out. I believe we have. The Senator will need to modify her amendment.

I ask unanimous consent she be permitted to modify her amendment.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

Is there an objection to the unanimous consent request?

Without objection, it is so ordered.

The amendment will be so further modified.

The amendment (No. 4144), as further modified, is as follows:

On page 265, between lines 7 and 8, insert the following:

''(b) REQUIRED PROCEDURE.—Except where the Secretary of Labor has determined that there is a shortage of United States workers in the occupation and area of intended employment for which the H–2C nonimmigrant is sought—

''(1) EFFORTS TO RECRUIT UNITED STATES WORKERS.—During the period beginning not later than 90 days prior to the date on which a petition is filed under subsection (a)(1), and ending on the date that is 14 days prior to the date on which the petition is filed, the employer involved shall take the following steps to recruit United States workers for the position for which the H–2C nonimmigrant is sought under the petition:

''(A) Submit a copy of the job opportunity, including a description of the wages and other terms and conditions of employment and the minimum education, training, experience and other requirements of the job, to the State Employment Service Agency that serves the area of employment in the State in which the employer is located.

''(B) Authorize the State Employment Service Agency to post the job opportunity on the Internet through the website for America's Job Bank, with local job banks, and with unemployment agencies and other labor referral and recruitment sources pertinent to the job involved.

''(C) Authorize the State Employment Service Agency to notify labor organizations in the State in which the job is located, and if applicable, the office of the local union which represents the employees in the same or substantially equivalent job classification of the job opportunity.

''(D) Post the availability of the job opportunity for which the employer is seeking a worker in conspicuous locations at the place of employment for all employees to see.

''(2) EFFORTS TO EMPLOY UNITED STATES WORKERS.—An employer that seeks to employ an H–2C nonimmigrant shall—

''(A) first offer the job to any eligible United States worker who applies, is qualified for the job and is available at the time of need, nothwithstanding any other valid employment criteria.

Mrs. BOXER. I say to my friend from Pennsylvania, thank you very much. Your staff was extremely helpful.

Now we have with this bill more protections for American workers. We have stated in this amendment very clearly that an employer is going to make every effort to offer a job to an American worker before he or she hires a guest worker by simply doing two things: posting the available job, posting that information on the premises; and, second, notifying the department of employment in the State in which the business is located so they can advertise the slot.

I thank, again, Senator SPECTER, Senator KENNEDY, and both their staffs for all their hard work.

I ask this amendment be agreed to by voice vote.

Mr. SPECTER. That is acceptable.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment (No. 4144), as further modified, was agreed to.

Mr. SPECTER. 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. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, we are very close to having a unanimous consent agreement setting forth the proceedings to conclude the bill, but there is still a need to review some more documents. My suggestion is we proceed with a vote on the Chambliss amendment. In between the votes we hope to have the final unanimous consent agreement formed so the Senators will be aware of what we are doing before the second vote starts.

AMENDMENT NO. 4084

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the Chambliss amendment No. 4084.

Mr. CHAMBLISS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GREGG. I move to table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the motion.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Wyoming (Mr. ENZI) and the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 35, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—62

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murkowski
Bayh	Hagel	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Hutchison	Obama
Boxer	Inouye	Pryor
Brownback	Jeffords	Reed
Burns	Johnson	Reid
Cantwell	Kennedy	Salazar
Carper	Kerry	Sarbanes
Chafee	Kohl	Schumer
Clinton	Landrieu	Shelby
Coleman	Lautenberg	Smith
Conrad	Leahy	Snowe
Craig	Levin	Specter
Crapo	Lieberman	Stabenow
Dayton	Lincoln	Stevens
DeWine	Lugar	Voinovich
Dodd	Martinez	Warner
Domenici	McCain	Wyden
Durbin	Menendez	

NAYS—35

Alexander	Cornyn	Kyl
Allard	DeMint	McConnell
Allen	Dole	Nelson (NE)
Bennett	Dorgan	Roberts
Bond	Ensign	Santorum
Bunning	Frist	Sessions
Burr	Graham	Sununu
Byrd	Grassley	Talent
Chambliss	Gregg	Thomas
Coburn	Hatch	Thune
Cochran	Inhofe	Vitter
Collins	Isakson	

NOT VOTING—3

Enzi	Lott	Rockefeller

The amendment (No. 4084) was agreed to.

Mr. DORGAN. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I ask unanimous consent that following the sequence of votes, the Senate begin a period of morning business; provided further that when the Senate resumes the bill on Thursday, we proceed to the following first degree amendments in the order listed below; further, that these be the only remaining amendments in order other than the managers' amendment: Cornyn No. 4097, 60 minutes equally divided; Bingaman No. 4131, 40 minutes equally divided; Sessions No. 4108, 1 hour equally divided; Feingold No. 4083, 1 hour equally divided; Ensign No. 4136, 30 minutes equally divided; provided further that there be no second-degree amendments in order to the above amendments.

Finally, I ask unanimous consent that all time while in morning business and during the adjournment of the Senate count against the time limit under rule XXII.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. REID. My question is, What time does the leader want to come in in the morning? I understand it is 9:15.

Mr. FRIST. We will be coming in at 9:15 in the morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, that means we are, most importantly, on a final glidepath. Those are the amendments which will be considered with those times, and then we will be able to vote on final passage on the bill.

SENATOR WARNER'S 10,000TH VOTE

Mr. President, I would like to pay special tribute to the senior Senator from Virginia, Mr. JOHN WARNER. Tonight he just cast his 10,000th vote.

(Applause, Members rising.)

Mr. FRIST. This year, Senator WARNER became the second longest serving U.S. Senator from Virginia in the 218-year history of the Senate. Since arriving in the Senate 27 years ago, he has forged a long and distinguished record, especially on issues concerning the Armed Forces. He has addressed some of the most fundamental security issues facing this Nation, including the revitalization of the Armed Forces under President Reagan, the restructuring of the military following our success in the Cold War, and the countering of emerging threats from foreign nations and terrorist groups.

It is my pleasure to call Senator WARNER a colleague and a friend. He is a Senator's Senator, representing the best in this august institution. We all congratulate him on his lifetime commitment to serving this country with honor and distinction.

(Applause, Members rising.)

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, when I first came to the Senate, I had the honor of serving on the Environment and Public Works Committee with JOHN WARNER. During part of my tenure there, he was chairman of that committee. No one is more of a gentleman than JOHN WARNER.

JOHN WARNER has a background that is really something all Americans should understand. JOHN WARNER was born in Virginia, attended Washington and Lee College, Virginia Law School. At age 17, he joined the Navy. That was during World War II. But that wasn't enough for him for military service. He again joined the military during the Korean conflict, joining the Marine Corps. He thereafter became Secretary of the Navy and served with distinction as Secretary of the Navy.

I think it is only appropriate that JOHN WARNER cast his 10,000th vote just a week or two after his partner and friend, CARL LEVIN. There is no better example of teamwork than we have had on the Armed Services Committee with JOHN WARNER and CARL LEVIN. It is good that these two brothers were both honored for having cast their 10,000th vote within a matter of weeks of each other. It has been a pleasure to work with both of them.

(Applause, Members rising.)

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Since I got there first, I insist upon being recognized first. I will be very brief. I will only say that there is no greater example of civility and decency and honor and integrity in the U.S. Senate than JOHN WARNER. It is a privilege and true honor to have served with him. He is the most accommodating of Senators. I will sum it up with one thing: as long as there are JOHN WARNERs in the Senate, the Senate is in good hands.

(Applause, Members rising.)

The PRESIDING OFFICER. The junior Senator from Virginia.

Mr. ALLEN. Mr. President, as the senior Senator from Virginia always refers to me as the ''junior Senator from Virginia,'' what an honor it is to serve with Senator JOHN WARNER. He has served our country since World War II, through Korea, in a variety of ways. He is a genuine American hero who has just made history tonight, his 10,000th vote cast.

There have only been 25 other Senators in the 218 years of the U.S. Senate who have cast that many votes. I know I speak for the people of Virginia, as his partner, and for all of our colleagues on both sides of the aisle, we look forward to casting many more votes with this genuine American hero who has devoted his life to freedom, to justice, and showing us the proper manners, cordiality, and also the way to get things done for the American people.

We all salute you, Senator JOHN WARNER.

(Applause, Members rising.)

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the hour is late. I humbly thank the dear Lord for the strength and wisdom He has given me, for the support and the friendship of—I calculated—the 241 Senators I have served with during this time, and for a family that has stood by me for these many years.

To the people of Virginia, I express thanks. And to whoever up there provides luck, I am the luckiest man you have ever met.

I yield the floor.

AMENDMENT NO. 4095

Mr. SESSIONS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the Dorgan amendment No. 4095. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Wyoming (Mr. ENZI) and the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 49, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—48

Allard	Dole	Levin
Allen	Dorgan	Nelson (FL)
Bayh	Durbin	Nelson (NE)
Biden	Ensign	Obama
Bingaman	Feinstein	Reed
Bond	Grassley	Roberts
Boxer	Gregg	Santorum
Burr	Harkin	Sarbanes
Byrd	Hatch	Schumer
Chambliss	Hutchison	Sessions
Clinton	Inhofe	Shelby
Coburn	Isakson	Stabenow
Cochran	Johnson	Sununu
Conrad	Kohl	Talent
Cornyn	Kyl	Thune
Dodd	Landrieu	Vitter

NAYS—49

Akaka	Domenici	Menendez
Alexander	Feingold	Mikulski
Baucus	Frist	Murkowski
Bennett	Graham	Murray
Brownback	Hagel	Pryor
Bunning	Inouye	Reid
Burns	Jeffords	Salazar
Cantwell	Kennedy	Smith
Carper	Kerry	Snowe
Chafee	Lautenberg	Specter
Coleman	Leahy	Stevens
Collins	Lieberman	Thomas
Craig	Lincoln	Voinovich
Crapo	Lugar	Warner
Dayton	Martinez	Wyden
DeMint	McCain	
DeWine	McConnell	

NOT VOTING—3

Enzi	Lott	Rockefeller

The amendment (No. 4095) was rejected.

Mr. FRIST. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. AKAKA. Mr. President, I rise today to speak about my amendment to S. 2611, the Comprehensive Immigration Reform Act of 2006. This amendment will clarify the process for countries to enter the visa waiver program, which enables foreign nationals of member countries to travel to the United States for tourism or business for 90 days or less without obtaining a visa. In doing so, the program facilitates international travel and commerce. In addition, the visa waiver program eases the workload of consular officers who are already struggling to process a significant backlog of visa applications.

Since 1986, when it first began as a pilot program, the visa waiver program has been a success. Over 27 countries have become certified to participate in the program in the past 20 years, and our Nation has realized substantial diplomatic and economic rewards. Relationships with our allies have been strengthened by the gesture of good will and the increase in tourism due to the visa waiver program has greatly benefitted the Nation's tourist economy.

Admission into the visa waiver program has never been an easy task. At this time, to qualify for the program, a country must do all of the following: it must offer reciprocal privileges to U.S. citizens; it must have had a nonimmigrant visa refusal rate of less than 3 percent for the previous year; it must certify that it has established a program to issue its citizens machine-readable passports that are tamper-resistant and incorporate a biometric identifier into their passports. In addition to these requirements, the Secretary of Homeland Security, in consultation with the Secretary of State, must also determine that the country's inclusion into the program will not compromise the law enforcement objectives or security of the United States.

As current law dictates, once all of these requirements have been met, the Attorney General may then designate the country a member of the visa waiver program. This means that even if a country has expended the time and effort to go through this rigorous process and has met our Government's stringent standards, its application could still be denied or, at best, indefinitely delayed by the Attorney General.

This amendment addresses two issues. First, it will revise the current law to reflect changes in the administration of the visa waiver program since 9/11 and codify those into law. While the Department of Justice continues to play a role in the designation of visa waiver program countries, the final certification of a visa waiver country is now made by the Secretary of the Department of Homeland Security, DHS, rather than the Attorney General. My amendment will ensure that the Secretary of DHS is specified as the final authority on this matter.

Second, this amendment will designate a nation a member of the visa waiver program as soon as all of the requirements have been met. In doing so, this amendment provides potential member countries with the assurance that their applications will not be held up by bureaucratic redtape or inefficiencies. It also advances our attempts to build positive relationships based on good faith with applicant countries. The visa waiver program is one means by which we can recognize our affinity with nations who share our principles and goals for a future of peace, justice, and freedom. Consequently, quicker inclusion into the visa waiver program once the requirements have been met is vital to fostering and maintaining close cultural and economic ties with friendly nations.

In addition to helping build strong diplomatic relations between nations, the visa waiver program has become key to the ongoing success of our tourism industry and business community. By eliminating the visa requirement, the program has facilitated international travel to our Nation for both business and for pleasure. In 2004, 15.9 million visitors entered the United States under the visa waiver program, constituting 58 percent of all overseas visitors.

The program encourages foreign visitors to plan their vacations in the United States, which can result in increased economic growth and tourism dollars for the United States. Over the years, the visa waiver program has played a vital role that has become critical to our Nation's tourist industry. According to the Office of Travel and Tourism Industries, all but 1 of the top 10 ten tourism-generating countries to the United States are visa waiver program nations. For states such as California, Florida, and my own home State of Hawaii which depend heavily on the tourist industry, the visa waiver program is integral to the strength of our economy. Clarifying the mechanism for countries to enter the program would strengthen the program and, in doing so, strengthen the economy on both a local and national level.

Given the considerable benefits that the visa waiver program affords the United States, it is imperative that nations who are interested in engaging in the lengthy and complicated process to become a visa waiver program feel confident that, if they strive to meet our strict security standards, they will be allowed to participate in the program. I urge my colleagues in the Senate to support this amendment which will update current legislation to more accurately reflect the post-9/11 administration of the program and perhaps, more important, confirm our commitment to those nations which would like to participate in the program that as soon as they have fulfilled our requirements, we will fulfill our promise.

Mr. LEAHY. Mr. President, the Gregg amendment No. 4054 would undermine this tradition by significantly reducing the number of visas that are available under the Diversity Visa Program. Diversity visas were created in 1990 to ensure that America would always welcome immigrants from all parts of the globe, in the tradition of our forefathers. Diversity visas are available through a lottery system to applicants from nations that are underrepresented in other immigration programs. In order to apply, an individual must be from a country that has sent less than 50,000 immigrants to the U.S. in the preceding 5 years.

This special visa program allows immigrants from nations in Africa and from a number of developing nations to have a chance to apply to emigrate to the U.S. In 2004, diversity immigrants were just 5 percent all admissions of legal permanent residents, but diversity visas were 33 percent of all legal permanent resident admissions from Africa. For this reason, the Congressional Black Caucus and the NAACP oppose the Gregg amendment. In addition to African nations like Ethiopia and Nigeria, immigrants from Ireland, Albania, Poland, and Ukraine have benefited from the program.

Diversity visa immigrants are not given a free pass to cross our borders and make a new life in American. Successful applicants must have at least a high school diploma and at least 2 years of work experience so that when they arrive in the U.S. they can contribute to the nation's economic health. They are not exempt from the tough security checks that all immigrants undergo. Applicants must complete consular processing overseas and pass Department of Homeland Security inspection. Fraud is prevented through fingerprinting and the use of digital photographs. Applications are screened and run through Homeland Security databases to ensure that an individual cannot game the system by filing multiple applications.

The Gregg amendment would take two-thirds of the 55,000 diversity visas that are available each year and redirect them to applicants with advanced degrees in science, math, and engineering. I support bringing more high-skilled immigrants to the U.S., but there are already a large number of such visa slots in the bill before us today. The bill raises the cap on H–1B visas from 65,000 per year to 115,000 per year. In addition, it adds an escalation clause so that in future years, if that new cap of 115,000 is met, the cap will be raised by 120 percent the following

year. I think that this is a significant increase in high skilled worker visas. We can always revisit the issue in future years if the new levels do not provide an adequate number of visas for immigrants who bring science and technological skills to our Nation. We need not and should not undercut the Diversity Visa Program. The diversity visa program honors the hopes and aspirations of hard working and industrious individuals who want a chance to achieve the American dream.

Mr. OBAMA. Mr. President, I rise to discuss a small amendment that deals with a problem each one of us has heard about in our States—the extremely long backlog at the Bureau of Citizenship and Immigration Services.

One of the privileges of being a Senator is being able to help constituents. In my State offices, I get thousands of requests from Illinoisans trying to get their VA benefits or clear up a problem with their Social Security check or deal with any number of government bureaucracies. It is great when we can get involved and help folks cut through the redtape. We are helping make government work, one case at a time.

If your office is like mine, a large number of the cases involve immigration. And if your office is like mine, the most common complaint involves FBI name checks. I have only been in office 16 months, but in that time I have received 2,211 requests for assistance on immigration; 426 of these cases, almost 1 in 5 deal with the FBI name check.

One step that legal immigrants have to take to stay in the country lawfully is going through a security check by the FBI. This is a standard procedure, and it is critically important to screen the folks to which we are granting citizenship and permanent residence. Unfortunately, the system is overwhelmed.

The FBI's National Name Check Program is asked to review 62,000 names a week—62,000 a week. In 2005, the FBI was asked to check 3.3 million names, a 20-percent jump from 2001. A great majority of these people are cleared automatically by computer, but for many, FBI agents have to comb through paper records spread across more than 265 sites across the country.

According to a November 2005 GAG report, the FBI background check is one of the top factors beyond the Bureau of Citizenship and Immigration Services' control that contributes to long wait times and an extended backlog. The report found that 11 percent of applications studied took longer than 3 months, and a significant portion of those took much longer. The Department of Homeland Security has taken many steps to try to speed up this process, but unfortunately there are just too many requests being sent to the FBI, and not enough analysts to deal with them.

Many of my constituents have reported waiting as long as 2 years to get cleared by the FBI. These are innocent people who have jumped through every legal hoop we have put in front of them. But because of a bureaucratic mess, they are put in legal limbo.

My amendment isn't overly ambitious. It just gives the FBI a small amount of resources to start tackling this problem. It authorizes $3.125 million a year for the next 5 years to allow FBI to hire additional staff and take other steps to improve the speed and accuracy of the background checks. It also requires the FBI to report back to Congress on the size of the backlog and the steps it is taking to reduce it.

This is a problem we can do something about. And at a time when we are trying to stem the flow of immigrants entering the country illegally, this is a problem we must address. We should not punish the folks who have been responsible and applied to enter the country legally. We should make the system as efficient as possible. I urge my colleagues to support this amendment.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I understand we are speaking in morning business; is that correct?

The PRESIDING OFFICER. The Senator is correct.

IMMIGRATION REFORM

Mr. TALENT. Mr. President, I rise to speak against the bill. I want to begin by saying that America has a proud history of immigration. When we say that America is a nation of immigrants, we mean that deep in our national consciousness is the image of America as a haven and a place of opportunity for people from all over the world.

Our policies have reflected that image. America has always had more open immigration policies than any other country. But those policies have been the result of choices the American people have made.

We are a nation of immigrants, but we are also a nation of laws. Like all sovereign nations, America has the right to determine who may enter our country and who may not. The American people have chosen to strike a legal balance between their desire to provide opportunities to new residents of diverse backgrounds and the economic reality that too much immigration too fast will depress the wages and diminish the hopes of millions of our own citizens.

I say with the utmost respect that the bill before us completely abandons that traditional balance. It provides an amnesty to those who, however understandable their motives, have chosen to trespass on our hospitality and violate our laws and does so under conditions that history has shown will increase rather than decrease illegal immigration in the future. It allows a vast new immigration for decades to come, with no regard whatsoever for the impact on the lives and hopes of our own citizens who have the first claim to the American dream, and it does little or nothing to repair the existing system of legal immigration which regularly confounds the expectations of millions around the world who claim a legal right to enter the United States.

Moreover, the Senate has regrettably and inexplicably rejected commonsense amendments which were designed to restore the balance Americans want and have the right to expect. For those reasons, I could not support voting to end debate on the bill, and I will not now support its final passage.

I should say at the outset that I do support the border security provisions in the bill. Border security is a national security issue rather than an immigration issue. For that reason, I recently sponsored bipartisan legislation, the Border Security and Modernization Act, in order to help secure America's border with additional manpower, new barriers, and high-tech surveillance equipment.

The bill I cosponsored authorizes new funds for technology to assist our Border Patrol, to construct roads, fences, and barriers along the border and to purchase air assets such as helicopters. In addition, the Border Security and Modernization Act will increase resources for border detention centers and enact stricter criminal penalties for human smuggling, falsifying work entry documents, and drug trafficking.

The immigration bill before the Senate contains many provisions similar to those in the bill which I cosponsored, and I am pleased the Senate approved an amendment which I also cosponsored to strengthen those provisions providing for the construction of at least 370 miles of triple-layered fence and 500 miles of vehicle barriers at strategic locations along the southwest border. But the good done in the immigration bill by these provisions could largely be accomplished by the President without new statutory authorization and is, in any case, far outweighed by the negatives in the bill.

I oppose the bill first because it grants a broad-based amnesty—the right to legal residence and even citizenship—to 10 to 12 million people who violated our laws. Permanent residence in the United States, not to mention American citizenship, is a valuable and important privilege.

Granting these privileges under these circumstances rewards and therefore encourages unlawful immigration. It demoralizes and punishes the millions

of people around the world who have respected our rules and who are trying patiently to immigrate legally into the United States, and it makes a mockery of the policy that is supposed to form our immigration laws—the desire to balance our need for workers and vision of America as a place of opportunity against the importance of protecting jobs and wages at home.

If Congress grants an amnesty under these circumstances, what will be the argument against granting another amnesty 5, 10, or 20 years from now if millions more people, in response to the incentives created by this bill, manage to enter the United States illegally?

To those who say this will not happen, I say that it has already happened. Congress granted an amnesty 20 years ago for largely the same reasons under the same conditions and with the same assurances being offered in support of this bill before us today. Far from preventing illegal immigration, that amnesty has magnified the problem by four- or fivefold. What reason do we have to believe the same thing will not happen if we pass this bill, especially since the amnesty procedure in this bill is certain and takes effect immediately, while the border security provisions may not work at all and will, in any event, take years to implement? I suspect the pressure on our borders is increasing even now simply because the Senate is seriously debating an amnesty.

I also oppose the bill because it authorizes a vast and unvalidated increase in immigration. The bill allows 70 to 90 million immigrants to enter the country over the next 20 years—not, by and large, scientists, doctors, or engineers, but people who will compete directly against Americans for jobs in the hospitality industry or for craft work in construction or manufacturing.

I begrudge no one the desire to come to the United States to make a better life for themselves. My grandparents did that, and so did my wife's mother. I certainly hope the economy will grow fast enough that we will need additional workers, but our first responsibility is to our own people. We cannot sustain the American dream if we do not provide opportunity for all Americans, including those who do not or cannot go to college. I can think of nothing more likely to cause conflict and division, and raise the ugly specter of ethnic prejudice than making millions of Americans compete against foreign workers, sometimes in economic recessions, for the jobs their families need to make ends meet.

Congress should be willing to increase legal immigration where our employers have proven needs that our own workers cannot meet. I believe such shortage exists today in certain parts of the economy, such as agriculture, and I would be willing to consider increases in the current limits in those areas. But that decision should be made on the basis of evidence, not speculation, and Congress should make it carefully and for short periods of time rather than guessing what the labor situation will be 10 or 20 years from now.

These decisions we are considering today matter. They affect the lives of millions of our people who rightly expect that we will look out for their interests, not make them feel guilty about their legitimate concerns for themselves and their loved ones. Moreover, the legal immigration provisions in the bill will cost our taxpayers $54 billion over the next 10 years. That fact is not disputed, even by the sponsors of the bill. Because of the deficit, our health care programs are under pressure. Congress is begrudging disaster relief to our farmers. The Nation's transportation infrastructure is underfunded, and some are proposing to reduce the defense budget or increase taxes. I simply cannot understand why, at a time like this, Congress would undertake an additional budgetary commitment of this magnitude to foreign workers our economy may not even need.

Finally, I oppose the bill because it does very little to fix the current legal immigration system. The great irony of this whole debate is that it has focused largely on the wrong problem. If we want to help the economy and provide justice to immigrants, we should concentrate first on making our current programs at least minimally workable.

As Senators are probably aware, there are significant backlogs in our current system due to the sheer volume of aliens eligible to legally immigrate to the United States. As of December 31, 2003, the U.S. Customs and Immigration Service, that is the USCIS, reported 5.3 million immigrant petitions pending. USCIS decreased the number of immigrant petitions by 24 percent by the end of fiscal year 2004—that is a pretty good job—but they still had 4.1 million petitions pending. Every new applicant who is not an immediate relative of a U.S. citizen must go to the end of lines that vary in length according to country, the prospective immigrant's relationship to their American sponsor, and profession.

According to the State Department, experienced laborers from India face a 5-year wait for a visa, while Filipino siblings of Americans wait more than 22 years.

In my office, we live with this problem with the current immigration system every day. I have five caseworkers who spend parts of each day in response to constituent requests, assisting those who actually claim a legal right to enter our country. These prospective immigrants have respected our laws. They and their Missouri sponsors spend large amounts of time and money trying to navigate the existing system. We have almost 200 pending cases in our office alone.

They include Missourians who want to adopt children from abroad, foreign doctors who want to work in rural areas where they are desperately needed, and world renowned researchers who want to bring their knowledge to the United States. These people have a right to immigrate under the current laws. Yet the bill does nothing for them. In fact, the bill makes their situation worse because it puts them at the back of the line. The bill inevitably means that the time and attention of the Immigration Service will be spent processing the applications of undocumented workers and administering a vague new guest worker program for 70 million to 90 million people, rather than on the cases of legal immigrants which, in some cases, have been pending for years.

What I have just said is the answer to those who claim this bill is necessary because it is the only practical solution to our current situation. Mr. President, anybody even marginally familiar with our current legal immigration system knows that it is in disarray. I honor the work of our border agents, but the reality is that our existing border security system is in every respect inadequate. I recognize that many diligent government workers are trying to process the claims of legal immigrants, but here again, they and the system are overwhelmed, even in trying to administer the current complicated visa system. The idea that our current immigration infrastructure can take on the real job of border security, process a multitiered amnesty program for 10 million to 12 million illegal aliens, and administer the claims of 70 million to 90 million new immigrants, in addition to its current responsibilities, is sheer fantasy. And to argue in favor of this bill on the grounds that it is a practical solution to anything shows how far from reality the proponents of this legislation have really traveled.

Mr. President, I suppose there are many in Missouri who support this bill, and I know many Senators have worked hard to come up with this legislation. But in the last month, I have received over 4,000 calls, e-mails, and letters urgently in opposition to this measure before us, and I think a word should be spoken on behalf of the concerns of those constituents. They are not paranoid because, in a world of terrorism, they want the border under control. They are not ungenerous because they worry about jobs for themselves and their children. And they are not less progressive than Washington opinionmakers because they believe in the sovereign right of a democratic

people who decide who and who shouldn't become a resident of this country.

The Senate had a chance to pass a good bill, a bill that secured the border, that fixed the system of legal immigration, that developed the biometrics our border security and immigration agents need to enforce the law that stops the coyotes and the fly-by-night employers from circumventing the law and paying cash to unlawful workers. The Senate has fumbled that chance. I suppose this bill will pass, based on the votes we have had in the last week or so. My hope is that in conference with the House, the Senate will agree to a commonsense bill that I can support, one that respects the balance which the American people want, are waiting for, and have the right to expect.

Mr. President, I yield the floor.

CHANGE OF VOTE

Mr. SMITH. Mr. President, on roll-call vote 140, I was recorded as voting nay. My intention was to vote yea. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

IMMIGRATION REFORM

Mr. CARPER. Mr. President, I want to follow up on the comments of my friend from Missouri as he leaves the Chamber and just to acknowledge and to second his comments. He said we are indebted to those who work so hard to try to piece together this compromise legislation, and I agree. We will attack a lot of difficult issues this year—we already have—and I think few of them are more difficult than the one that we have been working with this week, last week, last month, and we will probably be dealing with in the months to come to try to hammer out a final bill to send to the President for his consideration.

Let me just make a couple of observations. First of all, let me say I am told that last week some 10,000 people came across our borders illegally. We understand that roughly 10,000 will come across our borders illegally this week. Roughly another 10,000 will enter this country illegally next week. Some people have suggested amnesty is the answer. I don't believe that it is.

We have heard it said on this floor today, and I will say it again tonight, simply providing amnesty sends the wrong signal to a lot of folks. It sends the wrong signal to people who live south of our country who, if they come in illegally, eventually we will let stay. It also sends the wrong signal, in my view, to people who are waiting—in some cases for years—to become legal residents or citizens of this country and who, even though they have been trying to play by the rules, we let other folks come in ahead of them who have not played by the rules. I think that is wrong.

What I think we need to do is to take an approach similar to that which we are taking here as we debate this legislation and amend this legislation and, I hope, improve on this legislation. We need a policy that is tough. We need an immigration policy that is smart. We need an immigration policy that is comprehensive.

I agree with many of my colleagues, including my friend from Missouri who has just spoken. I believe it begins with tougher borders, tougher border security. We have seen an increase in the number of Border Patrol who man our borders along the border of the United States and Mexico. I am told we have seen between 1995 and 2005 a doubling of the number of Border Patrol who patrol that area. Meanwhile, between 2001 and this year, we have seen a drop by almost a third of the folks who are apprehended coming into this country illegally. That makes no sense.

I think in terms of being on the border, we may need more Border Patrol. We are certainly voting for more Border Patrol, and I think that is the right step. But it is also important that the folks to whom we assign these responsibilities do a better job of tightening the borders and apprehending those who attempt to come through illegally.

The President proposed—and we have signed off on it—the deployment of National Guard troops along our border to work in conjunction with Border Patrol. I support that. As an old commander in chief of the Delaware National Guard for 8 years, I believe the National Guard can play a constructive role here.

One idea that I think makes sense is sort of a synergistic approach. We have a number of Air National Guard units around the country that have for their aircraft that they work with, they have pilotless drones. And I could see using several squadrons of those pilotless drones along our border to supplement the Border Patrol, to make them more effective, to put into the air these aircraft that can detect the movement of individuals, of vehicles moving toward our border. They are effective in the daytime and at night with infrared technology. I think that is a smart use of our National Guard and provides the kind of synergy that I think we ought to be looking for in deploying along our border for maybe a 12-month period.

I know some people are uncomfortable with the notion of building a fence along any portion of our border with Mexico. I have traveled to Israel and seen a fence being built throughout that country, the intention of which is to protect the Israelis from terrorists. And I know some people are offended by the construction of that fence. Personally, I am not. I am not offended by the notion of a fence along portions of our border with Mexico. I don't know that it makes sense, dollars and cents, to construct a fence along the entire 2,000-mile border of the United States and Mexico. But there may be stretches, several hundreds of miles, maybe 300, 400 miles where a fence is cost effective, or where a fence can complement and enhance the ability of our Border Patrol, the ability of our Guard units to provide the kind of balance and deterrence that we need.

With respect to technology, technology can be a great help to us. Unmanned aircraft is just one example. Also, simply better identification that would be awarded to people when they come here legally, whether it is as a guest worker or on a more permanent working basis, to provide them with identification that is, as best we can make it, tamper-proof.

I am reminded every time I go through the security checkpoints at airports, waiting to get through the checkpoints to get on a plane, I see people, usually crew members, who simply go to the front of the line. They go through quickly, and in many cases they have their own identification. Maybe they have biometrics. It may involve fingerprints, eyes, retinal scans. They can get through quickly.

I read recently, I think it was in Business Week, of that kind of identification that may become available commercially to folks who are willing to put out $100 or so, maybe less than that, in order to get identification that is pretty much tamper-proof, that would really say that whoever possesses this identification is indeed the person they profess to be. That is the kind of technology I think we need.

We need more detention beds. The idea that somebody shows up from Mexico, and we simply take them back to Mexico, that is fine. But if they happen to be from Guatemala or Honduras or Peru or Chile, we simply take them to a detention center. We have beds, we put them in that detention center to await an arraignment hearing. If we don't have beds, we say: Come back in a week or a month or two or three. We release them on their own recognizance, and we shouldn't be surprised that a lot of times they don't come back. I don't think we should expect them to come back.

We need more detention beds, and rather than simply turning people loose, knowing that they are unlikely to show up, we ought to be—we ought to be—smarter than that. Part of the solution is more detention beds.

Another aspect of a comprehensive law is to better enforce, to rigorously enforce the laws that we have on the books and to strengthen them with respect to employers who knowingly hire

folks who are here illegally. If you look at the number of prosecutions over the last half dozen or so years, it is pitiful in terms of the employers we know are doing something illegal, that they are not doing the right work in making sure that the folks who are working for them are here lawfully. The employers aren't doing it, and, frankly, we haven't been doing much about it. We need to be tougher on that. This bill calls for that. But the best laws, the toughest penalties on the books are no better than the enforcement. In fact, we need much better enforcement.

The President has been a big advocate of a guest worker program. I think he was calling for 400,000 guest workers this year, next year, the year after that. I think we have significantly scaled back the scope of that guest worker program. I think it is acceptable that it be a small portion of a comprehensive bill, but not as the President earlier suggested as really the centerpiece.

Let me say a word or two about the 10 million or 12 million people who are here illegally, what to do with them. I know we have some who say just send them all back, line them up, put them on a bus or an airplane and send them back where they came from. I don't understand how practical that is. I understand the sentiment some feel in wanting to do that. What we are suggesting in this bill is we take an approach for people who have been here illegally, violated our laws, done so repeatedly, either committed a felony or multiple misdemeanors—that is it. They don't have a chance to stay here, no chance to be on a probationary period for 6 years or six decades and work their way toward citizenship. That is how it should be.

On the other hand, folks who have been here for 5 years or more, they worked, essentially they abided by the laws as a citizen here, they paid taxes—if those people are willing to serve an additional probationary period for 6 years or more, continue to work, continue to pay taxes, stay out of trouble with the law, to learn English, to pay a substantial fine—and frankly the size of that fine continues to grow; we grew it further tonight to be somewhere in excess of $3,000—folks who are willing to abide by the conditions of that kind of probation and do so religiously, year after year for half a dozen years or more, they have a chance to work their way toward citizenship.

Similarly, for those who have been here from 2 to 5 years, they would have a chance if they are willing to go back and come into this country through a couple of dozen entry points along the border, to get valid identification so we know who they are and we know they are here, that they, too, after a period of time would have a chance to enter the same kind of 6-year probationary period, abide by the law, pay taxes, work, pay a fine, learn English—those kinds of things. If they do those things, they, too, would have a chance to work toward citizenship.

For people who have been here less than 2 years or people who violated our laws, violated our laws repeatedly, they are out of luck. They will go back to where they came from, and ultimately, if they have not been lawbreakers, they would have a chance to reapply. I don't think their chances of getting back here any time soon would be good.

The last thing, I say it is not in this bill and I think it is unfortunate that it is not—they talked about it in our caucus, and there has been some serious discussion about whether we ought to raise the minimum wage in our country. We raised the minimum wage when I was Governor. I think 20 or so States have done so, ahead of the Nation. It has been 20 years or more since we raised it. To the extent we actually pay people a better wage in this country, we encourage more Americans to do these jobs which allegedly Americans will not do, which only foreigners are willing to do. Unfortunately, that increase in the minimum wage is not going to be part of this bill. I think that is probably a mistake, but it is what it is.

In closing, at least with respect to immigration tonight, I again want to say it is not good when 10,000 people are coming across our borders last week, this week, next week. Amnesty is not the answer. I believe the answer is legislation that is tough, that is smart, that is comprehensive, that begins with a heavy focus on making our borders more secure, enforcing the laws that are supposed to be in effect with respect to employers who knowingly hire illegal aliens, trying to make sure the identification folks bring to this country to demonstrate to employers—that we better ensure it is tamperproof and we use technology to do that sort of thing.

There are a couple of outcomes that could come out of our work here. We are going to take up this bill tomorrow with some final amendments, and we will vote on whether to pass it and to go to conference with the House, which has a somewhat different bill, as we know. It is not a comprehensive bill but a bill not without some virtue.

I think we will have a chance to pass this bill tomorrow and go to conference. There are some people saying today in our own cloakroom there is no way we are ever going to get a compromise out of a conference with the House. We may pass this bill, but that will be pretty much the end of it. They may be right. I hope they are wrong.

Maybe among the outcomes here, maybe the worst would be to pass a bad bill and send the President a bad bill he might sign. That would be a mistake.

Almost as great a mistake as that would be, I believe, would be to do nothing and to leave here this year having not addressed our problems and to know that people are going to continue to stream into this country illegally. In most cases, they are just folks who want to come to work. In some cases, they are people who are criminals. Maybe in some cases, they are people who would come here as terrorists. That is just unacceptable.

I am, frankly, proud of the Senate and the work we have done. I think in a way the center has sort of come together and held. The center has held with respect to this bill and sort of rejecting extreme views on either side. I find that encouraging.

I don't have to say complimentary things about the President. I think in this case, in this instance, he has shown leadership and willingness to use some of that political capital he earned back in 2004 and I think to put it to pretty good use.

HONORING OUR ARMED FORCES

CORPORAL CORY PALMER
MARINE CORPORAL SEAN BARNEY
STEPHEN SNOWBERGER

Mr. CARPER. I would like to change gears, if I could. I would like to talk about a place in southern Delaware, a place called Seaford. Most people in this Chamber—my guess is most people around the world—have never heard about Seaford, DE, but almost everybody in this country and around the world has heard about a product called nylon. The first nylon plant in the world was built in Seaford, DE, by the DuPont Company, I think roughly 60 years or so ago. It is a plant that is still in operation, though run by a different firm today. There are still close to 1,000 people who work there. So Seaford is really known in our State, and to the extent they are known around the country, as the home of the first nylon plant ever built in the world.

Seaford is a small town. I don't know exactly how many people live there now, but it is less than 10,000 people—maybe 5,000 or so. There is a lot of pride there, about their heritage with DuPont and a number of other reasons as well. It is in the southwestern part of our State, Sussex County. A number of people in Seaford have gone on to serve in the Armed Forces of our country. This month, two of our young Seaford natives who had gone on to serve in Iraq have given their lives, have lost their lives. A young man named Cory Palmer, earlier in his life, maybe 10 years ago, came up to the Governor's house. I was hosting the Governors Fall Festival. We kicked off the Governors Fall Festival every year with a 5-kilometer race. I remember Cory and other members of his family running in that race with the rest of us.

Earlier this month, Cory was in a humvee in Fallujah, with his teammates and the humvee exploded. It hit an IED, a big one, and Cory and his team, I think now maybe all six of them, at least five, have lost their lives.

I had the privilege of visiting with Cory Palmer's parents about 12 days ago. As I sat there in the living room of that home with Cory's mom and dad, with his grandparents, siblings, I talked about another young man, a fellow who came to my attention—gosh, 6 years ago.

I got a phone call from Bill Bradley, Senator Bill Bradley, who was running for President. Bill Bradley called me to talk about a couple of guys who had worked in his Presidential campaign. He said: I am pulling out of the Presidential campaign. I have several people in my Presidential campaign whom you ought to talk to as you consider your run for the Senate.

One of the names he shared with me that day was that of Sean Barney. Sean Barney came to work for us and ended up being my research director in our campaign for 2001. One of the smartest people I have ever met, he was also one of the hardest working people I have ever met. Sean worked as a research director in our campaign. In the campaign, he came early, he worked late. He didn't just do it once in a while, he did it every day and every night. I think one of the reasons we were successful in that campaign was because of his hard work and sort of never-say-die attitude.

I got elected, came to the Senate, and I asked Sean if he would join us on my Senate staff and he said that he would be pleased to do that. He came to work in January of 2001, one of the first people we hired. He came on board as a senior legislative aide.

I will not soon forget the day he came into my office and said to me, after 9/11, that he felt the need to do something more to serve our country. He knew that I had served in the Navy. He said he had always respected the service that I had to my country during the Vietnam war and later on in the Cold War. He said he felt the need to do that kind of thing as well.

Sean was then in his mid- to late 20s. I said: Sean, you served your country already. You do a great job of serving Delaware, you serve your country, you do it right here in the Senate, and we are lucky that you do. Why don't you just stay here with us and continue the service you perform and perform so well?

Just like in the campaign where he came early, worked late, in the Senate he was just the same. He had a whole range of issues, from tax policy, budget policy, Social Security, Medicare—he didn't take the easy issues, he took the tough issues. He came early, worked late. He had a great sense of humor, was a great person to boost the morale of the office, just a terrific team player, a guy we felt lucky to have on our team.

As it turned out, on the Friday that I was sitting in the living room there in Seaford, DE, talking with Cory Palmer's parents about the loss of his life shortly after he left Fallujah in a Medevac, I told them about Sean Barney who had gone in the Marine Corps. Sean Barney decided he was going to be a marine. Despite my encouragement to the contrary, to stay with us and serve here in the Senate, he elected to go on to active duty. Here is a guy, a college graduate. He could have gone to Quantico, gone through OCS. He didn't. He decided he was going to enlist and not take the easier route—not that there is an easy route in the Marine Corps, but he said he wanted to go to Paris Island basic training. He finished there with distinction, headed on to finish, after that, his advanced training. After having spent a little less than a year on active duty, he came back to Washington—with shorter hair but with a good spirit—and rejoined my staff. He picked up on the issues he worked on before, and he worked just as hard, came early, worked late, good humor, a great member of our team.

Late last year, he got word that he was going to be activated. I had really had a premonition that this was happening. When he had gone through his basic training and finished that and his unit was overseas—units were based up in New Jersey, the Marine unit—they were overseas, but he was not sent there to join them. They came back, and he continued to train with them in the United States. He had not been activated himself. He learned he was going to be activated late last year and be on active duty, I think this year.

He went through training here in this country and a month or two ago headed over to Iraq. He went to Fallujah. As I was sitting again in Seaford, with the Palmer family, trying to provide some comfort to them, about 12 days ago, I told them about Sean Barney.

Little did I know that just hours before I went to their home, Sean Barney was shot. He was shot in Fallujah, on the streets of Fallujah. He was shot by a sniper, and the bullet struck him in the neck, just missed his Adam's apple. It severed the carotid artery, apparently nipped the jugular vein, barely missed his spine. Sean ran about half a block, got behind some building or debris, and by a miracle, apparently a humvee that was not too far away was called in by one of Sean's buddies. I think it had a corpsman, Navy corpsman on board, maybe even a doc. They got to Sean and Sean was still conscious. The last thing he remembered was hearing the corpsman say: Let's get the tourniquet out and use it. Sean was thinking, with a wound in the neck, where are they going to put the tourniquet? That is Sean, a good sense of humor, maybe in this case gallows humor.

Within 12 minutes, they had Sean in the humvee and into the hospital in Fallujah. They applied first aid en route, got him to Fallujah. There was a doctor there, if I can find his name here, a fellow whose name is Captain Donovan. Captain Donovan, who just happened to be starting a 30-day rotation at Camp Fallujah Hospital, was able to stop the bleeding and put the carotid artery back together again. The fact that Sean is alive today—and he is alive today, he is in Bethesda tonight—is a miracle.

I know a lot of us prayed earnestly for Sean, for his life. He has been spared and returned to be here with his wife Daisy and his parents. He is going to be checking out of Bethesda later this week, we hope, and go on to Philadelphia where his wife is going through a residency in her medical training. She becomes a doctor, too.

That is a happy ending. While he has some problems with his shoulder in terms of ability to use that shoulder now, he is going to get great care and hopefully rehab and maybe someday will be able to regain his full capacity.

There is another young man from Seaford, though, subsequent to the time I visited with the Palmers, who we learned had been shot and killed in Ramadi.

Earlier today, a young man, Rick James, 20 years old, also a marine, was buried in Seaford. And 12 days ago, Cpl Cory Palmer was buried at Arlington National Cemetery.

Last night, I was back at Seaford visiting the family of Marine Cpl Rick James, trying to comfort them in the funeral home as they got ready to say goodbye to their son, their grandson, their brother, their cousin, and their friend.

It has been a tough month in Delaware. We are a little State. We have had a number of people—maybe a dozen or so—who have lost their lives prior to this month in Iraq and Afghanistan. We lost three last month, which is tough for a little place.

There is another young man whose family doesn't live in Delaware but he grew up in our State, Steven Snowberger, who went to William Penn High School. I was at his high school in New Castle, DE, last week. At the age of 16, he moved on to complete his education elsewhere and to join the Army. He died at the age of 18, about a week ago. We just said goodbye to Steven this past week.

Those are three causes for great sorrow in our State, the loss of three young men, the oldest being 22 years of age.

I must say that I am encouraged to talk to the families and see how proud they are of their young men, their sons, their grandsons, their brothers, their cousins, their friends.

I have never seen a town that small, Seaford—or, frankly, a larger town—sort of welling up, really with pride, as they have these last couple of weeks, supporting those who have lost their lives and their families as well. It was extraordinary.

One of our colleagues, JOHN MCCAIN, was invited to go to Delaware last weekend by my colleague, MIKE CASTLE, to do a campaign event over on the coast. Senator MCCAIN was good enough, at the urging of Congressman CASTLE, to swing through Seaford, DE, and stop to make an appearance there and say wonderful, supportive words about our young men—heroes. All of us in Delaware are grateful to him for doing that.

While we mourn the loss of our marines and our Army PFC, we are just grateful that later this week another marine part of our family in the Senate, Sean Barney, is alive. I think he is going to be OK. I do not know that he will ever come back and work with us in the Senate family. He has been accepted to law school at Stanford, and my guess is he will probably—when he recovers enough and is ready to go onto the next part of his life and separate from the Marines—head for points west and pick up his life and his wife.

To those in Seaford, and the Snowberger family down in North Carolina today who lost their son, Steven, our hearts go out to you. To the extent we can be helpful, you know we are there for you, like the whole State is.

To our friend, Sean, we are just glad that miracles still happen and that one of them involved you.

I yield the floor.

FORMER SENATOR LLOYD BENTSEN

Mr. STEVENS. Mr. President, Catherine and I were deeply saddened to learn of Lloyd's passing. Lloyd and his wife Beryl Ann or as she is known to friends, B.A. were part of our Senate family for 22 years. They were good friends to Catherine and me, and they were quite a couple. Their sense of humor could lighten any situation. I recall B.A. once read an erroneous news report that Lloyd was worth $70 million. She responded, ''Where is it?''

B.A. was a great companion and partner for Lloyd in all things, and our hearts go out to her and their three children and eight grandchildren.

Lloyd was Texan through and through. He used to tell stories about growing up on his father's ranch with the sign at the end of the road that read: ''To heck with the dog, beware of the owner.'' You would think someone raised up the road from a sign like that would have a temper, but nothing could have been further from the truth. Lloyd was gracious, composed, polished, and pressed. He was a true gentleman. ''Gravitas,'' he liked to say, ''is gray hair and a pressed suit.''

Lloyd was also a patriot. As fellow World War II veterans, we were comrades in the deepest sense of the word, and I admired him greatly. He was an accomplished legislator and statesman. He was also a dear friend.

Those in Alaska will never forget his support of our State. In 1981, Lloyd came to the floor and spoke in favor of a waiver that would enable the construction of the Alaska natural gas pipeline. Congress recently approved the financial incentives needed to begin this project—and we owe a great debt to Lloyd for always making sure those in the Senate never forgot how important the Alaska gas pipeline is to our country's energy independence.

Since Lloyd greatly respected the late House Speaker Sam Rayburn, I will close with one of Sam's sayings:

''You cannot be a leader, and ask other people to follow you, unless you know how to follow, too.''

Mr. President, those are words to live by, and no one understood them better than Lloyd.

Mr. OBAMA. Mr. President, I rise today to salute Lloyd Bentsen, a dearly departed former Member of this body. Senator Bentsen died yesterday at the age of 85, and he leaves behind a legacy of fiscal responsibility, steadfast service, and unwavering statesmanship.

Senator Bentsen was born in Mission, TX, in 1921, a descendant of Danish immigrants. From a young age, he excelled in nearly all his endeavors: he was an Eagle Scout, a distinguished graduate of the University of Texas Law School, and a fighter pilot, flying B–24 combat missions during World War II. At the young age of 23, Senator Bentsen was promoted to the rank of major, a post that gave him command of over 600 men. For his valiant service during the war, the Army Air Corps, now the Air Force, awarded him the Distinguished Flying Cross, one of the military's highest honors.

Senator Bentsen went on to serve the people of Texas as Hidalgo county judge, U.S. Congressman, and, beginning in 1970, as U.S. Senator. He was overwhelmingly reelected to this body three times, in 1976, 1982, and 1988.

As a Senator, Lloyd Bentsen was a champion of sound national economic policy and fiscal responsibility. He served as chairman of the Joint Economic Committee and the Committee on Finance, and balanced his keen eye on progressive causes such as women's rights with a dogged determination to cut taxes and support our Nation's businesses. As his contemporaries will no doubt attest, Senator Bentsen's political acumen was unmatched, and the coalitions he built crossed party, ideological, and even international boundaries.

Bentsen resigned his seat in the Senate in 1993 to serve as the 69th Secretary of the Treasury under President Bill Clinton. He helped President Clinton set the course for what would be our country's strongest fiscal climate in recent memory. As Treasury Secretary, Bentsen was known to be a firm and sound counselor on economic policy; the Houston Chronicle reports that an autographed picture from President Clinton was inscribed: ''To my friend Lloyd Bentsen, who makes me study things until I get it right.'' President Clinton went on to award Bentsen the Presidential Medal of Freedom in 1999.

Throughout his career, Lloyd Bentsen set a standard for no-nonsense service, responsible business practice, and judicious public policy. I honor his good work today, and the memory of a life lived strong and full.

Mr. BIDEN. Mr. President, I had the honor of serving with Lloyd Bentsen for 20 years, and I respected him as a Senator's Senator. He had a style about him. He was this really classy Texas gentleman who, when he walked into this Chamber or into a hearing room, you could just feel his presence and his desire to work something out.

I admired him because he used the power of that office to help millions and millions of Americans, especially the people he felt needed it most, the very young and very old among us.

Everyone in America who has an IRA and is saving for retirement can thank Lloyd Bentsen. Every American worker whose pensions are protected, is because of Lloyd Bentsen. He improved access to health care for needy women and children—not with some massive sweeping bill that would never have passed Congress but, incrementally, every year, giving a new benefit so more and more people were helped.

When he went to Treasury, he was the architect of President Clinton's economic plan that eventually balanced the budget and created millions of jobs and brought credibility and leadership back to this country with other industrialized nations.

I express my sympathy to his family, and especially his wonderful wife B.A. He liked to call her his best asset, but she was an asset to all of us. Our prayers are with her.

TRIBUTE TO JUDGE DANNY J. BOGGS

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a Kentuckian who is one of the finest legal scholars of his generation. Danny J. Boggs, Chief Judge of the U.S. Court of Appeals for the Sixth Circuit, has served on the bench for 20 years, and over the course of his stellar career he has made many friends and impressed all who know him—this Senator included.

Judge Boggs is renowned for having an engaging, active mind, with which he tackles not only the law but a host

of other subjects. Well-read in history, geography, literature, mathematics, and political science, he is a true Renaissance man. And not only does he voraciously ingest knowledge, he loves to share it with others.

Ask any clerk or former clerk of Judge Boggs, and he or she will tell you: They are liable to be asked a question any time, on anything. One of his former clerks, who now works in my Washington office, recalls a time when Judge Boggs called in to the office while on a business trip to find out the population of Montana not the present-day State but the Montana territory.

Judge Boggs delights in hiring clerks of any and all political persuasions, as long as they have a keen mind and are always ready for debate. Of course, these poor clerks know that Judge Boggs will almost always win. But his interest is not winning or losing. It is in ensuring that the final product—the legal brief—is as rigorous as it can be.

Judge Boggs is infamous for giving a trivia quiz to his clerkship applicants although perhaps ''trivia'' is not the right word for it. He prefers the term ''general knowledge'' test. But I don't think there is anything general about the scope of Judge Boggs's knowledge. Just listen to one question from a recent test of his: ''If the moon were made of green cheese, and if green cheese floats in water, what is the most that the moon could weigh (within a factor of 10)?''

Believe it or not, most of Judge Boggs's clerks actually enjoy running this intellectual gauntlet—so much so that three of them appeared as contestants on the popular television game show ''Who Wants to Be a Millionaire.'' Two of them picked Judge Boggs to be their ''phone a friend'' lifeline a superior mind to turn to for a particularly difficult question. Judge Boggs himself has tried to be a contestant on the show, so far without success, but I suspect his true calling may be to work for the show and write the questions.

Born in Havana, Cuba, Judge Boggs grew up in Bowling Green, KY, and earned his bachelor's degree from Harvard University in 1965. He earned his law degree in 1968 at the University of Chicago while being elected to Order of the Coif. After graduating, Judge Boggs taught at the University of Chicago Law School the following academic year—quite an accomplishment for a newly minted lawyer.

Judge Boggs answered the call of public service in several capacities before he attained his current post. After a few positions in Kentucky State government, he ventured to Washington, where he served as Assistant to the Solicitor General, Assistant to the Chairman of the Federal Power Commission, and Deputy Minority Counsel for the Senate Energy Committee. Judge Boggs also worked in private practice, in the White House as a Special Assistant to the President, and from 1983 to 1986 as Deputy Secretary of the Department of Energy.

President Ronald Reagan appointed Judge Boggs to his current position in 1986, and on October 1, 2003, Judge Boggs became the Chief Judge of the Sixth Circuit. Many times, his opinions have been upheld unanimously by the Supreme Court, both when he is written in the majority and in dissent.

He has taught American jurisprudence in the Soviet Union, the Commonwealth of Independent States, and Russia. Chief Justice of the United States William H. Rehnquist appointed Judge Boggs to several important posts in the Judicial Conference of the United States, and Judge Boggs also served as chair of the Appellate Judges Conference of the American Bar Association from 2001 to 2002.

Judge Boggs entire career has been marked by energy, accomplishment, and scholarly brilliance. His fertile, polymath's mind has unlocked a love of learning in countless others. And his 20 years of distinguished service on the bench of the U.S. Court of Appeals for the Sixth Circuit has inspired us all. Mr. President, today I ask my colleagues to join me in commending Judge Danny J. Boggs for his 20 years on the bench and for his continued service to the law and his country.

INCLINE HIGH SCHOOL

Mr. REID. Mr. President, from April 29 to May 1, 2006, approximately 1,200 students from across the country participated in the national finals competition of We the People: The Citizen and the Constitution, an educational program developed to educate young people about the U.S. Constitution and Bill of Rights. The We the People Program is administered by the Center for Civic Education and funded by the U.S. Department of Education through an act of Congress.

During the 3-day competition, students from all 50 States demonstrated their knowledge and understanding of constitutional principles. The students testified before a panel of judges in a congressional hearing simulation focusing on constitutional topics. I am pleased to announce that Incline High School from Incline Village, NV, received the Western Region Award.

I had the chance to meet these bright young students from Incline High while they were here in Washington, DC. Of the many groups from Nevada that I have met with, I have rarely been asked such intelligent and thoughtful questions. I was impressed with their interest and knowledge of complex constitutional issues. These young students are an example of the future of America, and they should be commended for their hard work.

Mr. President, the names of these outstanding students from Incline High School are as follows: Kent Bergantz, Roxanne Casselberry, Dan Driver, Julie Gregory, Amy Hanna, Andrew Herr, Annie Horton, Alisa Johansson, Taylor Lane, Cara Langsfeld, Stephen McKay, Scott Nikkel, Courtney Pennacchio, Mia Perhacs, Tony Ring, Cara Sheehan, Ryan Spizman, Lara St. John, Christin Thompson, Shea Wickland, Alethia Williams, and Carly Wood.

I would also like to commend the teacher of the class, Milt Hyams, as well as the State coordinator, Marcia Stribling, and the district coordinators, Daniel Wong and Shane Piccinini, who have donated their time and energy to prepare these students for the national finals competition. Without the hard work and dedication of these individuals, our students would have missed an amazing learning experience.

Mr. President and my colleagues in the Senate, please join me in congratulating these young constitutional experts for their outstanding achievement.

NATO AND IRAN

Mr. WARNER. Mr. President, I rise today to share with our colleagues remarks I have made recently at the Atlantic Council, the Council on Foreign Relations, and other forums regarding a role NATO should consider by joining others seeking to achieve a diplomatic resolution of the potential nuclear weapons threat posed by Iran.

I have long been, and remain to this day, a steadfast supporter of NATO. No alliance, since World War II, has achieved a more successful, steadfast record of achieving peace.

I applaud NATO for embracing the concept of ''out of area'' missions. In Iraq, despite continuing violence, a new unified government is emerging. Even with the differences of opinion among NATO nations related to Iraq, NATO did step forward to participate in the important mission of training Iraqi security forces.

There is no better example of NATO undertaking important ''out of area'' missions than the leadership NATO is providing in the International Security Assistance Force, ISAF, in Afghanistan.

Recently I was in Afghanistan and saw firsthand how ISAF is expanding its reach to provide security and stability throughout Afghanistan. ISAF forces are accepting risks in the face of a rising number of attacks, while the new Government forges ahead putting down roots of democracy so that Afghanistan can take its place among the free nations of the world.

The principal focus of my remarks today is on how NATO might respond to the greatest threat to regional and global stability that we face today: Iran.

I had the privilege this week to join Senator LUGAR and other Members in a

private meeting with Dr. Mohamed ElBaradei, Director General of the International Atomic Energy Agency, IAEA. Dr. ElBaradei generously shared his insights on the situation with Iran, and how he continues to try to fulfill the responsibilities of his organization. I greatly respect his views.

I agree that when faced with a fork in the road between negotiation and confrontation, the world has rightly chosen, for the present, the path of negotiation. There is time—but not unlimited—to pursue a peaceful resolution to persuade Iran not to pursue steps leading to the development and acquisition of nuclear weapons.

Underway at this very moment are negotiations—the United States together with France, Great Britain, Germany, and other members of the EU, are doing everything to persuade Iran not to develop nuclear weapons.

The U.N. Security Council and the IAEA are also playing important roles in these diplomatic efforts.

Currently, Iran boasts about its inventory of missiles which can range throughout the Middle East and reach Europe. If Iran defies diplomacy and develops nuclear weapons, the threat will increase exponentially.

Free nations are and must face this reality now. As the Israeli Prime Minister Ehud Olmert warned in his address to a joint session of Congress this morning:

> A nuclear-armed Iran is an intolerable threat to the peace and security of the world. It cannot be permitted to materialize.

I support the principle of preserving as many options as possible in diplomacy.

One of those options is to engage in bilateral talks between the United States and Iran, and/or between one or more other nations that share our objectives and Iran.

Just this morning, the international press is reporting that the Iranian leadership is making serious overtures to the United States to initiate a bilateral dialogue. Dr. ElBaradei confirmed in our meeting with him that Iran is open to such a dialogue. The United States should keep this option on the table, and consider when it is timely to explore procedures for bilateral talks.

Iran needs to understand that the free nations of the world are serious. Iran can go ahead with its civil nuclear program, under the inspection regime of the IAEA, insofar as it relates to Iran's legitimate energy needs, but we will not, as a consortium of free nations, permit Iran to acquire a nuclear weapons capability.

Another option is deterrence. Let's reflect on the worst case scenario: If diplomacy did not succeed, at some point in time, and there is confirmation that Iran is defiantly going forward with a nuclear weapons program, what is the response of the team of nations conducting the diplomacy?

We should reflect on the lessons of the Cold War, when deterrence succeeded. We should consider erecting a ''ring of deterrence'' that would surround Iran and deter the use of actual force, as was done so successfully during the Cold War.

Initially, such a plan could be limited to a stand-off naval force operating in international waters, and a stand-off air capability in international airspace.

Has any organization had a better record for planning and effecting a policy of deterrence than NATO?

I call upon the North Atlantic Council of nations to discuss the option of deterrence and hopefully to initiate a study of what is a logical sequence of actions to show support to the path of negotiation.

Such a step forward would give NATO a place at the international table as a partner in the diplomatic efforts being pursued by the IAEA, the U.N. Security Council, and a consortium of nations who are deeply concerned such as Great Britain, France, Germany and the United States.

Such an initiative would signal the seriousness with which the 26 NATO nations view the concerns of the international community, and would lend important support to the combined diplomatic efforts underway.

I bring to your attention two quotes which, though not directly in context, demonstrate general thinking on why NATO should begin to prepare to address the potential threats from Iran.

In a speech on November 3, 2005, the Secretary General of NATO, Jaap de Hoop Scheffer, said:

> Either we tackle challenges to our security when and where they are, or they'll end up on our doorstep.

He is absolutely right.

On February 10th of this year, 2006, the Secretary General said at a press conference:

> Iran is of course a very, very, relevant subject for NATO. That Iran can be discussed in NATO, yes.

With a sense of fairness, I point out that in his remarks of February 10, 2006, the Secretary General also said the following:

> We follow the EU–3 in their negotiations with Iran, together with America, we follow Russia, the IAEA, and we have no intention of playing the first violin, or playing any direct or active role in this dispute.

I say, most respectfully, to the Secretary General: Mr. Secretary, the problem of Iran could be on your doorstep very soon, if it is not already there. The time to join the roundtable of diplomacy is now.

As we in the Congress, and others, continue our work and support of NATO, we have got to prepare for the many challenges in this troubled world. We may not know today what some of those challenges may be, but we must keep NATO strong, viable, and forward thinking.

NATO's most valued asset is the respect, confidence, and, above all, the trust people have for its past record of success and future potential.

We sleep better at night knowing that NATO is standing watch.

I say to all who support NATO, we cannot allow ourselves to lapse into an exercise of nostalgia, basking in the greatness of this organization, greatness achieved by our predecessor trustees and respected leaders of NATO, down through the past half century.

In my most recent consultation with General Jones, I recorded a few notes, which I share with you today. We agreed on the following: ''NATO has been and must remain a great alliance. Great alliances do great things. It is possible that NATO's most important days and most important missions lie ahead in the future.''

RECOGNIZING THE INTERNATIONAL EMERGENCY MANAGEMENT ASSISTANCE COMPACT

Ms. SNOWE. Mr. President, I rise in support of this resolution which was drafted by my esteemed colleague from Maine, Senator SUSAN COLLINS, and thank my other colleagues who have cosponsored this resolution. This resolution was previously introduced in the 107th Congress, passed the Senate, but, unfortunately, time ran out in the House of Representatives to be passed. This resolution reflects the resolution introduced in the 107th Congress and is supported by the emergency managers from the participating States.

Disasters know no boundaries. In January 1998, the worst ice storm in our region's history demolished power lines from Quebec, through upstate New York, across Vermont, New Hampshire and Maine, and into the Maritimes. As many as 4 million people were without electricity, some 700,000 for as long as 3 weeks, and damage topped $6 billion. And in August 2003, a blackout left millions of American and Canadian citizens and businesses again without electrical power. These events, and many of the more than 100 federally declared disasters in the Northeast in this past quarter century, have necessitated State and provincial emergency management organizations to request out-of-jurisdiction mutual assistance to deal with the emergency.

In response to the ice storm, in June 1998, the New England Governors Conference and Eastern Canadian Premiers signed and later adopted, in July 2000, the International Emergency Management Assistance Compact, more commonly referred to as the compact. The compact is an arrangement of necessity in providing mutual assistance amongst jurisdictions for managing any type of emergency, or disaster, whether arising from natural, technological, or man-made causes. The State of Maine, along with New Hampshire,

Vermont, Massachusetts, Rhode Island, and Connecticut, has entered into such a compact with the provinces of our good Canadian neighbor of Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland.

This compact arrangement provides the form and structure to the international mutual aid and addresses such issues as liability, payment, et cetera, in advance, before an emergency occurs, allowing for expedited deployment of resources and personnel at the time of the emergency. One crucial lesson learned of Hurricane Katrina is that in the aftermath of such a crisis, emergency responders need to focus on recovery, and not bureaucratic processes and redtape. Having this compact in place enables our emergency responders to focus on their mission of response and to avoid cross-jurisdictional obstacles.

Enhancing an environment of joint communication, coordination and cooperation is crucial for a more secure region and an effective emergency response capability, and an International Emergency Management Group meets regularly to do just this, by implementing the compact and working closely together to develop plans, train and exercise for disasters and emergencies. This compact concept serves the best interests of our citizens of the United States, and of Canada, our good northern neighbor, as well.

In summary, the best way to handle an emergency is to forward plan and to take as many actions of readiness and preparedness as possible, in advance, and as feasible. Our readiness and preparedness capabilities are indeed most enhanced when an obstacle-free platform is created for our emergency responders. This compact arrangement does just that, particularly addressing international and cross-jurisdictional issues. It is for this reason, I urge my fellow colleagues to, again, support this resolution.

LIBYA AND PAN AM BOMBING

Mr. DEWINE. Mr. President, I would like to address the administration's decision to restore full diplomatic relations with Libya and remove it from the list of state sponsors of terrorism. I agree with the President that Libya has made progress in renouncing and fighting terrorism, but we must not overlook that the families of the victims of the Pan Am bombing continue to wait for the remaining compensation from Libya that was agreed to in 2003. We also must not overlook the victims and their families affected by the La Belle bombing in Germany in 1996, when two American servicemembers were killed and many others were severely injured.

I urge the administration to work toward a solution that ensures that the victims' families are fully compensated. At the same time, the Government of Libya should know that as we review this diplomatic proposal over the next several weeks, we will be looking for Libya to continue their forward progress in rejoining the international community. We urge them to make good on their promises to the families who have suffered so much.

TRIBUTE TO LAWRENCE WILLCOX

Mr. KYL. Mr. President, I rise today to offer a tribute to Lawrence Willcox, who has served me admirably for the past 3½ years as staff director of the Senate Republican Policy Committee and, before that, as legislative director and tax counsel in my personal office. Lawrence has made the decision to return to the private sector and pursue a career in tax law.

Lawrence joined my personal staff in 2001, where he served me ably, especially in the tax policy arena. When I was elected chairman of the Policy Committee at the end of 2002, I asked Lawrence to become the staff director. Lawrence has come to be a trusted adviser, and I have appreciated his good work. He promptly and dutifully carried out every task that I charged him with, and he led the staff members of the Republican Policy Committee to achieve a level of excellence that I believe has been of value to Senators and their staff.

During Lawrence's time as staff director, we have produced more than 200 policy papers, and dozens of legislative notices. In each case, our goal was a first-rate product—one that would be thorough, accurate, and reliable—that would serve Senators, their staffers, the press, and the public. I commend him for all of his work and his successes in that regard.

Additionally, Lawrence has served as my agent and adviser on Senate leadership matters. He has attended leadership meetings with me and given me sound counsel. He has also managed and attended the Policy Committee's weekly luncheons.

I should mention that it was Lawrence who instituted the Policy Committee's practice of issuing detailed amendment descriptions in anticipation of every rollcall vote. The reception from this new service has been very positive: It has made the jobs of legislative directors and legislative aides vastly easier in preparing Senators for votes. That is just one example of innovations Lawrence has overseen.

I think it would be fair to suggest that many of my colleagues here today and others in the Senate reading these words in future days would want to join me in thanking him for a job well done. We would not be able to do the work we do were it not for staff members of the caliber of Lawrence Willcox.

Before I close, I note that Lawrence has been in public service for nearly all his working life. In addition to his more than 8 years of experience on Capitol Hill, including 3 years as a staffer in the House of Representatives, he served 5 years active duty as a naval officer, and he has also worked in both the judicial and executive branches, serving in various capacities, including as a law clerk on the U.S. Court of Federal Claims and as a trial attorney in the Department of Justice's Tax Division. Lawrence holds a bachelor's degree from the University of Michigan, a law degree from American University, and a master's degree in tax law, LL.M., from New York University.

Lawrence is a person who is always growing from his experiences, putting his newfound knowledge to work in newer and better ways. So, while I wish him well, I am also confident that he will do well, and I hope to retain his friendship in the years ahead. Thank you, Lawrence.

TRIBUTE TO COAST GUARD AWARD RECIPIENTS

Mr. SESSIONS. Mr. President, I rise today to recognize and pay tribute to the brave men and women of the United States Coast Guard who came to the rescue of the citizens of the Gulf Coast in the wake of Hurricane Katrina. On May 12, 2006, in one of the largest awards ceremonies in Coast Guard history, 95 Coast Guard members received medals for their heroic efforts while rescuing thousands of victims stranded along the central Gulf Coast. The awards ceremony highlighted the Aviation Training Center near the Mobile Regional Airport. The center served as the staging base for more than 50 helicopters conducting rescue operations along the central Gulf Coast and—along with Sector Mobile personnel—is credited with saving more than 4,700 lives in the two weeks after Katrina.

The highest of the four awards presented—the Legion of Merit—went to Capt. David Callahan, commanding officer of the Coast Guard Aviation Training Center, and Capt. James Bjostad, commanding officer of Coast Guard Sector Mobile. They received the award for their outstanding leadership in the aftermath of Katrina.

The Distinguished Flying Cross—the second highest award presented at the ceremony—went to 19 local Coast Guard personnel Commander Michael McCraw, Commander Patrick Gorman, Commander James O'Keefe, Lieutenant Commander Brian Hudson, Lieutenant Commander Jacob Brown, Lieutenant Commander William Sasser, Lieutenant Commander Mark Vislay, Lieutenant Commander Scott Langum, Lieutenant Gregory Houghton, Senior Chief Aviation Survival Technician Christopher Walker, Chief Aviation Survival Technician Martin Nelson, First Class Aviation Survival Technician Timothy

Fortney, First Class Aviation Survival Technician John Williams, First Class Aviation Survival Technician Jason Shepard, Second Class Aviation Survival Technician Brian Doolittle, Second Class Aviation Survival Technician Joel Sayers, Third Class Aviation Survival Technician Mitchell Latta, Third Class Aviation Survival Technician William Lawson and Third Class Aviation Survival Technician Jason Leahr.

The Meritorious Service Medal—the third highest award presented—was pinned on 13 Coast Guard members Captain Edwin Stanton, Commander Barry Compagnoni, Commander Mark Hemann, Commander Jason Fosdick, Commander Bradley Bean, Commander Melvin Bouboulis, Commander Thomas Tardibuono, Commander Ronald Cantin, Lieutenant Commander James Elliot, Chief Warrant Officer Four Thomas Milligan, Chief Warrant Officer Three Kenneth Hardenbrook, Senior Chief Aviation Maintenance Technician Robert Gagliano and Chief Aviation Maintenance Technician Scott Corner.

The Air Medal was awarded to 61 Coast Guard members Lieutenant Commander Christopher Chase, Lieutenant Commander Christopher Conley, Lieutenant Commander Robert DeCoopman, Lieutenant Commander David Edwards, Lieutenant Commander Christian Ferguson, Lieutenant Commander Eric Gleason, Lieutenant Commander Mark Hiigel, Lieutenant Commander Thomas McCormick, Lieutenant Commander Edward Sandlin, Lieutenant Commander Patrick Shaw, Lieutenant Commander Thomas Swanberg, Lieutenant Thomas Bailey, Lieutenant Karen Cagle, Lieutenant Steven Cerveny, Lieutenant Cornelius Cummings, Lieutenant William Dronen, Lieutenant John Druelle, Lieutenant Thomas English, Lieutenant Todd Fisher, Lieutenant Mark Graboski, Lieutenant Wendy Hart, Lieutenant Brian Hopkins, Lieutenant Joseph Klatt, Lieutenant Richard Nameniuk, Lieutenant Stephen Priebe, Lieutenant Michael Rasch, Lieutenant William Strickland, Lieutenant Keith Trepanier, Lieutenant Charles Webb, Lieutenant Martin Simpson, Lieutenant Donnis Waters, Senior Chief Aviation Maintenance Technician John Burns, Senior Chief Aviation Survival Technician Jeffery Tunks, First Class Avionics Electrical Technician Ronald Jester, First Class Avionics Electrical Technician Jon Schroeder, First Class Aviation Maintenance Technician Anthony Johnson, First Class Aviation Survival Technician James Dix, First Class Aviation Survival Technician Blain Elkins, First Class Aviation Survival Technician Jeffrey Galbraith, First Class Aviation Survival Technician Dustin Skarra, Second Class Aviation Survival Technician Jason Edmiston, Second Class Avionics Electrical Technician Benjamin Berman, Second Class Avionics Electrical Technician Charles Lowmaster, Second Class Avionics Electrical Technician Stephanie Sera, Second Class Aviation Maintenance Technician Robert Bradley, Second Class Aviation Maintenance Technician Stevenjohn Conrad, Second Class Aviation Maintenance Technician Stephen Fruzan, Second Class Aviation Maintenance Technician Gabriel Grise, Second Class Aviation Maintenance Technician Michael Lewis, Second Class Aviation Maintenance Technician Karl Williams, Second Class Aviation Maintenance Technician Daniel Hoffmeier, Second Class Aviation Maintenance Technician David Villarreal, Second Class Aviation Survival Technician William Johnson, Second Class Aviation Survival Technician James Farmer, Third Class Aviation Maintenance Technician Richard Amelio, Third Class Aviation Maintenance Technician Joshua Nichols, Third Class Aviation Maintenance Technician Mathew Quiggle, Third Class Aviation Survival Technician Keric Allen, Third Class Aviation Survival Technician Sara Faulkner, Third Class Aviation Survival Technician Jeff Lowe, Third Class Aviation Survival Technician Jonathan Ptak and Third Class Aviation Survival Technician Aaron Raines.

Mr. President, these awards are a small token of the appreciation and thanks that are owed to the dedication to duty and self sacrifice these helicopter crews, technicians and support personnel displayed. The impact of the brave and tireless efforts of these 95 personnel directly impacted the rescue of 50 times their number. These individuals deserve our gratitude, our praise and most importantly our continued support as they conduct on a daily basis, vital rescue and relief missions for the citizens of the Gulf Coast. Thank you for a job well done and for continuing to support our Nation.

ADDITIONAL STATEMENTS

TRIBUTE TO SANDY BUCHANAN

• Mr. BUNNING. Mr. President, today I pay tribute to Sandy Buchanan of Cold Spring, KY, for her 41 years of service and devotion to the Disabled American Veterans. Her steadfast support reinforces her organization's honorable goal of building better lives for America's disabled veterans and their families.

The Disabled American Veterans is a service organization for the brave men and women who have become sick and disabled as a result of wartime military service. Founded in 1920, this organization serves veterans who have fought in combat since World War I.

Ms. Buchanan began work as a keypunch operator for the Disabled American Veterans on October 12, 1964. In her four decades of service, she has helped the organization grow from supporting 178,864 members to representing 1.3 million members. Over the years, she has risen to the position of executive assistant at the National Headquarters in Cold Spring, KY. During her tenure, Ms. Buchanan has served combat veterans of every war and conflict since World War I.

I now ask my fellow colleagues to join me in thanking Ms. Buchanan for her dedication and commitment to the Disabled American Veterans. Her devotion to our Nation's combat heroes serves as an example to all citizens of the Commonwealth.•

CONGRATULATING ST. ELIZABETH MEDICAL CENTER

• Mr. BUNNING. Mr. President, today I rise to congratulate St. Elizabeth Medical Center of northern Kentucky. St. Elizabeth has been named as a magnet hospital by the American Nurses Credentialing Center.

Designation as a magnet hospital by this organization is an extremely prestigious honor, so much so that some have called it the Nobel Prize of hospital nursing. Fewer than 200 providers have received this recognition. This puts St. Elizabeth in the company of only 3 percent of U.S. hospitals.

Just as the award it has received indicates, St. Elizabeth acts as a magnet for nursing. It offers the exceptional quality of nursing care and attracts and retains the most talented nurses. Not only is this good news for St. Elizabeth, but it is good news for the community—they know that if they go to this facility, they will be receiving some of the best care in the country. I am extremely excited that northern Kentucky is receiving the nursing care that it deserves.

I congratulate St. Elizabeth Medical Center on this achievement. Everyone involved with this institution is an inspiration to the citizens of Kentucky. I look forward to all that St. Elizabeth accomplishes in the future.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:53 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5384. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 1736. An act to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies.

The enrolled bill was subsequently signed by the President pro tempore (Mr. STEVENS).

At 3:17 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5403. An act to improve protections for children and to hold States accountable for the safe and timely placement of children across State lines, and for other purposes.

At 4:11 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4681. An act to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5384. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment and with an amended preamble:

S. Res. 301. A resolution commemorating the 100th anniversary of the National Audubon Society.

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 801. A bill to designate the United States courthouse located at 300 North Hogan Street, Jacksonville, Florida, as the ''John Milton Bryan Simpson United States Courthouse''.

S. 2650. A bill to designate the Federal courthouse to be constructed in Greenville, South Carolina, as the ''Carroll A. Campbell, Jr. Federal Courthouse.''

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. WARNER for the Committee on Armed Services. Air Force nomination of Gen. Michael V. Hayden to be General.

(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. ROBERTS:

S. 2994. A bill to provide for the mandatory revocation, in addition to the mandatory denial, of passports of individuals who have a certain level of child support arrearages; to the Committee on Finance.

By Mr. DEMINT:

S. 2995. A bill to suspend temporarily the duty on Butanedioic acid, dimethylester polymer with 4-hyroxy-2,2,6 ,6-tetramethyl-1-piperdine ethanol; to the Committee on Finance.

By Mr. DEMINT:

S. 2996. A bill to suspend temporarily the duty on 2-(2H-Benzotriazol-2-yl)-4,6-bis(1,1-dimethylpropyl)phenol; to the Committee on Finance.

By Mr. DEMINT:

S. 2997. A bill to suspend temporarily the duty on Decanedioic acid, bis(2,2,6,6-tetramethyl-4-piperidinyl) ester; to the Committee on Finance.

By Mr. DEMINT:

S. 2998. A bill to suspend temporarily the duty on 1 ,2-Bis(3-aminopropyl) ethylenediamine, polymer with N-butyl-2,2,6 ,6-tetramethyl-4-piperidinamine and 2,4,6-trichloro-1,3,5-triazine; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. ROCKEFELLER, and Mr. DOMENICI):

S. 2999. A bill to improve protections for children and to hold States accountable for the safe and timely placement of children across State lines, and for other purposes; to the Committee on Finance.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 3000. A bill to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska; to the Committee on Energy and Natural Resources.

By Mr. SPECTER (for himself and Mrs. FEINSTEIN):

S. 3001. A bill to ensure that all electronic surveillance of United States persons for foreign intelligence purposes is conducted pursuant to individualized court-issued orders, to streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, and for other purposes; to the Committee on the Judiciary.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3002. A bill to suspend temporarily the duty on a mixture of barium carbonate, strontium carbonate, calcium carbonate, methoxy-2-propananolacetate-1, for use as emitter suspension cathode coating; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3003. A bill to suspend temporarily the duty on resin cement based on calcium carbonate and silicone resins; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3004. A bill to suspend temporarily the duty on Phosphor YOX, yttrium oxide phosphor, activated by europium; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3005. A bill to suspend temporarily the duty on Phosphor-BAG-barium magnesium aluminate phosphor; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3006. A bill to suspend temporarily the duty on Yttrium vanadate phosphor; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3007. A bill to suspend temporarily the duty on phosphor SCAP strontium chloroapatite-europium; to the Committee on Finance .

By Mr. REID (for Mr. ROCKEFELLER):

S. 3008. A bill to suspend temporarily the duty on preformed pellets of a mixture of sodium iodide, thallium iodide, dysprosium tri-iodide, holmium tri-iodide, thulium tri-iodide, and sometimes calcium iodide; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3009. A bill to suspend temporarily the duty on aluminum nitrate; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3010. A bill to suspend temporarily the duty on Halophosphor calcium diphosphate; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3011. A bill to suspend temporarily the duty on phosphor zinc silicate; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3012. A bill to suspend temporarily the duty on strontium magnesium phosphate-tin doped; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3013. A bill to suspend temporarily the duty on phosphor-YOF FLU PDR YOX; yttrium oxide phosphor, activated by europium; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3014. A bill to suspend temporarily the duty on phosphor-stronrium blue, strontium fluorophosphate, antimony; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3015. A bill to suspend temporarily the duty on calcium halophosphate phosphor activated by manganese and antimony; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3016. A bill to suspend temporarily the duty on ceramic frit powder; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3017. A bill to suspend temporarily the duty on Phosphor Lite White and Phosphor Blue Halo; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3018. A bill to suspend temporarily the duty on Phosphor-SCA, strontium halophosphate doped with europium; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3019. A bill to suspend temporarily the duty on phosphor-cool white small particle calcium halophosphate phosphor activated by manganese and antimony; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3020. A bill to suspend temporarily the duty on phosphor LAP lanthanum phosphate phosphor, activated by cerium and terbium; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3021. A bill to suspend temporarily the duty on Cerous nitrate; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 3022. A bill to suspend temporarily the duty on certain camel hair; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 3023. A bill to suspend temporarily the duty on waste of camel hair; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 3024. A bill to suspend temporarily the duty on certain camel hair carded or combed; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 3025. A bill to suspend temporarily the duty on woven fabric of vicuna hair; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 3026. A bill to suspend temporarily the duty on certain camel hair not processed; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 3027. A bill to suspend temporarily the duty on noils of camel hair; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 3028. A bill to suspend temporarily the duty on kashmir; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 3029. A bill to extend temporarily the suspension of duty on combed cashmere; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Mr. LIEBERMAN, and Mr. KENNEDY):

S. 3030. A bill to extend the period for unemployment compensation under the Katrina Emergency Assistance Act of 2006; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DEWINE:

S. 3031. A bill to suspend temporarily the duty on certain articles of platinum; to the Committee on Finance.

By Mr. DEWINE:

S. 3032. A bill to suspend temporarily the duty on certain nickel alloy wire; to the Committee on Finance.

By Mr. DEWINE:

S. 3033. A bill to suspend temporarily the duty on Methylionone; to the Committee on Finance.

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. 3034. A bill to suspend temporarily the duty on titanium mononitride; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Ms. SNOWE, and Mr. CHAFEE):

S.J. Res. 37. A joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HAGEL (for himself, Ms. MIKULSKI, Mr. DURBIN, Ms. MURKOWSKI, and Mr. VOINOVICH):

S. Res. 491. A resolution recognizing the accomplishments of Ignacy Jan Paderewski as a musician, composer, statesman, and philanthropist, and commemorating the 65th anniversary of his death on June 29, 1941; to the Committee on Foreign Relations.

By Mr. BAUCUS:

S. Res. 492. A resolution to amend the Standing Rules of the Senate to prohibit Members from using charitable foundations for personal gain; to the Committee on Rules and Administration.

By Mr. DEWINE (for himself and Mr. DODD):

S. Res. 493. A resolution calling on the Government of the United Kingdom to establish immediately a full, independent, public judicial inquiry into the murder of Northern Ireland defense attorney Pat Finucane, as recommended by international Judge Peter Cory as part of the Western Park agreement and a way forward for the Northern Ireland Peace Process; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 380

At the request of Ms. COLLINS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 380, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 457

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. 457, a bill to require the Director of the Office of Management and Budget to issue guidance for, and provide oversight of, the management of micropurchases made with Governmentwide commercial purchase cards, and for other purposes.

S. 577

At the request of Ms. COLLINS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 577, a bill to promote health care coverage for individuals participating in legal recreational activities or legal transportation activities.

S. 660

At the request of Mrs. DOLE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 660, a bill to provide for the acknowledgement of the Lumbee Tribe of North Carolina, and for other purposes.

S. 760

At the request of Mr. INOUYE, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 760, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 770

At the request of Mr. LEVIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 770, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

S. 1479

At the request of Mr. DODD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1479, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1507

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1507, a bill to protect children from Internet pornography and support law enforcement and other efforts to combat Internet and pornography-related crimes against children.

S. 1948

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

S. 2135

At the request of Mr. INOUYE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2135, a bill to direct the Secretary of Transportation to report to Congress concerning proposed changes to longstanding policies that prohibit foreign interests from exercising actual control over the economic, competitive, safety, and security decisions of United States airlines, and for other purposes.

S. 2140

At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2302

At the request of Mr. INHOFE, his name was added as a cosponsor of S. 2302, a bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes.

S. 2306

At the request of Mr. LEVIN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2306, a bill to amend the National Organ Transplant Act to clarify that kidney paired donation and kidney list donation do not involve the transfer of a human organ for valuable consideration.

S. 2321

At the request of Mr. SANTORUM, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2424

At the request of Mr. ALLEN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2424, a bill to amend the Internal Revenue Code of 1986 to increase the contribution limits for health savings accounts, and for other purposes.

S. 2435

At the request of Mr. LUGAR, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Delaware (Mr. BIDEN), the Senator from West Virginia (Mr. BYRD) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 2435, a bill to increase cooperation on energy issues between the United States Government and foreign governments and entities in order to secure the strategic and economic interests of the United States, and for other purposes.

S. 2467

At the request of Mr. GRASSLEY, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 2467, a bill to enhance and improve the trade relations of the United States by strengthening United States trade enforcement efforts and encouraging United States trading partners to adhere to the rules and norms of international trade, and for other purposes.

S. 2503

At the request of Mrs. LINCOLN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2503, a bill to amend the Internal Revenue Code of 1986 to provide for an extension of the period of limitation to file claims for refunds on account of disability determinations by the Department of Veterans Affairs.

S. 2563

At the request of Mr. COCHRAN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2563, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA–PD plans under such part.

S. 2566

At the request of Mr. LUGAR, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Michigan (Mr. LEVIN), the Senator from Vermont (Mr. LEAHY) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2566, a bill to provide for coordination of proliferation interdiction activities and conventional arms disarmament, and for other purposes.

S. 2658

At the request of Mr. LEAHY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2658, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 2784

At the request of Mr. GRAHAM, his name was added as a cosponsor of S. 2784, a bill to award a congressional gold medal to Tenzin Gyatso, the Fourteenth Dalai Lama, in recognition of his many enduring and outstanding contributions to peace, non-violence, human rights, and religious understanding.

S. 2810

At the request of Mr. GRASSLEY, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 2810, a bill to amend title XVIII of the Social Security Act to eliminate months in 2006 from the calculation of any late enrollment penalty under the Medicare part D prescription drug program and to provide for additional funding for State health insurance counseling program and area agencies on aging, and for other purposes.

S. 2970

At the request of Mr. KERRY, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Iowa (Mr. HARKIN), the Senator from California (Mrs. BOXER), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 2970, a bill to require the Secretary of Veterans Affairs to provide free credit monitoring and credit reports for veterans and others affected by the theft of veterans' personal data, to ensure that such persons are appropriately notified of such thefts, and for other purposes.

S. CON. RES. 20

At the request of Mr. COCHRAN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Con. Res. 20, a concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and support for the designation of a National Brain Injury Awareness Month.

S. CON. RES. 84

At the request of Mr. KYL, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. Con. Res. 84, a concurrent resolution expressing the sense of Congress regarding a free trade agreement between the United States and Taiwan.

S. RES. 182

At the request of Mr. COLEMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 182, a resolution supporting efforts to increase childhood cancer awareness, treatment, and research.

S. RES. 224

At the request of Mr. DEWINE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 224, a resolution to express the sense of the Senate supporting the establishment of September as Campus Fire Safety Month, and for other purposes.

S. RES. 405

At the request of Mr. HAGEL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 405, a resolution designating August 16, 2006, as ''National Airborne Day''.

S. RES. 462

At the request of Mr. GRASSLEY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 462, a resolution designating June 8, 2006, as the day of a National Vigil for Lost Promise.

S. RES. 485

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 485, a resolution to express the sense of the Senate concerning the value of family planning for American women.

AMENDMENT NO. 4045

At the request of Mr. HAGEL, his name was added as a cosponsor of amendment No. 4045 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4071

At the request of Mr. BOND, the names of the Senator from Texas (Mrs.

HUTCHISON), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Virginia (Mr. ALLEN), the Senator from Montana (Mr. BURNS), the Senator from Oklahoma (Mr. COBURN), the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of amendment No. 4071 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4083

At the request of Mr. FEINGOLD, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 4083 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4114

At the request of Mr. GREGG, the names of the Senator from Tennessee (Mr. FRIST) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of amendment No. 4114 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4124

At the request of Mr. BURNS, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 4124 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4127

At the request of Mr. BYRD, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of amendment No. 4127 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4144

At the request of Mrs. BOXER, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 4144 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4167

At the request of Mr. COLEMAN, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 4167 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4175

At the request of Ms. STABENOW, her name was added as a cosponsor of amendment No. 4175 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4178

At the request of Mr. BAUCUS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 4178 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROBERTS:

S. 2994. A bill to provide for the mandatory revocation, in addition to the mandatory denial, of passports of individuals who have a certain level of child support arrearages; to the Committee on Finance.

Mr. ROBERTS. Mr. President, I rise today to offer legislation that helps to prevent children from living in poverty and ensures that noncustodial parents pay child support, instead of fleeing off to hide from their responsibilities. I commend my fellow Kansas colleagues, Congressman JERRY MORAN and Congressman DENNIS MOORE, for introducing similar legislation in the House.

The problem is this: a noncustodial parent could potentially avoid paying their responsible share of child support by leaving the country. State child support enforcement agencies must certify cases to the State Department for passport denial if the child support debt is over $5,000. The $5,000 is slated to be reduced in October 2006 to $2,500 in accordance with Public Law 109–171. The loophole that emerges is for those deadbeat parents who already have a passport. Under current implementation of the law, the next opportunity point of enforcement is at the renewal of the passport, which could be several years down the road. The legislation I offer today closes that loophole, and simply instructs the State Department to revoke, in addition to denying, a noncustodial parent's passport once the individual's child support debt exceeds the amount set in law.

Studies show that the receipt of child support is a key factor that keeps a child and single parent family from living in or near poverty. Beyond that financial security that steady child support provides, there is a greater likelihood that the noncustodial parent is personally involved in their child's life. If a parent shows responsibility financially, there is a bigger chance that he or she is involved emotionally. The impact of a noncustodial parent's involvement in his child's life, in many cases, results in better grades and fewer behavioral problems.

In Kansas alone, there are currently 131,000 child support cases open, including those receiving public assistance, and those above that income bracket. Last year, the Kansas Child Support Enforcement program collected $156 million in child support. However, that number represents only 54 percent of all payments owed to children. Unfortunately, that missing 46 percent of child support overdue averages out to just over $7,000 per child. That is quite a loss for a single-parent's household budget to absorb.

Now, you might ask: What percentage of the population will this help? I would concede that, although this may not impact a high percentage of those children and families receiving child support, the impact on an individual family is very significant. According to my State's limited records on this issue, approximately 50 passport applications and renewals are denied on a yearly basis. That figure does not include those passports that should be revoked. Coupled with the upcoming reduction in allowable debt, the Kansas Child Support Enforcement Program estimates that the number of deadbeat parents affected would increase to 250. The security afforded by the steady stream of child support could be the lone determinant of a family living in poverty or existing on adequate financial ground.

I encourage my colleagues to add their support to this important fix. We must ensure that the tools provided to the States have the teeth necessary to discourage deadbeat parents from running out on their financial responsibilities.

By Mr. DEWINE (for himself, Mr. ROCKEFELLER, and Mr. DOMENICI):

S. 2999. A bill to improve protections for children and to hold States accountable for the safe and timely placement of children across State lines, and for other purposes; to the Committee on Finance.

Mr. DEWINE. Today I join with my colleagues Senator ROCKEFELLER and Senator DOMENICI to introduce the Safe and Timely Interstate Placement of Foster Children Act of 2006. I am proud to have had the opportunity to again work with my friend, Senator ROCKEFELLER, on the important issues affecting the most vulnerable and at risk children—children in foster care. This is an important bill and I hope we will be able to pass swiftly.

In 1997, I worked on the Adoption and Safe Families Act, an important bill that worked to provide timelier placement of children in foster care. Since that time, it has been successful. Dramatically more children are being adopted. Children are spending less time languishing in foster care and have greater opportunities to find a permanent home or family. However, there are barriers that remain for children in foster care—particularly for children who are placed across state lines for various reasons—including trying to place them with family members or if a family in another state is looking to adopt that child. These children are shown to continue to remain in foster care for much longer periods of time. Through no fault of their own—they wait for placement and wait

for a permanency in their lives that children long for and deserve.

I also want to thank the work that the States have done to alleviate the problems we currently find in interstate placement. This has been a problem for many years, but recently States have been active in creating and promulgating guidelines for dealing with complications that can arise related to interstate placement. I hope that we can see these guidelines soon implemented. The primary power to move these children to homes rests with the States, and we want to encourage their quick action.

This bill will require and support States in the expeditious study of homes for children in foster care who may be placed or adopted across State lines. This bill would allow a 60-day period for such study to occur—while 2 months is a long time in the life of a child, we feel that it is an appropriate balance between the needs of the State and child welfare agencies to conduct thorough assessments and the needs of the child to be in a more permanent home.

This bill also expresses the sense of the Congress that States should accept the home study evaluations done by another State. This would go a long way to reduce time waiting for placement and redundancy of effort in the child welfare system.

Importantly, this bill is not just another mandate on States. This bill would provide resources to enhance and speed up their systems for interstate placement—but States do have to earn it. If passed, it would provide $1,500 per child who was placed within a 30-day period. States can use this money to improve their systems for placement, hire more staff to conduct placement, or otherwise use it for improvement of services for foster children in their State.

This bill will also improve the rights of children and their foster, pre-adoptive parents, or family caregivers to be heard in court proceedings concerning their case within the child welfare system. It is important that a child's needs are appropriately represented and this bill will work to ensure that the parties most involved in the child's life are present when important matters are being considered. Courts will also be required to work more closely with their counterparts in other States when the situation warrants. The judges who work with the child welfare system hold so much power in so many children's lives. We must continue to encourage their cooperation with outside stakeholders, including child welfare systems and court systems in other States, to quickly move these children to permanent homes. There is no excuse for a child to languish in a system for months and sometimes years of their lives due to court inaction or delay.

Again, I want to thank my colleagues for their work and support of these efforts. I am confident that we can work together to quickly pass this legislation and put it to work for our Nation's children.

Mr. ROCKEFELLER. Today, I rise to join my colleagues Senators DEWINE and DOMENICI to introduce the Safe and Timely Interstate Placement of Foster Children Act of 2006. This is a bipartisan initiative that I have been working on for several years.

This legislation could help to deliver on the promises made in the Adoption and Safe Families Act of 1997 which stated that geographic barriers should not delay or deny adoptions. Unfortunately, data continues to suggest that it can take twice as long for a child to leave foster care to an out-of-state placement. When a child leaves foster care and goes out of state, half of the time the child is being adopted and gaining a permanent home. In about twenty percent of the cases, a child is being placed with a parent or caretaker. These are good, permanent options for children, and it should not take twice as long to achieve such a placement.

This new legislation could provide incentives for States to process these out-of-state claims more quickly. In my view, this complements and builds upon actions by many States to update the 1960 Interstate Compact for the Placement of Children. The purpose of this legislation is to add specific timeframes and to provide federal incentives to achieve the goal set in 1997 of reducing and eliminating geographic barriers.

As technology has vastly improved, and more families seek to open their hearts and homes to children in foster care, we need improved regulations and policies to serve such families. This legislation is part of the DeWine-Rockefeller bill, called the ''We Care Kids Act''. Thanks to the leadership of Chairman GRASSLEY, the major provisions of We Care Kids Act were included in the reconciliation package to invest in court training and data to help judges have insight and the information needed to care for the vulnerable children in foster care. But action could not be taken to improve interstate case planning within the reconciliation bill. In 2004, similar legislation passed the House of Representatives. Today, we are re-introducing the legislation for timely placements of children across state lines. Hopefully the Senate will act, and we can help children in foster care get a permanent home in a timely manner.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 3000. A bill to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska; to the Committee on Energy and Natural Resources.

Mr. STEVENS. Mr. President, I rise today to introduce legislation which will resolve an ongoing dispute in our State concerning rights of way in the Copper River Valley region.

In 1906, Congress passed the Alaska Native Allotment Act, which allowed Alaska Natives to each claim up to 160 acres of land. Between 1906 and 1970, Alaska Natives filed allotment applications. The majority of these were filed in the late 1960s. In 1971, Congress repealed the Alaska Native Allotment Act as part of the Alaska Native Claims Settlement Act. Congress then resolved all outstanding land claims by approving pending applications in the 1980 Alaska National Interest Lands Conservation Act. This approval was subject to valid existing rights.

When it settled the outstanding land claims in our State, Congress unintentionally created an issue which is now the subject of several lawsuits. In the 1950s and 1960s, the Federal Government and the State of Alaska granted rights of way to the Copper Valley Electric Association to run power lines across areas in our State which were later claimed by Alaska Natives. These rights were conveyed before Alaska Native allotment claims had been filed and processed.

Since outstanding land claims were approved through ANILCA in 1980, several Native allottees have come forward and claimed the Copper Valley Electric Association is trespassing on their lands. In 1987, the Interior Board of Land Appeals affirmed this position, finding Native allotees have priority over other competing uses of land—in this case, those of the utility company—regardless of the fact that the rights of way were granted prior to the conveyance of the property in question to the allotees. This situation is still unresolved and has resulted in years of litigation.

We have been unable to settle these disputes through existing remedies. These conflicts now jeopardize existing transportation and utility corridors. This issue threatens future infrastructure development in the region.

At my request, the Government Accountability Office, GAO, reviewed this situation. The GAO issued its report and recommended solutions. This bill incorporates the GAO's recommendation. It compensates the owners of the Native allotments, while ensuring that the utility companies are able to provide residents with the infrastructure and services they need. I believe this is the most equitable solution available, and I urge the Senate to pass this bill.

By Mr. SPECTER (for himself and Mrs. FEINSTEIN):

S. 3001. A bill to ensure that all electronic surveillance of United States

persons for foreign intelligence purposes is conducted pursuant to individualized court-issued orders, to streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, and for other purposes; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition to introduce the Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006.

First, I would like to thank Senator FEINSTEIN and her staff for their work on what I believe is an excellent and much needed proposal.

No one disputes that preserving our homeland must be our first priority. Without that, every other goal falls away. And no one can dispute that the enemy we face today is an enemy beyond negotiation. It is an enemy that believes it is on a mission from God to establish a worldwide theocracy and destroy all those who preach tolerance of other ideas. It is an enemy that regards mercy as a moral failing, and proudly plays videotapes of its followers beheading innocent civilians.

At the same time, no one disputes that we must, in fighting to preserve America, ensure that we protect what is uniquely American—our way of life, our principles, and our belief in liberty. Throughout our history, we have balanced the need to protect our Nation with the need to preserve our freedom.

No one disputes that we must continue to achieve both of these ends. The question is how to do so.

I believe that the Foreign Intelligence Surveillance Improvement and Enhancement Act goes a long way to answering this question. It is a responsible bill that establishes a workable framework for the future.

This bill eliminates some artificial and outdated constraints in FISA:

It grants the executive branch 7 days, instead of 3 days, for seeking an emergency order—a change that the FISA judges who testified before the Judiciary Committee advocated; it cuts through redtape by confirming that applications for FISA orders may be made by delegees of the Attorney General, such as the Deputy Attorney General and Assistant Attorney General of the National Security; it creates new emergency provisions, allowing extended periods of surveillance in the event our Nation is once again attacked; and it allocates additional personnel to DOJ to prepare applications for FISA orders in a prompt and timely manner.

This bill also ensures that our civil liberties are protected by strengthening oversight of the executive branch:

It eliminates the current ambiguity in FISA and the National Security Act of 1947, and makes it clear the executive branch must inform all members of the Senate and House Intelligence Committees on all electronic surveillance programs; it requires the executive branch to submit an additional report to the congressional Intelligence Committees listing any recommendations for legislative or administrative improvements in FISA, so that we in Congress can update FISA as needed; it establishes rigorous reporting requirements for the exercise of emergency surveillance powers; and it establishes a document management system to ensure that information concerning electronic surveillance programs is readily available for review by the Foreign Intelligence Surveillance Court and Congress, to allow for short term decisions and long-term accountability.

I do have one concern over the bill, a concern over constitutionality. The bill states that the only way the President may carry out electronic surveillance is through the procedures outlined in FISA or the Federal Criminal Code. During the four hearings I held in the Senate Judiciary Committee, numerous scholars and five FISA judges called this provision into question. They testified that the President has certain inherent powers that we in Congress cannot take away. They explained that to the extent a bill purports to override the President's inherent powers, and tell the President that he may not use them, the bill might be unconstitutional.

I think this is precisely the type of complex and weighty concern that we should work out in the Judiciary Committee, through study, analysis, and discussion. And I look forward to having those discussions with Senator FEINSTEIN and the other members of the committee.

I urge my colleagues to support the Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006.

Mrs. FEINSTEIN. Mr. President. I am pleased today to introduce legislation with Senator SPECTER to reaffirm the exclusivity of the Foreign Surveillance Intelligence Act of 1978, FISA, and streamline the process by which it works.

This measure brings the so-called Terrorist Surveillance Program being conducted by the National Security Agency under the process required by FISA. The bill will enhance our national security and provide constitutional protections against government intrusion into the privacy of ordinary Americans.

Specifically, the bill that we introduce today would:

Restate, in no uncertain terms, that FISA is the exclusive means by which our Government can conduct electronic surveillance of U.S. persons on U.S. soil for foreign intelligence purposes;

Expressly state that there is no such thing as an ''implied'' repeal of our FISA laws. No future bill can be interpreted as authorizing an exception from FISA unless it expressly makes such exception;

Increase flexibility under FISA by extending the period of emergency electronic surveillance from 72 hours to 7 days, which should cover all contingent needs; and

Authorize designated supervisors at the NSA and the FBI to initiate emergency electronic surveillance, provided that the surveillance is reported to the Attorney General within 24 hours, and approved by the AG within 3 days and the FISA Court within 7 days. The purpose of this is to prevent bureaucratic delay in an emergency circumstance.

In addition to these major provisions, the legislation we introduce today makes several additional changes to reinforce FISA's exclusivity and adapt existing FISA authorities and procedures.

These changes are designed to allow applications to move faster from the field to the FISA Court, and to allow that Court to handle any increased caseload that will result from bringing the current NSA program into the FISA regime.

These additional authorities, streamlined procedures, and additional resources respond directly to needs described by the Attorney General, current and former FISA Court judges, and outside experts. Specifically, the bill:

Allows the Attorney General to delegate his authority to approve applications going to the FISA Court to two other Senate-confirmed Justice Department officials;

Takes FISA's current allowance for 15 days of warrantless electronic surveillance following a declaration of war and extend it to the 15 days:

1. Following a Congressional authorization to use military force, or

2. A major terrorist attack against our nation for the same period of time.

Authorizes additional personnel at the NSA, the FBI, the Department of Justice, and the FISA Court, to reduce the time it takes to initiate, review, and file a FISA application.

Allows for additional judges to the FISA Court as needed to manage the caseload;

Facilitates a review of the FISA application process, culminating in a report designed to eliminate any unnecessary delay in the filings; and

Mandates the creation of a secure, classified document management system to facilitate electronic filing.

In addition to reaffirming FISA's exclusivity, as I mentioned before, the legislation:

Prohibits the use of Federal funds for any future electronic surveillance of U.S. Persons that does not fully comply with the law; and

Requires that the full Intelligence Committees be briefed on all electronic surveillance, and related, programs.

We are in a war against terrorists, who seek to attack us in unpredictable and asymmetric ways.

Intelligence is the key to our defense; we must know about the terrorists' intentions and capabilities to do us harm if we are to stop them.

Electronic surveillance, including surveillance conducted within the United States on U.S. persons, is part of our defense. The men and women at the NSA and the FBI who do this work are careful, dedicated officials.

But even in this war on terror, we should not sacrifice basic protections enshrined in the Constitution, including the fourth amendment protections against unreasonable search and seizures.

The FISA Court was created in 1978, following the Church Committee's investigation of some of our Government's worst civil rights violations—J. Edgar Hoover's spying on Martin Luther King, Jr., and Vietnam-era ''enemies lists,'' for example. These abuses were the result of domestic spying—electronic surveillance—under the guise of foreign intelligence.

In response, Congress, working with both the Ford and Carter administrations, drafted and later enacted FISA in 1978 to be the exclusive means to conduct electronic surveillance of U.S. persons. It created a special court—operating in secret—that has to approve a warrant for every domestic wiretap, and provides for careful congressional oversight.

Over the years, this FISA court has rejected only a small handful of thousands of warrant requests, and has never had a significant leak. After the PATRIOT Act was passed in October 2001, for example, the Justice Department stated that FISA has worked efficiently and well.

In the past 28 years, technology has changed, as have our enemies. And from time to time, when requested by various administrations, we have made technical changes to FISA.

But the need to protect privacy rights by requiring individual warrants from a FISA judge, and the exclusivity of FISA, have remained constant.

The domestic electronic surveillance that has been conducted since October 2001 operates, for the most part, outside of the law. In addition, the way the administration has moved forward with this program has brought us to the brink of a constitutional confrontation.

The legislation that Senator SPECTER and I are introducing today brings the surveillance program under appropriate supervision and restores the checks and balances between the branches of government.

As one who has been briefed on the details of the NSA surveillance program, I have come to believe that this surveillance can be done, without sacrifice to our national security, through court-issued individualized warrants for all content collection of U.S. persons under the FISA process.

Further, testimony and letters from the Attorney General, former Director of the NSA General Hayden, and other administration officials have provided no reason, other than that of timeliness, why the NSA program couldn't proceed under the FISA regime.

This legislation would help transform the FISA process into one agile enough to meet the administration's need for timely action, while also preserving judicial oversight and our important constitutional privacy protections.

In an April 6 hearing before the House Judiciary Committee, Attorney General Gonzales openly suggested that warrants might have been obtainable for everything that the NSA is doing, and then testified that the main ''problem'' he saw with FISA was one of ''timing.''

After the Attorney General's testimony, I wrote to him asking him why these timing problems could not be addressed directly, so that we could return to the FISA process followed by all Presidents since Jimmy Carter.

The Justice Department's response does not provide a reason why FISA's timing problems are incapable of being fixed. All it demonstrates is that this administration is not interested in trying to fix them.

This bill addresses all of the concerns noted in the Attorney General's letter.

The primary concern raised was that current law requires the Attorney General to determine that FISA's factual predicates have been met before authorizing the surveillance to begin. In other words, he suggests that there is important surveillance he might delay, or even avoid, if he must determine in advance that a court will grant approval. But this bill eliminates the requirement for Attorney General approval before surveillance begins.

Under this bill, if the circumstances warrant, an Attorney General-designated supervisor of the NSA or FBI can begin emergency surveillance immediately. The designated officer would have to notify the Attorney General's office within 24 hours of starting, and then get approval from the AG within 72 hours. The Department of Justice would then need to obtain an emergency warrant from the FISA court within 7 days of the initiation of surveillance.

The Attorney General's role would simply be to decide whether to stop the surveillance—not authorize it on the front end. And even on this decision to stop surveillance, the bill allows him to delegate that decision to two other Department of Justice officials. If the Court does not issue a warrant, the information cannot be used in any legal proceeding.

This provision is respectful of the administration's needs. The 7-day emergency window in this bill more than doubles the existing 3-day period that exists for emergencies now. It also extends substantial additional resources to the Department of Justice and the intelligence agencies. And as I say, our bill expressly authorizes a designated agent to go ahead with necessary surveillance right away.

The Attorney General's letter also asserts that FISA is unworkable because prompt action increases the chance that the target of surveillance may ultimately be notified if the FISA Court later turns down the warrant.

The risk here is no different than the risk every prior Administration has faced. And it is also infinitesimal, since only a small handful of FISA applications—only 4 out of 18,747 from 1979–2005, according to press reports—have ever been refused by the FISA Court.

Even in the extremely rare case of where a FISA Court denies an emergency warrant, and therefore directs notification of the target of surveillance, the FISA law has a provision that exempts the Attorney General from notifying the target if he certifies that doing so would imperil national security.

Despite the remote chances of national security being compromised, the legislation gives the Attorney General the benefit of the doubt, and provides that if the Attorney General or his designees stops the NSA or FBI surveillance within 72 hours, the target of surveillance will not be notified.

Beyond the Attorney's General letter, the White House, the Department of Justice, and intelligence officials say that court review of the surveillance is not necessary for three reasons:

First, they argue that the President has the constitutional authority to order the surveillance, regardless of statutory prohibitions. This is a question for the courts to decide.

It is highly debatable whether the President has plenary article II constitutional power, but even if he does, he clearly does not have plenary authority to decide which of his powers are plenary. If he did, any Executive Branch official could open mail, or enter homes at any time without a warrant in the name of national security, and the doctrine of separation of powers as we know it would end.

Secondly, the administration argues that the NSA electronic surveillance program is subject to numerous reviews and safeguards at both the Department of Justice and the National Security Agency, thus making outside oversight unnecessary.

This argument flies in the face of our system of government. We have three separate branches of government, each with checks and balances on the other two. The framers of the Constitution did not vest the Executive Branch with the right to oversee itself; that is the responsibility of the Congress and the Courts.

We have also recently seen how this arrangement of internal reviews, even if it were acceptable, simply does not work. Within the Department of Justice, the Office of Professional Responsibility was recently asked to review the legality of the activities of those involved in the surveillance program outside of FISA, but we have learned that OPR was denied the security clearances needed to do their work.

Finally, as I noted before, the Executive Branch says that outside review by the Congress and the courts would hamstring their ability to prevent terrorist attacks. I do not believe that is true, based on the briefings I have received, but even if it were, the answer is to amend FISA, not to throw it out. The FISA law has been changed since September 11 through the PATRIOT Act and the renewal of the PATRIOT Act. It can be done again. In short, if the President sees problems with an existing law, the simple answer is that he should ask to change it—not refuse to follow the law.

This war on terror will be a long war, and it will be mostly fought in the shadows.

It is thus especially important that the Congress and the American people be assured that we are waging that war in a way that upholds our principles and follows the Constitution.

I believe that our national security and core privacy interests can both be protected, given the right tools and authorities, if each branch of government will work together to fulfill their respective roles and obligations.

Congress was able to do that more than 25 years ago when it first enacted FISA, and I am confident we can do it again today.

I have been waiting for the NSA to submit views regarding metadata—that is, information about communications that does not include content. It is my strong belief that any and all metadata collection programs should be approved by FISA on a program basis. I would hope to add such a provision to this bill at a later time or to introduce a new bill to cover this subject.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Ms. SNOWE, and Mr. CHAFEE):

S.J. Res. 37. A joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding; to the Committee on the Judiciary.

Ms. COLLINS. Mr. President, I am very pleased to join my distinguished colleagues, the Senator from Connecticut, Mr. LIEBERMAN, the senior Senator from Maine, Ms. SNOWE, and Senator CHAFEE in introducing this joint resolution, which would affirm the Senate's commitment to recognize the International Emergency Management Assistance Compact, IEMAC. The purpose of IEMAC is to provide mutual assistance among the States of the Northeastern United States and the Provinces of eastern Canada for responding to any type of disaster, whether arising from natural or man-made causes.

A number of recent disasters and emergencies have necessitated mutual aid and assistance among the Northeastern States and eastern Canadian Provinces. For example, both the January 1998 ice storm and the August 2003 blackout left millions of people without electrical power, knocked out public water supplies and other essential services, and caused billions of dollars in property damage or business losses. In the past quarter century alone, there have been more than 100 presidentially declared disasters and emergencies in the Northeast, or, on average, about four per year. Many of these events required State and Provincial emergency management organizations to request out-of- jurisdiction mutual assistance to deal with the emergency.

The importance of mutual assistance was made clear by Hurricane Katrina, in which 44 States and the District of Columbia received presidential emergency declarations. This was the largest number of declarations ever made for a single disaster in FEMA history. Most of these declarations were not the result of States receiving direct damage from the storm but rather because they reached out to assist the devastated States through the nationwide Emergency Management Assistance Compact, EMAC, sending personnel, equipment and supplies into the stricken areas. In addition, numerous host States opened shelters to assist hurricane evacuees.

The genesis of IEMAC was the 1998 ice storm. The worst ice storm in our region's history demolished power lines from Quebec, through upstate New York, across Vermont, New Hampshire and Maine. As many as 4 million people were without electricity, some 700,000 people for as long as 3 weeks, and damage topped $6 billion.

The following June, the New England Governors Conference and Eastern Canadian Premiers signed Resolution No. 23–5 to adopt an International Emergency Management Assistance Agreement. The resulting memorandum of understanding was adopted by the conference in July 2000. In October of 2004, the memorandum of understanding was the renamed International Emergency Management Assistance Compact. The Governors and Premiers established the International Emergency-Management Group, IEMG, to implement the compact and to work closely developing plans to train and exercise for disasters and emergencies that could affect the Northeastern States and Provinces. The Management Group meets regularly and has recently developed a draft operational manual to fully implement the compact, which is slated to be approved at the IEMG meeting in Quebec this month.

The members of the compact are the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, and the Provinces of Québec, New Brunswick, Prince Edward Island, Nova Scotia, and Newfoundland. Other States and Provinces may join the compact in the future.

IEMAC provides form and structure to international mutual aid between the Northeastern States and eastern Canadian Provinces. It addresses such issues as liability, payment, and credentialing before the emergency occurs, which allows for expedited deployment of resources and personnel in time of emergency. Working out the myriad legal and technical details in advance is especially important when resources and personnel must cross international boundaries.

The value of the compact already has been demonstrated. When Hurricane Juan slammed into Nova Scotia in late September of 2003, partners in the existing memorandum of understanding provided quick and substantial aid to the stricken province. When Nova Scotia, still recovering from the hurricane, was hit again just a few months later by ''White Juan,'' a powerful blizzard, effective mutual aid again alleviated the suffering.

The compact was formed in the aftermath of a powerful ice storm, but the terrorist attacks of 9/11 amplified its importance. The Northeastern United States and eastern Canada are home to major population centers, vast industrial facilities, major cargo ports, and nuclear power plants—all potential terrorist targets. In the event of an attack, tighter border security would be both inevitable and necessary, and the prearrangements made through the compact would be invaluable.

The role of the compact is ever expanding. There are a multitude of threats facing the Northeast States and eastern Canadian Provinces today, and the close working relationship of the member jurisdictions fosters a cooperative environment and creates a strong partnership. These strong bonds contribute to the goals of a more secure region and an effective response capability when a disaster or emergency does occur.

As has been seen numerous times in the past, disasters know no boundaries—municipal, State, provincial or international. I ask you to join me in adopting the International Emergency Management Assistance Compact so that in a time of disaster the boundaries that separate jurisdictions are not barriers to cooperation.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 37

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

SECTION 1. CONGRESSIONAL CONSENT.

Congress consents to the International Emergency Management Assistance Memorandum of Understanding entered into between the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut and the Provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland. The compact is substantially as follows:

"Article I—International Emergency Management Assistance Memorandum of Understanding Purpose and Authorities

''The International Emergency Management Assistance Memorandum of Understanding, hereinafter referred to as the 'compact,' is made and entered into by and among such of the jurisdictions as shall enact or adopt this compact, hereinafter referred to as 'party jurisdictions.' For the purposes of this agreement, the term 'jurisdictions' may include any or all of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut and the Provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland, and such other states and provinces as may hereafter become a party to this compact.

''The purpose of this compact is to provide for the possibility of mutual assistance among the jurisdictions entering into this compact in managing any emergency or disaster when the affected jurisdiction or jurisdictions ask for assistance, whether arising from natural disaster, technological hazard, manmade disaster or civil emergency aspects of resources shortages.

''This compact also provides for the process of planning mechanisms among the agencies responsible and for mutual cooperation, including, if need be, emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party jurisdictions or subdivisions of party jurisdictions during emergencies, with such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of emergency forces by mutual agreement among party jurisdictions.

"Article II—General Implementation

''Each party jurisdiction entering into this compact recognizes that many emergencies may exceed the capabilities of a party jurisdiction and that intergovernmental cooperation is essential in such circumstances. Each jurisdiction further recognizes that there will be emergencies that may require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency because few, if any, individual jurisdictions have all the resources they need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

''The prompt, full, and effective utilization of resources of the participating jurisdictions, including any resources on hand or available from any other source that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster, shall be the underlying principle on which all articles of this compact are understood.

''On behalf of the party jurisdictions participating in the compact, the legally designated official who is assigned responsibility for emergency management is responsible for formulation of the appropriate inter-jurisdictional mutual aid plans and procedures necessary to implement this compact, and for recommendations to the jurisdiction concerned with respect to the amendment of any statutes, regulations, or ordinances required for that purpose.

"Article III—Party Jurisdiction Responsibilities

''(a) FORMULATE PLANS AND PROGRAMS.—It is the responsibility of each party jurisdiction to formulate procedural plans and programs for inter-jurisdictional cooperation in the performance of the responsibilities listed in this section. In formulating and implementing such plans and programs the party jurisdictions, to the extent practical, shall—

''(1) review individual jurisdiction hazards analyses that are available and, to the extent reasonably possible, determine all those potential emergencies the party jurisdictions might jointly suffer, whether due to natural disaster, technological hazard, manmade disaster or emergency aspects of resource shortages;

''(2) initiate a process to review party jurisdictions' individual emergency plans and develop a plan that will determine the mechanism for the inter-jurisdictional cooperation;

''(3) develop inter-jurisdictional procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans;

''(4) assist in warning communities adjacent to or crossing jurisdictional boundaries;

''(5) protect and ensure delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services and resources, both human and material to the extent authorized by law;

''(6) inventory and agree upon procedures for the inter-jurisdictional loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness; and

''(7) provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances, over which the province or state has jurisdiction, that impede the implementation of the responsibilities described in this subsection.

''(b) REQUEST ASSISTANCE.—The authorized representative of a party jurisdiction may request assistance of another party jurisdiction by contacting the authorized representative of that jurisdiction. These provisions only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request must be confirmed in writing within 15 days of the verbal request. Requests must provide the following information:

''(1) A description of the emergency service function for which assistance is needed and of the mission or missions, including but not limited to fire services, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.

''(2) The amount and type of personnel, equipment, materials, and supplies needed and a reasonable estimate of the length of time they will be needed.

''(3) The specific place and time for staging of the assisting party's response and a point of contact at the location.

''(c) CONSULTATION AMONG PARTY JURISDICTION OFFICIALS.—There shall be frequent consultation among the party jurisdiction officials who have assigned emergency management responsibilities, such officials collectively known hereinafter as the International Emergency Management Group, and other appropriate representatives of the party jurisdictions with free exchange of information, plans, and resource records relating to emergency capabilities to the extent authorized by law.

"Article IV—Limitation

''Any party jurisdiction requested to render mutual aid or conduct exercises and training for mutual aid shall undertake to respond as soon as possible, except that it is understood that the jurisdiction rendering aid may withhold or recall resources to the extent necessary to provide reasonable protection for that jurisdiction. Each party jurisdiction shall afford to the personnel of the emergency forces of any party jurisdiction, while operating within its jurisdictional limits under the terms and conditions of this compact and under the operational control of an officer of the requesting party, the same powers, duties, rights, privileges, and immunities as are afforded similar or like forces of the jurisdiction in which they are performing emergency services. Emergency forces continue under the command and control of their regular leaders, but the organizational units come under the operational control of the emergency services authorities of the jurisdiction receiving assistance. These conditions may be activated, as needed, by the jurisdiction that is to receive assistance or upon commencement of exercises or training for mutual aid and continue as long as the exercises or training for mutual aid are in progress, the emergency or disaster remains in effect or loaned resources remain in the receiving jurisdiction or jurisdictions, whichever is longer. The receiving jurisdiction is responsible for informing the assisting jurisdictions of the specific moment when services will no longer be required.

"Article V—Licenses and Permits

''Whenever a person holds a license, certificate, or other permit issued by any jurisdiction party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party jurisdiction, such person is deemed to be licensed, certified, or permitted by the jurisdiction requesting assistance to render aid involving such skill to meet an emergency or disaster, subject to such limitations and conditions as the requesting jurisdiction prescribes by Executive order or otherwise.

"Article VI—Liability

''Any person or entity of a party jurisdiction rendering aid in another jurisdiction pursuant to this compact are considered agents of the requesting jurisdiction for tort liability and immunity purposes. Any person or entity rendering aid in another jurisdiction pursuant to this compact are not liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article does not include willful misconduct, gross negligence, or recklessness.

"Article VII—Supplementary Agreements

''Because it is probable that the pattern and detail of the machinery for mutual aid among 2 or more jurisdictions may differ from that among the jurisdictions that are party to this compact, this compact contains

elements of a broad base common to all jurisdictions, and nothing in this compact precludes any jurisdiction from entering into supplementary agreements with another jurisdiction or affects any other agreements already in force among jurisdictions. Supplementary agreements may include, but are not limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, public utility, reconnaissance, welfare, transportation and communications personnel, equipment, and supplies.

"Article VIII—Workers' Compensation and Death Benefits

''Each party jurisdiction shall provide, in accordance with its own laws, for the payment of workers' compensation and death benefits to injured members of the emergency forces of that jurisdiction and to representatives of deceased members of those forces if the members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction.

"Article IX—Reimbursement

''Any party jurisdiction rendering aid in another jurisdiction pursuant to this compact shall, if requested, be reimbursed by the party jurisdiction receiving such aid for any loss or damage to, or expense incurred in, the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with those requests. An aiding party jurisdiction may assume in whole or in part any such loss, damage, expense, or other cost or may loan such equipment or donate such services to the receiving party jurisdiction without charge or cost. Any 2 or more party jurisdictions may enter into supplementary agreements establishing a different allocation of costs among those jurisdictions. Expenses under article VIII are not reimbursable under this section.

"Article X—Evacuation

''Each party jurisdiction shall initiate a process to prepare and maintain plans to facilitate the movement of and reception of evacuees into its territory or across its territory, according to its capabilities and powers. The party jurisdiction from which the evacuees came shall assume the ultimate responsibility for the support of the evacuees, and after the termination of the emergency or disaster, for the repatriation of such evacuees.

"Article XI—Implementation

''(a) This compact is effective upon its execution or adoption by any 2 jurisdictions, and is effective as to any other jurisdiction upon its execution or adoption thereby: subject to approval or authorization by the United States Congress, if required, and subject to enactment of provincial or State legislation that may be required for the effectiveness of the Memorandum of Understanding.

''(b) Any party jurisdiction may withdraw from this compact, but the withdrawal does not take effect until 30 days after the governor or premier of the withdrawing jurisdiction has given notice in writing of such withdrawal to the governors or premiers of all other party jurisdictions. The action does not relieve the withdrawing jurisdiction from obligations assumed under this compact prior to the effective date of withdrawal.

''(c) Duly authenticated copies of this compact in the French and English languages and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party jurisdictions.

"Article XII—Severability

''This compact is construed to effectuate the purposes stated in Article I. If any provision of this compact is declared unconstitutional or the applicability of the compact to any person or circumstances is held invalid, the validity of the remainder of this compact and the applicability of the compact to other persons and circumstances are not affected.

"Article XIII—Consistency of Language

''The validity of the arrangements and agreements consented to in this compact shall not be affected by any insubstantial difference in form or language as may be adopted by the various states and provinces.

"Article XIV—Amendment

''This compact may be amended by agreement of the party jurisdictions.''.

SEC. 2. INCONSISTENCY OF LANGUAGE.

The validity of the arrangements consented to by this Act shall not be affected by any insubstantial difference in their form or language as adopted by the States and provinces.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is hereby expressly reserved.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 491—RECOGNIZING THE ACCOMPLISHMENTS OF IGNACY JAN PADEREWSKI AS A MUSICIAN, COMPOSER, STATESMAN, AND PHILANTHROPIST, AND COMMEMORATING THE 65TH ANNIVERSARY OF HIS DEATH ON JUNE 29, 1941

Mr. HAGEL (for himself, Ms. MIKULSKI, Mr. DURBIN, Ms. MURKOWSKI, and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 491

Whereas Ignacy Jan Paderewski, born in Poland in 1860, was a brilliant and popular pianist who performed hundreds of concerts in Europe and the United States during the late 19th and early 20th centuries;

Whereas Paderewski donated the bulk of the proceeds of his concerts to charitable causes, including the establishment of the American Legion's Orphans and Veterans Fund;

Whereas, during World War I, Paderewski worked for the independence of Poland and served as the first Premier of Poland;

Whereas, in December 1919, Paderewski resigned as Premier of Poland, and in 1921 he left politics to return to his music;

Whereas the German invasion of Poland in 1939 spurred Paderewski to return to political life;

Whereas Paderewski fought against the Nazi dictatorship in World War II by joining the exiled Polish Government to mobilize the Polish forces and to urge the United States to join the Allied Forces;

Whereas, on June 29, 1941, Paderewski died in exile in the United States while all of Europe was imperiled by war and occupation;

Whereas, by the direction of President Franklin D. Roosevelt, the remains of Paderewski were placed alongside the honored dead of the United States in Arlington National Cemetery, where President Roosevelt said, ''He may lie there until Poland is free.'';

Whereas, in 1963, President John F. Kennedy honored Paderewski by placing a plaque marking his remains at the Mast of the Maine at Arlington National Cemetery;

Whereas, in 1992, President George H.W. Bush, at the request of Lech Walesa, the first democratically elected President of Poland since World War II, ordered the remains of Paderewski to be returned to his native Poland;

Whereas, on June 26, 1992, the remains of Paderewski were removed from the Mast of the Maine at Arlington National Cemetery and returned to Poland 3 days later;

Whereas, on July 5, 1992, the remains of Paderewski were interred in a crypt at the St. John Cathedral in Warsaw, Poland; and

Whereas Paderewski wished his heart to be forever enshrined in the United States, where his lifelong struggle for democracy and freedom had its roots and was cultivated, and now his heart remains at the Shrine of the Czestochowa in Doylestown, Pennsylvania: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the accomplishments of Ignacy Jan Paderewski as a musician, composer, statesman, and philanthropist;

(2) on the 65th anniversary of his death, acknowledges the invaluable efforts of Ignacy Jan Paderewski in forging close ties between Poland and the United States; and

(3) recognizes Poland as an ally and strong partner in the war against global terrorism.

Mr. HAGEL. Mr. President, on behalf of my colleagues Senators MIKULSKI, DURBIN, MURKOWSKI, and VOINOVICH, I rise to submit a resolution recognizing the accomplishments of Ignacy Jan Paderewski on the 65th anniversary of his death on June 29, 1941.

Born in Poland in 1860, Paderewski is remembered for his contributions as a musician, philanthropist, statesman, and as one of the great men of his time. Paderewski was a brilliant and popular pianist who performed hundreds of concerts in Europe and the United States during the late 19th and early 20th centuries, donating the proceeds to numerous charitable causes. During World War I, Paderewski played a central role in helping achieve Poland's independence, serving as the first Premier of Poland from 1919 until 1922, when he left politics and returned to music.

The German invasion of Poland in 1939 spurred Paderewski to return to politics where he fought against Nazi Germany in World War II and joined the exiled Polish Government, where he helped mobilize Polish forces against the Nazis.

Paderewski died in 1941. At the direction of President Franklin D. Roosevelt, Paderewski's remains were placed alongside America's honored dead in Arlington National Cemetery. He did not live to see the U.S. and Allied Forces free Europe from the tyranny of Nazi control. Paderewski's legacy inspired movements throughout Europe, including Solidarity in Poland.

In 1992, Solidarity Leader Lech Walesa, the first democratically elected President of Poland since World War

II, asked U.S. President George H.W. Bush to return Paderewski's remains to his native homeland. On July 5, 1992, Paderewski's remains were interred in a crypt at the St. John Cathedral in Warsaw, Poland.

Mr. President, Ignacy Jan Paderewski's life and legacy is testimony to the enduring bonds between the United States and Poland. As we near the 65th anniversary of Paderewski's death on June 29, 1941, my colleagues and I are honored to submit this resolution honoring Ignacy Jan Paderewski and ask that it be appropriately referred.

SENATE RESOLUTION 492—TO AMEND THE STANDING RULES OF THE SENATE TO PROHIBIT MEMBERS FROM USING CHARITABLE FOUNDATIONS FOR PERSONAL GAIN

Mr. BAUCUS submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 492

Resolved,

SECTION 1. PROHIBITION ON USING CHARITIES FOR PERSONAL OR POLITICAL GAIN.

(a) IN GENERAL.—Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

''13. (a) A Member of the Senate shall not use for personal or political gain any organization—

''(1) which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

''(2) the affairs over which such Member or the spouse of such Member is in a position to exercise substantial influence.

''(b) For purposes of this paragraph, a Member of the Senate shall be considered to have used an organization described in subparagraph (a) for personal or political gain if—

''(1) a member of the family (within the meaning of section 4946(d) of the Internal Revenue Code of 1986) of the Member is employed by the organization;

''(2) any of the Member's staff is employed by the organization;

''(3) an individual or firm that receives money from the Member's campaign committee or a political committee established, maintained, or controlled by the Member serves in a paid capacity with or receives a payment from the organization;

''(4) the organization pays for travel or lodging costs incurred by the Member for a trip on which the Member also engages in political fundraising activities; or

''(5) another organization that receives support from such organization pays for travel or lodging costs incurred by the Member.

''(c)(1) A Member of the Senate and any employee on the staff of a Member to which paragraph 9(c) applies shall disclose to the Secretary of the Senate the identity of any person who makes an applicable contribution and the amount of any such contribution.

''(2) For purposes of this subparagraph, an applicable contribution is a contribution—

''(A) which is to an organization described in subparagraph (a);

''(B) which is over $200; and

''(C) of which such Member or employee, as the case may be, knows.

''(3) The disclosure under this subparagraph shall be made not later than 6 months after the date on which such Member or employee first knows of the applicable contribution.

''(4) The Secretary of the Senate shall make available to the public all disclosures filed pursuant to this subparagraph as soon as possible after they are received.

''(d)(1) The Select Committee on Ethics may grant a waiver to any Member with respect to the application of this paragraph in the case of an organization which is described in subparagraph (a)(1) and the affairs over which the spouse of the Member, but not the Member, is in a position to exercise substantial influence.

''(2) In granting a waiver under this subparagraph, the Select Committee on Ethics shall consider all the facts and circumstances relating to the relationship between the Member and the organization, including—

''(A) the independence of the Member from the organization;

''(B) the degree to which the organization receives contributions from multiple sources not affiliated with the Member;

''(C) the risk of abuse; and

''(D) whether the organization was formed prior to and separately from such spouse's involvement with the organization.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2007.

Mr. BAUCUS. Mr. President, the resolution I am submitting aims to ensure that charities under the control of Senators can be viewed in the most ethical terms.

Mahatma Gandhi once said: ''Men say that I am a saint losing myself in politics. The fact is that I am a politician trying my hardest to be a saint.''

That sums up the purpose of my resolution. We in the Senate run for office to do good. We try to make the country better. We try to serve. We strive to do the right thing.

As much as we try, however, even innocent gestures can be perceived as self-serving, or at worst, unethical.

Some of us have started charities that we believe help to serve our country and important public needs.

Senators may innocently employ staff who they trust at the charity. Senators may use lawyers who they are familiar with to ensure that requirements are met. Senators may accept contributions from corporations because the funds will be spent on a worthy cause.

The activities that I have listed may betray nothing more than an innocent effort to carry out charitable works. But the public has a right to be skeptical. The public has a right to know what companies—that may or may not have business before the Senate—are donating to charities controlled by Senators.

My resolution would not ban Senators from starting charities. But it would address the healthy skepticism that the public has expressed about the rules governing charities controlled by Members of Congress.

As the Washington Post noted in an editorial on Tuesday, March 7 ''[W]hen lawmakers have a personal interest in the charity, the opportunities for abuse are greatly magnified.''

Because of the potential for abuse, and because of the perception of abuse, I believe that rules governing charities controlled by Senators should be ''greatly magnified.''

I am glad that the bill reported by the Homeland Security Committee takes a step to provide more disclosure in this area. The Homeland Security Committee bill would require disclosure of gifts by lobbyists to charities controlled by Members of Congress.

This is a good first step, but I think we can do better.

My resolution would do the following: First, it would require that any gift over $200 to a charity substantially influenced by a Senator be disclosed if the Senator or their senior staff are aware of the gift. While disclosing gifts from lobbyists is important, it is equally imperative that gifts from corporations and individuals are also disclosed.

Second, my resolution prohibits Senators from using a charity they substantially influence for what can be perceived as their personal gain.

How does the resolution do this? Under Senate Rule XXXVII, concerning conflicts of interest, a Senator would be barred from deriving personal gain from a charity that they substantially influence.

The resolution defines personal gain in the following way: (1) When a Senator or their family member is employed by the charity in a paid capacity (2) When a member of the Senator's staff is employed by the charity in a paid capacity (3) When an individual or firm that receives income from the Senator's political action committee serves in a paid capacity to the charity (4) When the charity pays for travel or lodging costs by the Senator on a trip where the Senator also engages in political fund raising (5) And, finally, when another charity receives payment from the Senator's charity to pay for the Senator's travel and lodging.

In vetting this proposal, I have heard concerns that prohibition on a Senator's family serving in a paid capacity of a charity they substantially influence may be too broad. The example of my friend Senator ELIZABETH DOLE is raised. When her husband, Senator Bob Dole served as our distinguished majority leader, Senator ELIZABETH DOLE served as the president of the American Red Cross. The purpose of my resolution is not to clamp down on this from occurring.

That is why my resolution would allow Senators to seek a waiver from the Senate Ethics Committee when a family member has substantial influence over a charity, and the family

member's influence over the charity clearly does not provide any benefit to the Senator.

I know that some Senators may argue that more rules do not ensure ethical conduct. That is true. Every Senator is responsible for behaving ethically. My resolution will not automatically make unethical arrangements ethical. Nor should the resolution be viewed as a statement on the ethical conduct of members that currently maintain and control charities. As Ecclesiastes chapter 3, verse 17 says, ''God shall judge the righteous and the wicked.''

My resolution simply aims to do better—to give the public confidence that when a Senator starts a charitable organization it is for charitable purposes. It is to fulfill the commandment expressed in Deuteronomy that ''Every man shall give as he is able. ''

My resolution has been endorsed by the watchdog groups Public Citizen and the National Committee on Responsive Philanthropy.

I urge the Senate to support my resolution.

SENATE RESOLUTION 493—CALLING ON THE GOVERNMENT OF THE UNITED KINGDOM TO ESTABLISH IMMEDIATELY A FULL, INDEPENDENT, PUBLIC JUDICIAL INQUIRY INTO THE MURDER OF NORTHERN IRELAND DEFENSE ATTORNEY PAT FINUCANE, AS RECOMMENDED BY INTERNATIONAL JUDGE PETER CORY AS PART OF THE WESTERN PARK AGREEMENT AND A WAY FORWARD FOR THE NORTHERN IRELAND PEACE PROCESS

Mr. DEWINE (for himself and Mr. DODD) submitted the following resolution; which was referred to the committee on Foreign Relations:

Whereas human rights defense attorney and solicitor Patrick Finucane was brutally murdered in front of his wife and children at his home in Belfast on February 12, 1989;

Whereas numerous international bodies and nongovernmental human rights organizations have made note of serious allegations of collusion between loyalist paramilitaries and British security forces in the murder of Mr. Finucane;

Whereas, in July 2001, the Irish and British Governments made new commitments in the Weston Park Agreement to hold public inquiries into high profile murders if the Honorable Judge Peter Cory recommended such action, and both governments understood that such an inquiry would be held under the United Kingdom Tribunals of Inquiry (Evidence) Act 1921;

Whereas Judge Cory found sufficient evidence of collusion to warrant a public inquiry into the murder of Patrick Finucane and recommended that such an inquiry take place without delay;

Whereas, in his conclusions, Judge Cory set out the necessity and importance of a public inquiry into the Finucane case and that the failure to hold a public inquiry as soon as reasonably possible could be seen as a denial of the agreement at Weston Park;

Whereas, on May 6, 2004, Judge Cory testified in Congress before the United States Helsinki Commission and presented his report, which is replete with evidence of possible collusion relating to activities of the army intelligence unit and the Royal Ulster Constabulary (RUC) in the Finucane case;

Whereas the United Kingdom adopted new legislation after the public release of the Cory Report, the United Kingdom Inquiries Act of 2005, which severely limits the procedures of an independent inquiry and which has been rejected as inadequate by Judge Cory, the Finucane family, the Irish Government, and human rights groups;

Whereas, on March 15, 2005, Judge Cory submitted written testimony to the Committee on International Relations of the United States House of Representatives stating that the new legislation is ''unfortunate to say the least'' and ''would make a meaningful inquiry impossible'';

Whereas the written statement of Judge Cory also stated that his recommendation for a public inquiry into the Finucane case ''contemplated a true public inquiry constituted and acting pursuant to the provisions of the 1921 Act'' and not the United Kingdom Inquiries Act of 2005;

Whereas section 701 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) and House Resolution 128, 106th Congress, agreed to April 20, 1999, support the establishment of an independent, judicial inquiry into the murder of Patrick Finucane; and

Whereas the Senate expresses deep regret with respect to the British Government's failure to honor its commitment to implement recommendation of Judge Cory in full: Now therefore, be it

Resolved, That the Senate—

(1) commends the Finucane family, wife Geraldine and son Michael, who have testified 5 times before the United States Congress (Geraldine in 2000, 2004, and 2005 and Michael in 1997 and 1999), for their courageous campaign to seek the truth in this case of collusion;

(2) welcomes the passage of a resolution by the Dail Eireann on March 8, 2006, calling for the establishment of a full, independent, public judicial inquiry into the murder of Patrick Finucane as the most recent expression of support for the Finucane family by the Government of Ireland;

(3) acknowledges the United States Helsinki Commission charged with human rights monitoring for their work in highlighting this case;

(4) supports the efforts of the Honorable Mitchell Reiss, special envoy of President Bush for the Northern Ireland Peace Process, in pushing for the full implementation of the Weston Park Agreement and the establishment of an independent, judicial inquiry into the murder of Patrick Finucane; and

(5) calls on the Government of the United Kingdom—

(A) to reconsider its position on the Finucane case to take full account of the objections of the family of Patrick Finucane, Judge Cory, officials of the United States Government, other governments, and international bodies, and amend the United Kingdom Inquiries Act of 2005; and

(B) to establish immediately a full, independent, public judicial inquiry into the murder of Patrick Finucane, as recommended by Judge Cory, which would enjoy the full cooperation of the family of Patrick Finucane and the wider community throughout Ireland and abroad.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4183. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4137 submitted by Mr. ENSIGN and intended to be proposed to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 4184. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4136 submitted by Mr. ENSIGN and intended to be proposed to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4185. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 4084 proposed by Mr. CHAMBLISS to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4186. Mr. LEVIN (for himself, Mr. SANTORUM, Mr. KENNEDY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4187. Mr. FRIST (for Mr. CRAIG (for himself, Mr. INHOFE, and Mr. FRIST)) proposed an amendment to the bill H.R. 5037, to amend titles 38 and 18, United States Code, to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes.

TEXT OF AMENDMENTS

SA 4183. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4137 submitted by Mr. ENSIGN and intended to be proposed to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end insert the following:

''(i) IN GENERAL.—The alien may satisfy such requirement by establishing that—

(I) no such tax liability exists;

(II) all outstanding liabilities have been met; or

(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service and with the department of revenue of each State to which taxes are owed.

(ii) LIMITATION.—Provided further that an alien required to pay taxes under this subparagraph, or who otherwise satisfies the requirements of clause (i), shall not be allowed to collect any tax refund for any taxable year prior to 2006, or to file any claim for the Earned Income Tax Credit, or any other tax credit otherwise allowable under the tax code, prior to such taxable year.''

SA 4184. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4136 submitted by Mr. ENSIGN and intended to be proposed to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following clause:

(iii) LIMITATION.—Provided further that an alien required to pay taxes under this subparagraph, or who otherwise satisfies the requirements of subclause (I), (II), or (III) of clause (i), shall not be allowed to collect any tax refund for any taxable year prior to 2006, or to file any claim for the Earned Income Tax Credit, or any other tax credit otherwise

allowable under the tax code, prior to such taxable year.''

SA 4185. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 4084 proposed by Mr. CHAMBLISS to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(7) WORK DAY.—The term ''work day'' means any day in which the individual is employed 5.75 or more hours in agricultural employment.

CHAPTER 1—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

SEC. 613. AGRICULTURAL WORKERS.

(a) BLUE CARD PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer blue card status upon an alien who qualifies under this subsection if the Secretary determines that the alien—

(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days, whichever is less, during the 24-month period ending on December 31, 2005;

(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act; and

(C) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (e)(2).

(2) AUTHORIZED TRAVEL.—An alien in blue card status has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.

(3) AUTHORIZED EMPLOYMENT.—An alien in blue card status shall be provided an ''employment authorized'' endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(4) TERMINATION OF BLUE CARD STATUS.—

(A) IN GENERAL.—The Secretary may terminate blue card status granted under this subsection only upon a determination under this subtitle that the alien is deportable.

(B) GROUNDS FOR TERMINATION OF BLUE CARD STATUS.—Before any alien becomes eligible for adjustment of status under subsection (c), the Secretary may deny adjustment to permanent resident status and provide for termination of the blue card status granted such alien under paragraph (1) if—

(i) the Secretary finds, by a preponderance of the evidence, that the adjustment to blue card status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (e)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(5) RECORD OF EMPLOYMENT.—

(A) IN GENERAL.—Each employer of a worker granted status under this subsection shall annually—

(i) provide a written record of employment to the alien; and

(ii) provide a copy of such record to the Secretary.

(B) SUNSET.—The obligation under subparagraph (A) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(6) REQUIRED FEATURES OF BLUE CARD.—The Secretary shall provide each alien granted blue card status and the spouse and children of each such alien residing in the United States with a card that contains—

(A) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(B) biometric identifiers, including fingerprints and a digital photograph; and

(C) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(7) FINE.—An alien granted blue card status shall pay a fine to the Secretary in an amount equal to $100.

(8) MAXIMUM NUMBER.—The Secretary may issue not more than 1,500,000 blue cards during the 5-year period beginning on the date of the enactment of this Act.

(b) RIGHTS OF ALIENS GRANTED BLUE CARD STATUS.—

(1) IN GENERAL.—Except as otherwise provided under this subsection, an alien in blue card status shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien in blue card status shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the Secretary confers blue card status upon that alien.

(3) TERMS OF EMPLOYMENT RESPECTING ALIENS ADMITTED UNDER THIS SECTION.—

(A) PROHIBITION.—No alien granted blue card status may be terminated from employment by any employer during the period of blue card status except for just cause.

(B) TREATMENT OF COMPLAINTS.—

(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted blue card status who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(ii) INITIATION OF ARBITRATION.—If the Secretary finds that a complaint has been filed in accordance with clause (i) and there is reasonable cause to believe that the complainant was terminated without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including, but not limited to, reinstatement, back pay, or front pay to the affected employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien granted blue card status without just cause, the Secretary shall credit the alien for the number of days or hours of work lost for purposes of the requirement of subsection (c)(1).

(v) TREATMENT OF ATTORNEY'S FEES.—The parties shall bear the cost of their own attorney's fees involved in the litigation of the complaint.

(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

(C) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under subsection (a)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(c) ADJUSTMENT TO PERMANENT RESIDENCE.—

(1) AGRICULTURAL WORKERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall adjust the status of an alien granted blue card status to that of an alien lawfully admitted for

permanent residence if the Secretary determines that the following requirements are satisfied:

(i) QUALIFYING EMPLOYMENT.—The alien has performed at least—

(I) 5 years of agricultural employment in the United States, for at least 100 work days or 575 hours, but in no case less than 575 hours per year, during the 5-year period beginning on the date of the enactment of this Act; or

(II) 3 years of agricultural employment in the United States, for at least 150 work days or 863 hours, but in no case less than 863 hours per year, during the 5-year period beginning on the date of the enactment of this Act.

(ii) PROOF.—An alien may demonstrate compliance with the requirement under clause (i) by submitting—

(I) the record of employment described in subsection (a)(5); or

(II) such documentation as may be submitted under subsection (d)(3).

(iii) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement under clause (i)(I), the Secretary may credit the alien with not more than 12 additional months to meet the requirement under clause (i) if the alien was unable to work in agricultural employment due to—

(I) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

(II) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

(III) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

(iv) APPLICATION PERIOD.—The alien applies for adjustment of status not later than 7 years after the date of the enactment of this Act.

(v) FINE.—The alien pays a fine to the Secretary in an amount equal to $400.

SA 4186. Mr. LEVIN (for himself, Mr. SANTORUM, Mr. KENNEDY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ADJUSTMENT OF STATUS FOR CERTAIN PERSECUTED RELIGIOUS MINORITIES.

(a) IN GENERAL.—The Secretary shall adjust the status of an alien to that of an alien lawfully admitted for permanent residence if the alien—

(1) is a persecuted religious minority;

(2) is admissible to the United States as an immigrant, except as provided under subsection (b);

(3) had an application for asylum pending on May 1, 2003;

(4) applies for such adjustment of status;

(5) was physically present in the United States on the date the application for such adjustment is filed; and

(6) pays a fee, in an amount determined by the Secretary, for the processing of such application.

(b) WAIVER OF CERTAIN GROUNDS FOR INADMISSIBILITY.—

(1) INAPPLICABLE PROVISION.—Section 212(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)) shall not apply to any adjustment of status under this section.

(2) WAIVER.—The Secretary may waive any other provision of section 212(a) of such Act (except for paragraphs (2) and (3)) if extraordinary and compelling circumstances warrant such an adjustment for humanitarian purposes, to ensure family unity, or if it is otherwise in the public interest.

(c) PERSECUTED RELIGIOUS MINORITY DEFINED.—In this section, the term ''persecuted religious minority'' means an individual who—

(1) is, or was, a national or resident of Iraq;

(2) is a member of a religious minority in Iraq, and

(3) shares common characteristics with other minorities in Iraq who have been targets of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

SA 4187. Mr. FRIST (for Mr. CRAIG (for himself, Mr. INHOFE, and Mr. FRIST)) proposed an amendment to the bill H.R. 5037, to amend titles 38 and 18, United States Code, to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Respect for America's Fallen Heroes Act''.

SEC. 2. PROHIBITION ON CERTAIN DEMONSTRATIONS AT CEMETERIES UNDER THE CONTROL OF THE NATIONAL CEMETERY ADMINISTRATION AND AT ARLINGTON NATIONAL CEMETERY.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 2413. Prohibition on certain demonstrations at cemeteries under control of the National Cemetery Administration and at Arlington National Cemetery

''(a) PROHIBITION.—No person may carry out—

''(1) a demonstration on the property of a cemetery under the control of the National Cemetery Administration or on the property of Arlington National Cemetery unless the demonstration has been approved by the cemetery superintendent or the director of the property on which the cemetery is located; or

''(2) with respect to such a cemetery, a demonstration during the period beginning 60 minutes before and ending 60 minutes after a funeral, memorial service, or ceremony is held, any part of which demonstration—

''(A)(i) takes place within 150 feet of a road, pathway, or other route of ingress to or egress from such cemetery property; and

''(ii) includes, as part of such demonstration, any individual willfully making or assisting in the making of any noise or diversion that disturbs or tends to disturb the peace or good order of the funeral, memorial service, or ceremony; or

''(B) is within 300 feet of such cemetery and impedes the access to or egress from such cemetery.

''(b) DEMONSTRATION.—For purposes of this section, the term 'demonstration' includes the following:

''(1) Any picketing or similar conduct.

''(2) Any oration, speech, use of sound amplification equipment or device, or similar conduct that is not part of a funeral, memorial service, or ceremony.

''(3) The display of any placard, banner, flag, or similar device, unless such a display is part of a funeral, memorial service, or ceremony.

''(4) The distribution of any handbill, pamphlet, leaflet, or other written or printed matter other than a program distributed as part of a funeral, memorial service, or ceremony.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2413. Prohibition on certain demonstrations at cemeteries under control of National Cemetery Administration and at Arlington National Cemetery.''.

(b) CONSTRUCTION.—Nothing in section 2413 of title 38, United States Code (as amended by subsection (a)), shall be construed as limiting the authority of the Secretary of Veterans Affairs, with respect to property under control of the National Cemetery Administration, or the Secretary of the Army, with respect to Arlington National Cemetery, to issue or enforce regulations that prohibit or restrict conduct that is not specifically covered by section 2413 of such title (as so added).

SEC. 3. PENALTY FOR VIOLATION OF PROHIBITION ON UNAPPROVED DEMONSTRATIONS AT CEMETERIES UNDER THE CONTROL OF THE NATIONAL CEMETERY ADMINISTRATION AND AT ARLINGTON NATIONAL CEMETERY.

(a) PENALTY.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 1387. Demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery

''Whoever violates section 2413 of title 38 shall be fined under this title, imprisoned for not more than one year, or both.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1387. Demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery.''.

SEC. 4. SENSE OF CONGRESS ON STATE RESTRICTION OF DEMONSTRATIONS NEAR MILITARY FUNERALS.

It is the sense of Congress that each State should enact legislation to restrict demonstrations near any military funeral.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 24, 2006, at 9:15 a.m., in executive session to consider the nomination of General Michael V. Hayden, USAF, for reappointment to the grade of general and to be director, Central Intelligence Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SPECTER. 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 Wednesday, May 24 at 10 a.m. The purpose of this meeting is to consider pending calendar business which may be ready for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 24, 2006, at 3:30 p.m., to hold a hearing on nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, May 24, 2006, at 9:30 a.m., to consider the nomination of R. David Paulison to be Under Secretary for Federal Emergency Management of the U.S. Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on ''Judicial Nominations'' on Wednesday, May 24, 2006, at 2 p.m. in Dirksen Senate Office Building Room 226.

Witness list

Panel I: TBA.

Panel II: Andrew J. Guilford to be United States District Judge for the Central District of California, Frank D. Whitney to be United States District Judge for the Western District of North Carolina

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 24, 2006, at 2:30 p.m. to hold a closed Business Meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DISASTER PREVENTION AND PREDICTION

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation's Disaster Prevention and Prediction Subcommittee be authorized to meet on Wednesday, May 24, 2006, at 2:30 p.m., on the 2006 Hurricane Forecast and At-Risk Cities.

The PRESIDING OFFICER. without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation's Subcommittee on Aviation be authorized to meet on Wednesday, May 24, 2006, at 10 a.m. on NTSB reauthorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, May 24 at 2:30 p.m.

The purpose of the hearing is to receive testimony on the following bills: S. 2788, a bill to direct the exchange of certain land in Grand, San Juan and Uintah counties, Utah and for other purposes; S. 2466, to authorize and direct the exchange and conveyance of certain national forest land and other land in southeast Arizona; and S. 2567, to maintain the rural heritage of the Eastern Sierra and enhance the region's tourism economy by designating certain public lands as wilderness and certain rivers as wild scenic rivers in the State of California, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider Calendar No. 630, Dirk Kempthorne, to be Secretary of the Interior.

The PRESIDING OFFICER. Without objections, it is so ordered. The clerk will report the nomination.

DEPARTMENT OF THE INTERIOR

The assistant legislative clerk read the nomination of Dirk Kempthorne, of Idaho, to be Secretary of the Interior.

CLOTURE MOTION

Mr. FRIST. Mr. President, I believe there is an objection on the other side of the aisle to setting a time certain for a vote on this Cabinet nomination. Given that objection, I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 630, the nomination of Dirk Kempthorne, of Idaho, to be Secretary of the Interior.

Bill Frist, Pete Domenici, John Cornyn, Tom Coburn, Jeff Sessions, Wayne Allard, Lindsey Graham, Mel Martinez, Pat Roberts, Judd Gregg, Johnny Isakson, Jim DeMint, Lamar Alexander, John Thune, Richard Burr, Bob Bennett, Chuck Hagel.

Mr. FRIST. Mr. President, I ask unanimous consent that the live quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESPECT FOR AMERICA'S FALLEN HEROES ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5037, which was just received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5037) to amend titles 38 and 18 of the United States Code to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. CRAIG. Mr. President, I have sought recognition to comment on an amendment I am offering with Senators INHOFE and FRIST to H.R. 5037, the ''Respect for America's Fallen Heroes Act. H.R. 5037 passed the House a couple of weeks ago by an overwhelming margin—408 to 3. It was conceived in response to hateful, intolerant demonstrations taking place at the funeral services of deceased service members of the global war on terror. The fringe group responsible for these demonstrations believes that 2,752 of our Nation's finest have lost their lives in defense of America because, unbelievably, God is exacting His revenge on the United States for its permissive laws respecting homosexuality. It is a sad irony that the same 2,752 servicemembers who fought to guarantee the right of this fringe group to hold and express their beliefs are, along with the families of deceased servicemembers, now the victims of those same hateful, but protected, ideas.

First, it is important to point out that the House, led by Representative MIKE ROGERS of Michigan and Chairman BUYER, went to great lengths to

carefully craft the House-passed legislation to preserve the dignity of military funerals while at the same time balancing first amendment rights. I applaud them, and Senator JIM INHOFE, the original sponsor of the Senate version of the bill, for being proactive in addressing a problem that no military family should experience at a VA national cemetery or at Arlington National Cemetery. Let me describe in brief the many provisions of their legislation that are left untouched by this amendment. We retain the prohibition on unapproved demonstrations on VA or Arlington cemetery grounds. We retain the language used to describe exactly what kind of demonstrations are prohibited. We retain the criminal penalties attached to those who violate the prohibitions. And we retain the language expressing the sense of the Congress that States enact legislation to restrict demonstrations near any military funeral. My amendment would only modify the language of the underlying bill that restricts demonstrations that are within 500 feet of cemetery property. Let me explain why.

Many VA cemeteries are tucked in the middle of residential neighborhoods. Thus, the reach of the proposed Federal law in the underlying bill would extend to all private residences located within 500 feet of any VA cemetery property or Arlington National Cemetery. I am always sensitive to expanding zones of Federal influence or regulation, especially to cover lands that are not its own, unless it is absolutely necessary. And, furthermore, in a report by the Congressional Research Service and analyses from constitutional law experts, it was concluded that a 500-foot buffer zone around the perimeter of all cemetery lands may not be sufficiently narrow to pass constitutional muster. Constitutional questions surrounding the language are, of course, open to debate. But my goal here was to move legislation that was as narrowly tailored as possible and that didn't take away any of its effectiveness in prohibiting these offensive demonstrations at our national shrines.

There have yet to be any unapproved demonstrations either on VA cemetery property or outside of its grounds. There have been demonstrations at Arlington National Cemetery, but those demonstrations have been limited to the gates outside the front entrance of the cemetery. Practically speaking, if there were to be any demonstrations at VA cemeteries they would likely be at cemetery access points, just as at Arlington. It is VA's policy to hold funeral ceremonies at committal shelters located on its cemetery grounds. By design, those shelters at open national cemeteries are a minimum of 300 feet from any property line. And the line of sight from the property line is, also by design, typically obstructed by trees, shrubs, or other foliage. In addition, each national cemetery has three or four committal shelters, on average, which could be used for ceremonies. According to VA officials, only the cemetery superintendent knows beforehand where the committal shelter to be used for a particular funeral ceremony is located. So it is unlikely that demonstrators could effectively ''disrupt'' a cemetery funeral ceremony at any point other than an access point when a funeral procession was entering or leaving cemetery grounds. There simply are too many distance, visual, and logistical obstructions to overcome.

Therefore, my amendment would do the following. It would prohibit individuals who, as part of any demonstration, and within 150 feet of any point of ingress to or egress from cemetery property, be it by road, pathway, or otherwise, willfully make, or assist in the making, of any noise or diversion that disturbs or tends to disturb the peace or good order of a funeral, memorial service, or ceremony. This language will ensure that as a funeral procession is entering or exiting any cemetery that there is sufficient distance between the procession and the demonstrators, and that no slowdown of the procession is precipitated by a large gathering of demonstrators near the gates of cemetery property. Furthermore, my amendment would prohibit any demonstration, irrespective of its character, that is within 300 feet of cemetery property that would impede access to or egress from the property.

The principles behind my amendment are simple: As a funeral procession approaches a national cemetery, there should be no obstruction of that procession for any reason. The closer the procession is to the gates of the cemetery, the tighter the restrictions on demonstrations should necessarily be to ensure a dignified, solemn, and respectful burial at our national shrines.

Again, I thank Representative ROGERS of Michigan and Senator INHOFE for their leadership on this issue. And I ask my colleagues for their support.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4187) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Respect for America's Fallen Heroes Act''.

SEC. 2. PROHIBITION ON CERTAIN DEMONSTRATIONS AT CEMETERIES UNDER THE CONTROL OF THE NATIONAL CEMETERY ADMINISTRATION AND AT ARLINGTON NATIONAL CEMETERY.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 2413. Prohibition on certain demonstrations at cemeteries under control of the National Cemetery Administration and at Arlington National Cemetery

''(a) PROHIBITION.—No person may carry out—

''(1) a demonstration on the property of a cemetery under the control of the National Cemetery Administration or on the property of Arlington National Cemetery unless the demonstration has been approved by the cemetery superintendent or the director of the property on which the cemetery is located; or

''(2) with respect to such a cemetery, a demonstration during the period beginning 60 minutes before and ending 60 minutes after a funeral, memorial service, or ceremony is held, any part of which demonstration—

''(A)(i) takes place within 150 feet of a road, pathway, or other route of ingress to or egress from such cemetery property; and

''(ii) includes, as part of such demonstration, any individual willfully making or assisting in the making of any noise or diversion that disturbs or tends to disturb the peace or good order of the funeral, memorial service, or ceremony; or

''(B) is within 300 feet of such cemetery and impedes the access to or egress from such cemetery.

''(b) DEMONSTRATION.—For purposes of this section, the term 'demonstration' includes the following:

''(1) Any picketing or similar conduct.

''(2) Any oration, speech, use of sound amplification equipment or device, or similar conduct that is not part of a funeral, memorial service, or ceremony.

''(3) The display of any placard, banner, flag, or similar device, unless such a display is part of a funeral, memorial service, or ceremony.

''(4) The distribution of any handbill, pamphlet, leaflet, or other written or printed matter other than a program distributed as part of a funeral, memorial service, or ceremony.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2413. Prohibition on certain demonstrations at cemeteries under control of National Cemetery Administration and at Arlington National Cemetery.''.

(b) CONSTRUCTION.—Nothing in section 2413 of title 38, United States Code (as amended by subsection (a)), shall be construed as limiting the authority of the Secretary of Veterans Affairs, with respect to property under control of the National Cemetery Administration, or the Secretary of the Army, with respect to Arlington National Cemetery, to issue or enforce regulations that prohibit or restrict conduct that is not specifically covered by section 2413 of such title (as so added).

SEC. 3. PENALTY FOR VIOLATION OF PROHIBITION ON UNAPPROVED DEMONSTRATIONS AT CEMETERIES UNDER THE CONTROL OF THE NATIONAL CEMETERY ADMINISTRATION AND AT ARLINGTON NATIONAL CEMETERY.

(a) PENALTY.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1387. Demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery

''Whoever violates section 2413 of title 38 shall be fined under this title, imprisoned for not more than one year, or both.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1387. Demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery.''.

SEC. 4. SENSE OF CONGRESS ON STATE RESTRICTION OF DEMONSTRATIONS NEAR MILITARY FUNERALS.

It is the sense of Congress that each State should enact legislation to restrict demonstrations near any military funeral.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5037), as amended, was read the third time and passed.

Mr. FRIST. Mr. President, the bill we just passed was the Respect for America's Fallen Heroes Act. I would like to comment briefly, and I express my thanks to my colleagues for allowing me to proceed with this legislation and interrupt their debate.

I would like to read briefly from a news report that appeared in the Chicago Tribune this past April. And I quote:

Army Private First Class Amy Duerksen was 19 when she died last month in a U.S. military surgical hospital in Baghdad, 3 days after being shot in an accident. By all the accounts of her family, friends and superiors, she had been a model soldier, an impassioned patriot and a deeply devout Christian.

But none of that mattered to the six members of the Westboro Baptist Church who drove all night from their headquarters in Topeka, KS to show up outside Duerksen's March 17th funeral waving hateful placards.

I will not sully this institution or the memory of Amy Duerksen by repeating this group's detestable message. But I will tell you that today the Senate unanimously passed the Respect for America's Fallen Heroes Act, originally introduced by Congressman MIKE ROGERS of Michigan and passed in the House with near unanimous support.

Here in the Senate, we agreed, as one, that families like the Duerksens should never have to be harassed by protesters of any stripe as they bury their fallen warriors.

The Respect for America's Fallen Heroes Act will protect the sanctity of all 122 of our national cemeteries as shrines to our gallant dead.

It will ban demonstrations that occur within 500 feet of the cemetery without prior approval from an hour before a funeral until an hour after it. Violators will be fined up to $100,000 and spend a year in jail.

It's a sad but necessary measure to protect what should be recognized by all reasonable people as a solemn, private, and deeply sacred occasion.

The bill has been carefully crafted to meet constitutional muster. As even the ACLU acknowledges, ''The right of free expression is not an absolute right to express ourselves at any time, in any place, in any manner.''

And as the courts have identified, our national cemeteries are places deserving of the respect and honor of those interred or memorialized.

I thank Congressman ROGERS for bringing this issue to our attention. And I conclude with a passage from the Bible:

Blessed are those who mourn, for they will be comforted. Matthew 5:4.

We may never understand what compels a small group of small minded and mean hearted people to harass a family in mourning. But that is not our responsibility here. Our duty is to protect the solemn right of our military families to grieve the loss of America's fallen heroes in private, with the respect and dignity that is their due.

I look forward to this bill reaching the President's desk and being signed into law.

PUEBLO DE SAN ILDEFONSO CLAIMS SETTLEMENT ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 419, S. 1773.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1773) to resolve certain Native American claims in New Mexico, and for other purposes.

There being no objection, the Senate proceeded to consider the bill. which had been reported from the Committee on Indian Affairs with amendments, as follows:

(The parts of the bill intended to be inserted are shown in italics.)

S. 1773

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 ''Pueblo de San Ildefonso Claims Settlement Act of 2005''.

SEC. 2. DEFINITIONS AND PURPOSES.

(a) DEFINITIONS.—In this Act:

(1) ADMINISTRATIVE ACCESS.—The term ''administrative access'' means the unrestricted use of land and interests in land for ingress and egress by an agency of the United States (including a permittee, contractor, agent, or assignee of the United States) in order to carry out an activity authorized by law or regulation, or otherwise in furtherance of the management of federally-owned land and resources.

(2) COUNTY.—The term ''County'' means the incorporated county of Los Alamos, New Mexico.

(3) LOS ALAMOS AGREEMENT.—The term ''Los Alamos Agreement'' means the agreement among the County, the Pueblo, the Department of Agriculture Forest Service, and the Bureau of Indian Affairs dated January, 22, 2004.

(4) LOS ALAMOS TOWNSITE LAND.—''Los Alamos Townsite Land'' means the land identified as Attachment B (dated December 12, 2003) to the Los Alamos Agreement.

(5) NORTHERN TIER LAND.—''Northern Tier Land'' means the land comprising approximately 739.71 acres and identified as ''Northern Tier Lands'' in Appendix B (dated August 3, 2004) to the Settlement Agreement.

(6) PENDING LITIGATION.—The term ''Pending Litigation'' means the case styled Pueblo of San Ildefonso v. United States, Docket Number 354, originally filed with the Indian Claims Commission and pending in the United States Court of Federal Claims on the date of enactment of this Act.

(7) PUEBLO.—The term ''Pueblo'' means the Pueblo de San Ildefonso, a federally recognized Indian tribe (also known as the ''Pueblo of San Ildefonso'').

(8) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the agreement entitled ''Settlement Agreement between the United States and the Pueblo de San Ildefonso to Resolve All of the Pueblo's Land Title and Trespass Claims'' and dated June 7, 2005.

(9) SETTLEMENT AREA LAND.—The term ''Settlement Area Land'' means the National Forest System land located within the Santa Fe National Forest, as described in Appendix B to the Settlement Agreement, that is available for purchase by the Pueblo under section 9(a) of the Settlement Agreement.

(10) SETTLEMENT FUND.—The term ''Settlement Fund'' means the Pueblo de San Ildefonso Land Claims Settlement Fund established by section 6.

(11) SISK ACT.—The term ''Sisk Act'' means Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a).

(12) WATER SYSTEM LAND.—The term ''Water System Land'' means the federally-owned land located within the Santa Fe National Forest to be conveyed to the County under the Los Alamos Agreement.

(b) PURPOSES.—The purposes of this Act are—

(1) to finally dispose, as set forth in sections 4 and 5, of all rights, claims, or demands that the Pueblo has asserted or could have asserted against the United States with respect to any and all claims in the Pending Litigation;

(2) to extinguish claims based on aboriginal title, Indian title, or recognized title, or any other title claims under section 5;

(3) to authorize the Pueblo to acquire the Settlement Area Land, and to authorize the Secretary of Agriculture to convey the Water System Land, the Northern Tier Land, and the Los Alamos Townsite Land for market value consideration, and for such consideration to be paid to the Secretary of Agriculture for the acquisition of replacement National Forest land elsewhere in New Mexico;

(4) to provide that the Settlement Area Land acquired by the Pueblo shall be held by the Secretary of the Interior in trust for the benefit of the Pueblo;

(5) to facilitate government-to-government relations between the United States and the Pueblo regarding cooperation in the management of certain land administered by the National Park Service and the Bureau of Land

Management as described in sections 7 and 8 of the Settlement Agreement;

(6) to ratify the Settlement Agreement; and,

(7) to ratify the Los Alamos Agreement.

SEC. 3. RATIFICATION OF AGREEMENTS.

(a) RATIFICATION.—The Settlement Agreement and Los Alamos Agreement are ratified under Federal law, and the parties to those agreements are authorized to carry out the provisions of the agreements.

(b) CORRECTIONS AND MODIFICATIONS.—The respective parties to the Settlement Agreement and the Los Alamos Agreement are authorized, by mutual agreement, to correct errors in any legal description or maps, and to make minor modifications to those agreements.

SEC. 4. JUDGMENT AND DISMISSAL OF LITIGATION.

(a) DISMISSAL.—Not later than 90 days after the date of enactment of this Act, the United States and the Pueblo shall execute and file with the United States Court of Federal Claims in the Pending Litigation a motion for entry of final judgment in accordance with section 5 of the Settlement Agreement.

(b) COMPENSATION.—Upon entry of the final judgment under subsection (a), $6,900,000 shall be paid into the Settlement Fund as compensation to the Pueblo in accordance with section 1304 of title 31, United States Code.

SEC. 5. RESOLUTION OF CLAIMS.

(a) EXTINGUISHMENTS.—Except as provided in subsection (b), in consideration of the benefits of the Settlement Agreement, and in recognition of the agreement of the Pueblo to the Settlement Agreement, all claims of the Pueblo against the United States (including any claim against an agency, officer, or instrumentality of the United States) are relinquished and extinguished, including—

(1) any claim to land based on aboriginal title, Indian title, or recognized title;

(2) any claim for damages or other judicial relief or for administrative remedies that were brought, or that were knowable and could have been brought, on or before the date of the Settlement Agreement;

(3) any claim relating to—

(A) any federally-administered land, including National Park System land, National Forest System land, Public land administered by the Bureau of Land Management, the Settlement Area Land, the Water System Land, the Northern Tier Land, and the Los Alamos Townsite Land; and

(B) any land owned by, or held for the benefit of, any Indian tribe other than the Pueblo; and

(4) any claim that was, or that could have been, asserted in the Pending Litigation.

(b) EXCEPTIONS.—Nothing in this Act or the Settlement Agreement shall in any way extinguish or otherwise impair—

(1) the title of record of the Pueblo to land held by or for the benefit of the Pueblo, as identified in Appendix D to the Settlement Agreement, on or before the date of enactment of this Act; and,

(2) the title of the Pueblo to the Pueblo de San Ildefonso Grant, including, as identified in Appendix D to the Settlement Agreement—

(A) the title found by the United States District Court for the District of New Mexico in the case styled United States v. Apodoca (Number 2031, equity: December 5, 1930) not to have been extinguished; and

(B) title to any land that has been reacquired by the Pueblo pursuant to the Act entitled ''An Act to quiet the title to lands within Pueblo Indian land grants, and for other purposes'', approved June 7, 1924 (43 Stat. 636, chapter 331);

(3) the water rights of the Pueblo appurtenant to the land described in paragraphs (1) and (2); and

(4) any rights of the Pueblo or a member of the Pueblo under Federal law relating to religious or cultural access to, and use of, Federal land.

(c) PREVIOUS EXTINGUISHMENTS UNIMPAIRED.—Nothing in this Act affects any prior extinguishments of rights or claims of the Pueblo which may have occurred by operation of law.

(d) BOUNDARIES AND TITLE UNAFFECTED.—

(1) BOUNDARIES.—Nothing in this Act affects the location of the boundaries of the Pueblo de San Ildefonso Grant.

(2) RIGHTS, TITLE, AND INTEREST.—Nothing in this Act affects, ratifies, or confirms the right, title, or interest of the Pueblo in the land held by, or for the benefit of, the Pueblo, including the land described in Appendix D of the Settlement Agreement.

SEC. 6. SETTLEMENT FUND.

(a) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the ''Pueblo de San Ildefonso Land Claims Settlement Fund''.

(b) CONDITIONS.—Monies deposited in the Settlement Fund shall be subject to the following conditions:

(1) MAINTENANCE AND INVESTMENT.—The Settlement Fund shall be maintained and invested by the Secretary of the Interior pursuant to the Act of June 24, 1938 (25 U.S.C. 162a).

(2) USE OF FUNDS.—Subject to paragraph (3), monies deposited into the Settlement Fund shall be expended by the Pueblo—

(A) to acquire the federally administered Settlement Area Land;

(B) to pay for the acquisition of the Water System Land, as provided in the Los Alamos Agreement; and

(C) at the option of the Pueblo, to acquire other land.

(3) EFFECT OF WITHDRAWAL.—If the Pueblo withdraws monies from the Settlement Fund, neither the Secretary of the Interior nor the Secretary of the Treasury shall retain any oversight over, or liability for, the accounting, disbursement, or investment of the withdrawn funds.

(4) PER CAPITA DISTRIBUTION.—No portion of the funds in the Settlement Fund may be paid to Pueblo members on a per capita basis.

(5) ACQUISITION OF LAND.—The acquisition of land with funds from the Settlement Fund shall be on a willing-seller, willing-buyer basis, and no eminent domain authority may be exercised for purposes of acquiring land for the benefit of the Pueblo under this Act.

(6) EFFECT OF OTHER LAWS.—The Act of October 19, 1973 (Public Law 93–134; 87 Stat. 466) and section 203 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4023) shall not apply to the Settlement Fund.

SEC. 7. LAND OWNERSHIP ADJUSTMENTS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of Agriculture may sell the Settlement Area Land, Water System Land, and Los Alamos Townsite Land, on such terms and conditions as are agreed upon and described in the Settlement Agreement and the Los Alamos Agreement, including reservations for administrative access and other access as shown on Appendix B of the Settlement Agreement.

(2) EFFECT OF CLAIMS AND CAUSE OF ACTION.—Consideration for any land authorized for sale by the Secretary of Agriculture shall not be offset or reduced by any claim or cause of action by any party to whom the land is conveyed.

(b) CONSIDERATION.—The consideration to be paid for the Federal land authorized for sale in subsection (a) shall be—

(1) for the Settlement Area Land and Water System Land, the consideration agreed upon in the Settlement Agreement; and

(2) for the Los Alamos Townsite Land, the current market value based on an appraisal approved by the Forest Service as being in conformity with the latest edition of the Uniform Appraisal Standards for Federal Land Acquisitions.

(c) DISPOSITION OF RECEIPTS.—

(1) IN GENERAL.—All monies received by the Secretary of Agriculture from the sale of National Forest System land as authorized by this Act, including receipts from the Northern Tier Land, shall be deposited into the fund established in the Treasury of the United States pursuant to the Sisk Act and shall be available, without further appropriation, authorization, or administrative apportionment for the purchase of land by the Secretary of Agriculture for National Forest System purposes in the State of New Mexico, *and for associated administrative costs*.

(2) USE OF FUNDS.—Funds deposited in a Sisk Act fund pursuant to this Act shall not be subject to transfer or reprogramming for wildlands fire management or any other emergency purposes, or used to reimburse any other account.

(3) ACQUISITIONS OF LAND.—In expending funds to exercise its rights under the Settlement Agreement and the Los Alamos Agreement with respect to the acquisition of the Settlement Area Land, the County's acquisitions of the Water System Land, and the Northern Tier Land (if the Pueblo exercises an option to purchase the Northern Tier Land as provided in section 12(b)(2)(A), the Pueblo shall use only funds in the Settlement Fund and shall not augment those funds from any other source.

(d) VALID EXISTING RIGHTS AND RESERVATIONS.—

(1) IN GENERAL.—The Settlement Area Land acquired by the Pueblo shall be subject to all valid existing rights on the date of enactment of this Act, including rights of administrative access.

(2) WATER RIGHTS.—No water rights shall be conveyed by the United States.

(3) SPECIAL USE AUTHORIZATION.—

(A) IN GENERAL.—Nothing in this Act shall affect the validity of any special use authorization issued by the Forest Service within the Settlement Area Land, except that such authorizations shall not be renewed upon expiration.

(B) REASONABLE ACCESS.—For access to valid occupancies within the Settlement Area Land, the Pueblo and the Secretary of the Interior shall afford rights of reasonable access commensurate with that provided by the Secretary of Agriculture on or before the date of enactment of this Act.

(4) WATER SYSTEM LAND AND LOS ALAMOS TOWNSITE LAND.—The Water System Land and Los Alamos Townsite Land acquired by the County shall be subject to—

(A) all valid existing rights; and

(B) the rights reserved by the United States under the Los Alamos Agreement.

(5) PRIVATE LANDOWNERS.—

(A) IN GENERAL.—Upon acquisition by the Pueblo of the Settlement Area Land, the Secretary of the Interior, acting on behalf of the Pueblo and the United States, shall execute easements in accordance with any right

reserved by the United States for the benefit of private landowners owning property that requires the use of Forest Development Road 416 (as in existence on the date of enactment of this Act) and other roads that may be necessary to provide legal access into the property of the landowners, as the property is used on the date of this Act.

(B) MAINTENANCE OF ROADS.—Neither the Pueblo nor the United States shall be required to maintain roads for the benefit of private landowners.

(C) EASEMENTS.—Easements shall be granted, without consideration, to private landowners only upon application of such landowners to the Secretary.

(e) FOREST DEVELOPMENT ROADS.—

(1) UNITED STATES RIGHT TO USE.—Subject to any right-of-way to use, cross, and recross a road, the United States shall reserve and have free and unrestricted rights to use, operate, maintain, and reconstruct (at the same level of development, as in existence on the date of the Settlement Agreement), those sections of Forest Development Roads 57, 442, 416, 416v, 445 and 445ca referenced in Appendix B of the Settlement Agreement for any and all public and administrative access and other Federal governmental purposes, including access by Federal employees, their agents, contractors, and assigns (including those holding Forest Service permits).

(2) CERTAIN ROADS.—Notwithstanding paragraph (1), the United States—

(A) may improve Forest Development Road 416v beyond the existing condition of that road to a high clearance standard road (level 2); and

(B) shall have unrestricted administrative access and non-motorized public trail access to the portion of Forest Development Road 442 depicted in Appendix B to the Settlement Agreement.

(f) PRIVATE MINING OPERATIONS.—

(1) COPAR PUMICE MINE.—The United States and the Pueblo shall allow the COPAR Pumice Mine to continue to operate as provided in the Contract For The Sale Of Mineral Materials dated May 4, 1994, and for COPAR to use portions of Forest Development Roads 57, 442, 416, and other designated roads within the area described in the contract, for the period of the contract and thereafter for a period necessary to reclaim the site.

(2) CONTINUING JURISDICTION.—

(A) ADMINISTRATION.—Continuing jurisdiction of the United States over the contract for the sale of mineral materials shall be administered by the Secretary of the Interior.

(B) EXPIRATION OF CONTRACT.—Upon expiration of the contract described in subparagraph (A), jurisdiction over reclamation shall be assumed by the Secretary of the Interior.

(3) EFFECT ON EXISTING RIGHTS.—Nothing in this Act limits or enhances the rights of COPAR under the Contract For The Sale Of Mineral Materials dated May 4, 1994.

SEC. 8. CONVEYANCES.

(a) AUTHORIZATION.—

(1) CONSIDERATION FROM PUEBLO.—Upon receipt of the consideration from the Pueblo for the Settlement Area Land and the Water System Land, the Secretary of Agriculture shall execute and deliver—

(A) to the Pueblo, a quitclaim deed to the Settlement Area Land; and

(B) to the County, a quitclaim deed to the Water System Land, reserving—

(i) a contingent remainder in the United States in trust for the benefit of the Pueblo in accordance with the Los Alamos Agreement; and

(ii) a right of access for the United States for the Pueblo for ceremonial and other cultural purposes.

(2) CONSIDERATION FROM COUNTY.—Upon receipt of the consideration from the County for all or a portion of the Los Alamos Townsite Land, the Secretary of Agriculture shall execute and deliver to the County a quitclaim deed to all or portions of such land, as appropriate.

(3) EXECUTION.—An easement or deed of conveyance by the Secretary of Agriculture under this Act shall be executed by the Director of Lands and Minerals, Forest Service, Southwestern Region, Department of Agriculture.

(b) AUTHORIZATION FOR PUEBLO TO CONVEY IN TRUST.—Upon receipt by the Pueblo of the quitclaim deed to the Settlement Land under subsection (a)(1), the Pueblo may quitclaim the Settlement Land to the United States, in trust for the Pueblo.

(c) ADEQUACY OF CONVEYANCE INSTRUMENTS.—Notwithstanding the status of the Federal land as public domain or acquired land, no instrument of conveyance other than a quitclaim deed shall be required to convey the Settlement Area Land, the Water System Land, the Northern Tier Land, or the Los Alamos Townsite Land under this Act.

(d) SURVEYS.—The Secretary of Agriculture is authorized to perform and approve any required cadastral survey.

(e) CONTRIBUTIONS.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law, the Secretary of Agriculture may accept and use contributions of cash or services from the Pueblo, other governmental entities, or other persons—

(1) to perform and complete required cadastral surveys for the Settlement Area Land, the Water System Land, the Northern Tier Land, or the Los Alamos Townsite Land, as described in the Settlement Agreement or the Los Alamos Agreement; and

(2) to carry out any other project or activity under—

(A) this Act;

(B) the Settlement Agreement; or

(C) the Los Alamos Agreement.

SEC. 9. TRUST STATUS AND NATIONAL FOREST BOUNDARIES.

(a) OPERATION OF LAW.—Without any additional administrative action by the Secretary of Agriculture or the Secretary of the Interior—

(1) on recording the quitclaim deed or deeds from the Pueblo to the United States in trust for the Pueblo under section 8(b) in the Land Titles and Records Office, Southwest Region, Bureau of Indian Affairs—

(A) the Settlement Area Land shall be held in trust by the United States for the benefit of the Pueblo; and

(B) the boundaries of the Santa Fe National Forest shall be deemed to be modified to exclude from the National Forest System the Settlement Area Land; and

(2) on recording the quitclaim deed or deeds from the Secretary of Agriculture to the County of the Water System Land in the county land records, the boundaries of the Santa Fe National Forest shall be deemed to be modified to exclude from the National Forest System the Water System Land.

(b) FUTURE INTERESTS.—If fee title to the Water System Land vests in the Pueblo by conveyance or operation of law, the Water System Land shall be deemed to be held in trust by the United States for the benefit of the Pueblo, without further administrative procedures or environmental or other analyses.

(c) NONINTERCOURSE ACT.—Any land conveyed to the Secretary of the Interior in trust for the Pueblo or any other tribe in accordance with this Act shall be—

(1) subject to the Act of June 30, 1834 (25 U.S.C. 177); and

(2) treated as reservation land.

SEC. 10. INTERIM MANAGEMENT.

Subject to valid existing rights, prior to the conveyance under section 9, the Secretary of Agriculture, with respect to the Settlement Area Land, the Water System Land, the Northern Tier Land, and the Los Alamos Townsite Land—

(1) shall not encumber or dispose of the land by sale, exchange, or special use authorization, in such a manner as to substantially reduce the market value of the land;

(2) shall take any action that the Secretary determines to be necessary or desirable—

(A) to protect the land from fire, disease, or insect infestation; or

(B) to protect lives or property; and

(3) may, in consultation with the Pueblo or the County, as appropriate, authorize a special use of the Settlement Area Land, not to exceed 1 year in duration.

SEC. 11. WITHDRAWAL.

Subject to valid existing rights, the land referenced in the notices of withdrawal of land in New Mexico (67 Fed. Reg. 7193; 68 Fed. Reg. 75628) is withdrawn from all location, entry, and patent under the public land laws and mining and mineral leasing laws of the United States, including geothermal leasing laws.

SEC. 12. CONVEYANCE OF THE NORTHERN TIER LAND.

(a) CONVEYANCE AUTHORIZATION.—

(1) IN GENERAL.—Subject to valid existing rights, including reservations in the United States and any right under this section, the Secretary of Agriculture shall sell the Northern Tier Land on such terms and conditions as the Secretary may prescribe as being in the public interest and in accordance with this section.

(2) EFFECT OF PARAGRAPH.—The authorization under paragraph (1) is solely for the purpose of consolidating Federal and non-Federal land to increase management efficiency and is not in settlement or compromise of any claim of title by any Pueblo, Indian tribe, or other entity.

(b) RIGHTS OF REFUSAL.—

(1) PUEBLO OF SANTA CLARA.—

(A) IN GENERAL.—In consideration for an easement under subsection (e)(2), the Pueblo of Santa Clara shall have an exclusive option to purchase the Northern Tier Land for the period beginning on the date of enactment of this Act and ending 90 days thereafter.

(B) RESOLUTION.—Within the period prescribed in subparagraph (A), the Pueblo of Santa Clara may exercise its option to acquire the Northern Tier Land by delivering to the Regional Director of Lands and Minerals, Forest Service, Southwestern Region, Department of Agriculture, a resolution of the Santa Clara Tribal Council expressing the unqualified intent of the Pueblo of Santa Clara to purchase the land at the offered price.

(C) FAILURE TO ACT.—If the Pueblo of Santa Clara does not exercise its option to purchase the Northern Tier Land within the 90-day period under subparagraph (A), or fails to close on the purchase of such land within 1 year of the date on which the option to purchase was exercised, the Secretary of Agriculture shall offer the Northern Tier Land for sale to the Pueblo.

(2) OFFER TO PUEBLO.—

(A) IN GENERAL.—Not later than 90 days after receiving a written offer from the Secretary of Agriculture under paragraph (1)(C), the Pueblo may exercise its option to acquire the Northern Tier Land by delivering to the Regional Director of Lands and Minerals, Forest Service, Southwestern Region, a resolution of the Pueblo Tribal Council expressing the unqualified intent of the Pueblo to purchase the land at the offered price.

(B) FAILURE OF PUEBLO TO ACT.—If the Pueblo fails to exercise its option to purchase the Northern Tier Land within 90 days after receiving an offer from the Secretary of Agriculture, or fails to close on the purchase of such land within 1 year of the date on which the option to purchase was exercised under subparagraph (A), the Secretary of Agriculture may sell or exchange the land to any third party in such manner and on such terms and conditions as the Secretary determines to be in the public interest, including by a competitive process.

(3) EXTENSION OF TIME PERIOD.—The Secretary of Agriculture may extend the time period for closing beyond the 1 year prescribed in subsection (b), if the Secretary determines that additional time is required to meet the administrative processing requirements of the Federal Government, or for other reasons beyond the control of either party.

(c) TERMS AND CONDITIONS OF SALE.—

(1) PURCHASE PRICE.—Subject to valid existing rights and reservations, the purchase price for the Northern Tier Land sold to the Pueblo of Santa Clara or the Pueblo under subsection (b) shall be the consideration agreed to by the Pueblo of Santa Clara pursuant to that certain Pueblo of Santa Clara Tribal Council Resolution No. 05–01 ''Approving Proposed San Ildefonso Claims Settlement Act of 2005, and Terms for Purchase of Northern Tier Lands'' that was signed by Governor J. Bruce Tafoya in January 2005.

(2) RESERVED RIGHTS.—On the Northern Tier Land, the United States shall reserve the right to operate, maintain, reconstruct (at standards in existence on the date of the Settlement Agreement), replace, and use the stream gauge, and to have unrestricted administrative access over the associated roads to the gauge (as depicted in Appendix B of the Settlement Agreement).

(3) CONVEYANCE BY QUITCLAIM DEED.—The conveyance of the Northern Tier Land shall be by quitclaim deed executed on behalf of the United States by the Director of Lands and Minerals, Forest Service, Southwestern Region, Department of Agriculture.

(d) TRUST STATUS AND FOREST BOUNDARIES.—

(1) ACQUISITION OF LAND BY INDIAN TRIBE.—If the Northern Tier Land is acquired by an Indian tribe (including a Pueblo tribe), the land may be reconveyed by quitclaim deed or deeds back to the United States to be held in trust by the Secretary of the Interior for the benefit of the tribe, and the Secretary of the Interior shall accept the conveyance without any additional administrative action by the Secretary of Agriculture or the Secretary of the Interior.

(2) LAND HELD IN TRUST.—On recording a quitclaim deed described in paragraph (1) in the Land Titles and Records Office, Southwest Region, Bureau of Indian Affairs, the Northern Tier Land shall be deemed to be held in trust by the United States for the benefit of the Indian tribe.

(3) BOUNDARIES OF SANTA FE NATIONAL FOREST.—Effective on the date of a deed described in paragraph (1), the boundaries of the Santa Fe National Forest shall be deemed modified to exclude from the National Forest System the land conveyed by the deed.

(e) INHOLDER AND ADMINISTRATIVE ACCESS.—

(1) FAILURE OF PUEBLO OF SANTA CLARA TO ACT.—

(A) IN GENERAL.—If the Pueblo of Santa Clara does not exercise its option to acquire the Northern Tier Land, the Secretary of Agriculture or the Secretary of the Interior, as appropriate, shall by deed reservations or grants on land under their respective jurisdiction provide for inholder and public access across the Northern Tier Land in order to provide reasonable ingress and egress to private and Federal land as shown in Appendix B of the Settlement Agreement.

(B) ADMINISTRATION OF RESERVATIONS.—The Secretary of the Interior shall administer any such reservations on land acquired by any Indian tribe.

(2) EFFECT OF ACCEPTANCE.—If the Pueblo of Santa Clara exercises its option to acquire all of the Northern Tier Land, the following shall apply:

(A) EASEMENTS TO UNITED STATES.—

(i) DEFINITION OF ADMINISTRATIVE ACCESS.—In this subparagraph, the term ''administrative access'' means access to Federal land by Federal employees acting in the course of their official capacities in carrying out activities on Federal land authorized by law or regulation, and by agents and contractors of Federal agencies who have been engaged to perform services necessary or desirable for fire management and the health of forest resources, including the cutting and removal of vegetation, and for the health and safety of persons on the Federal land.

(ii) EASEMENTS.—

(I) IN GENERAL.—The Pueblo of Santa Clara shall grant and convey at closing perpetual easements over the existing roads to the United States that are acceptable to the Secretary of Agriculture for administrative access over the Santa Clara Reservation Highway 601 (the Puye Road), from its intersection with New Mexico State Highway 30, westerly to its intersection with the Sawyer Canyon Road (also known as Forest Development Road 445), thence southwesterly on the Sawyer Canyon Road to the point at which it exits the Santa Clara Reservation.

(II) MAINTENANCE OF ROADWAY.—An easement under this subparagraph shall provide that the United States shall be obligated to contribute to maintenance of the roadway commensurate with actual use.

(B) EASEMENTS TO PRIVATE LANDOWNERS.—Not later than 180 days after the date of enactment of this Act, the Pueblo of Santa Clara, in consultation with private landowners, shall grant and convey a perpetual easement to the private owners of land within the Northern Tier Land for private access over Santa Clara Reservation Highway 601 (Puye Road) across the Santa Clara Indian Reservation from its intersection with New Mexico State Highway 30, or other designated public road, on Forest Development Roads 416, 445 and other roads that may be necessary to provide access to each individually owned private tract.

(3) APPROVAL.—The Secretary of the Interior shall approve the conveyance of an easement under paragraph (2) upon receipt of written approval of the terms of the easement by the Secretary of Agriculture.

(4) ADEQUATE ACCESS PROVIDED BY PUEBLO OF SANTA CLARA.—If adequate administrative and inholder access is provided over the Santa Clara Indian Reservation under paragraph (2), the Secretary of the Interior—

(A) shall vacate the inholder access over that portion of Forest Development Road 416 referenced in section 7(e)(5); but

(B) shall not vacate the reservations over the Northern Tier Land for administrative access under subsection (c)(2).

SEC. 13. INTER-PUEBLO COOPERATION.

(a) DEMARCATION OF BOUNDARY.—The Pueblo of Santa Clara and the Pueblo may, by agreement, demarcate a boundary between their respective tribal land within Township 20 North, Range 7 East, in Rio Arriba County, New Mexico, and may exchange or otherwise convey land between them in that township.

(b) ACTION BY SECRETARY OF THE INTERIOR.—In accordance with any agreement under subsection (a), the Secretary of the Interior shall, without further administrative procedures or environmental or other analyses—

(1) recognize a boundary between the Pueblo of Santa Clara and the Pueblo;

(2) provide for a boundary survey;

(3) approve land exchanges and conveyances as agreed upon by the Pueblo of Santa Clara and the Pueblo; and

(4) accept conveyances of exchanged lands into trust for the benefit of the grantee tribe.

SEC. 14. DISTRIBUTION OF FUNDS PLAN.

Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall act in accordance with the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.) with respect to the award entered in the compromise and settlement of claims under the case styled Pueblo of San Ildefonso v. United States, No. 660–87L, United States Court of Federal Claims.

SEC. 15. RULE OF CONSTRUCTION AND JUDICIAL REVIEW.

Notwithstanding any provision of State law, the Settlement Agreement and the Los Alamos Agreement (including any real property conveyance under the agreements) shall be interpreted and implemented as matters of Federal law.

SEC. 16. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act.

SEC. 17. TIMING OF ACTIONS.

It is the intent of Congress that the land conveyances and adjustments contemplated in this Act *(except the conveyances and adjustments relating to Los Alamos Townsite Land)* shall be completed not later than 180 days after the date of enactment of this Act.

SEC. 18. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as are necessary to carry out this Act.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendments were agreed to.

The bill (S. 1773), as amended, was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL CYSTIC FIBROSIS AWARENESS MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration and the Senate now proceed to H. Con. Res. 357.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 357) supporting the goals and ideals of National Cystic Fibrosis Awareness Month.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 357) was agreed to.

The preamble was agreed to.

ORDERS FOR THURSDAY, MAY 25, 2006

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:15 a.m. on Thursday, May 25. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two Leaders be reserved, and the Senate then resume consideration of S. 2611, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, in the morning we will work toward passage of the immigration bill. We have our final amendment list lined up. We will likely debate the amendments and stack them together very early in the afternoon. I do anticipate passage of the bill by early afternoon following those votes.

Following passage of this comprehensive immigration bill, we will proceed to the cloture vote on the Kavanaugh nomination. I filed cloture the night before last. We are attempting to reach a time agreement on the Hayden nomination. I feel strongly we need to complete action on the Hayden nomination before we leave. It is an important position, General Hayden being the right man for this position at a very important time in our history. We also have the Portman nomination for OMB and the Schwab nomination at the USTR to clear this week, as well. It is my goal to reach an agreement with the other side of the aisle as to when we might be able to bring him to the Senate.

Finally, I mention that I filed a cloture motion on the nomination of our former colleague, Dirk Kempthorne, to be Secretary of the Interior. I have tried over the course of the day, to no avail, to be able to bring that to a vote and was unable to do so with an objection on the other side of the aisle. I have filed cloture tonight. This vote will occur on Friday.

We end Wednesday, at a late hour, having had a very productive day today, very productive day yesterday, really, this whole week. I appreciate the collegial approach our colleagues have taken in allowing amendments to come forward, to be debated, thoroughly debated, discussed and voted upon. We set out on this immigration bill well over a month ago. We had a hiatus over the recess, came back and in a very bipartisan spirit had an agreement to proceed to consider votes with these amendments and have the votes taken.

We have had huge progress. The debate has been very good. Everyone has participated in that debate. Everyone has had the opportunity to submit amendments and have them debated.

With that, we have progressed in our understanding of both the importance of this bill but also the importance of having a comprehensive solution to the challenges we face, with 12 million people here illegally, the need, absolute necessity of having a strong temporary worker program in this country for economic reasons and employment reasons and then, first and foremost, sealing our borders, locking down our borders in the sense we can have legal immigration and not illegal immigration coming across at ports of entry.

I have been very pleased with the debate. It has been very tough, very challenging, for a number of our Members. There is no consensus in the sense that everyone has gotten exactly what they wanted, but I will be absolutely satisfied with this bill as a reflection of the will of 100 Senators, the will of this Senate after this very long time in the Senate but very good and productive time where so many amendments have been considered.

We will complete the bill tomorrow. I expect the bill to pass tomorrow. I can't predict what the final outcome will be, but I think it will reflect this very open, free, deliberate process we have seen over the last several weeks.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:15 p.m., adjourned until Thursday, May 25, 2006, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate May 24, 2006:

DEPARTMENT OF VETERANS AFFAIRS

PATRICK W. DUNNE, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (POLICY AND PLANNING), VICE CLAUDE M. KICKLIGHTER, RESIGNED.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be commander

PHILIP A GRUCCIO
RICHARD R WINGROVE
RANDALL J TEBEEST
JOHN J ADLER
MICHAEL S WEAVER
ANNE K LYNCH
KARL F MANGELS
ANITA L LOPEZ
JEFFREY C HAGAN
JOHN K LONGENECKER

To be lieutenant commander

JULIE V HELMERS
MARK A WETZLER
KURT A ZEGOWITZ
TIMOTHY J GALLAGHER
JOE C BISHOP
NATHAN H HANCOCK
PETER V SIEGEL
DEMIAN A BAILEY
MICHAEL F ELLIS
NANCY L ASH
ELIZABETH I JONES
ARTHUR J STARK, JR
THOMAS J PELTZER

To be lieutenant

PAUL W KEMP
KATHERINE R PEET
MICHAEL G LEVINE
BRYAN R WAGONSELLER
ALLISON B MELICHAREK
EARL M SPENCER
JEFFREY D SHOUP
HECTOR L CASANOVA
AMANDA M BITTINGER
NICOLE M MANNING
ERIC T JOHNSON
JASPER D SCHAER
JESSICA E DAUM
AMANDA M MIDDLEMISS
NATASHA R DAVIS
LUKE J SPENCE
JOHN J LOMNICKY
LUNDY E PIXTON

To be lieutenant (junior grade)

SAMUEL F GREENAWAY
TRACY L HAMBURGER
MICHAEL O GONSALVES
OLIVIA A HAUSER
DANIEL E ORR
REBECCA J ALMEIDA
TONY III PERRY
JONATHAN R FRENCH
AMY B COX
PAUL S HEMMICK
MATTHEW J JASKOSKI
STEPHEN C KUZIRIAN
LINDSEY M VANDENBERG
MADELEINE M ADLER
CAROL N ARSENAULT
JAMES L BRINKLEY
JOHN E CHRISTENSEN
SEAN M FINNEY
LAUREL K JENNINGS
GUINEVERE R LEWIS
ALLISON R MARTIN
JASON R SAXE
PAUL M SMIDANSKY
DAVID A STRAUSZ
REBECCA J WADDINGTON
JAMIE S WASSER

HOUSE OF REPRESENTATIVES—*Wednesday, May 24, 2006*

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC.
May 24, 2006.

I hereby appoint the Honorable JO ANN EMERSON to act as Speaker pro tempore on this day.

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

PRAYER

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

Today the House of Representatives prays with the sentiments of the 122nd Psalm:

''I rejoiced because they said to me, 'We are on our way to the house of the Lord.' Even now, at times, I have a sense we are standing within your gates, O Jerusalem.

''Jerusalem, that holy city built as a sign of unity. To it the tribes of the Lord climb up. There all the tribes of the Lord are drawn together. I rejoiced when I heard them say, 'Together let us go up to the house of the Lord.'

''Pray for the peace of Jerusalem. Pray. May all those who love her prosper. May peace be found within and permeate all great endeavors.

''Because of relatives and friends, I will pray, 'May peace be upon you.' Because here is the dwelling of the Lord God, a place holy for Jew, Christian and Muslim, I will pray for your good.''

To You, Lord God, be glory and honor forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. MCNULTY led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation among the Speaker, the majority and minority leaders, the Chair announces that during the joint meeting to hear an address by His Excellency Ehud Olmert, Prime Minister of Israel, only the doors immediately opposite the Speaker and those on her right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance that is anticipated, the Chair feels the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

The practice of reserving seats prior to the joint meeting by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Friday, May 19, 2006, the House stands in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 4 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1050

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY EHUD OLMERT, PRIME MINISTER OF ISRAEL

The Speaker of the House presided.

The Deputy Sergeant at Arms, Mrs. Kerri Hanley, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort His Excellency Ehud Olmert, Prime Minister of Israel, into the Chamber:

The gentleman from Ohio (Mr. BOEHNER);
The gentleman from Missouri (Mr. BLUNT);
The gentlewoman from Ohio (Ms. PRYCE);
The gentleman from Virginia (Mr. CANTOR);
The gentleman from New York (Mr. REYNOLDS);
The gentleman from Florida (Mr. SHAW);
The gentleman from Texas (Mr. DELAY);
The gentlewoman from Florida (Ms. ROS-LEHTINEN);
The gentleman from Virginia (Mr. TOM DAVIS);
The gentleman from Georgia (Mr. PRICE);
The gentlewoman from California (Ms. PELOSI);
The gentleman from Maryland (Mr. HOYER);
The gentleman from South Carolina (Mr. CLYBURN);
The gentleman from Connecticut (Mr. LARSON);
The gentleman from California (Mr. LANTOS);
The gentleman from New York (Mr. ACKERMAN);
The gentlewoman from New York (Mrs. LOWEY);
The gentleman from California (Mr. WAXMAN);
The gentlewoman from California (Ms. HARMAN); and
The gentleman from California (Mr. BERMAN).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort His Excellency Ehud Olmert, Prime Minister of Israel, into the House Chamber:

The Senator from Tennessee (Mr. FRIST);
The Senator from Kentucky (Mr. MCCONNELL);
The Senator from Alaska (Mr. STEVENS);
The Senator from Pennsylvania (Mr. SANTORUM);
The Senator from Arizona (Mr. KYL);
The Senator from Pennsylvania (Mr. SPECTER);
The Senator from Minnesota (Mr. COLEMAN);
The Senator from Nevada (Mr. REID);
The Senator from Illinois (Mr. DURBIN);
The Senator from Michigan (Ms. STABENOW);
The Senator from Vermont (Mr. LEAHY);

The Senator from Michigan (Mr. LEVIN);

The Senator from Wisconsin (Mr. KOHL);

The Senator from Connecticut (Mr. LIEBERMAN);

The Senator from California (Mrs. FEINSTEIN);

The Senator from California (Mrs. BOXER);

The Senator from Wisconsin (Mr. FEINGOLD);

The Senator from Oregon (Mr. WYDEN);

The Senator from New York (Mrs. CLINTON); and

The Senator from New Jersey (Mr. LAUTENBERG).

The Deputy Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, His Excellency Jesse Bibiano Marehalau, Ambassador of Micronesia.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Deputy Sergeant at Arms announced the Cabinet of the President of the United States.

The Members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 11 o'clock and 10 minutes a.m., the Deputy Sergeant at Arms announced His Excellency Ehud Olmert, Prime Minister of Israel.

The Prime Minister of Israel, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and a personal pleasure to present to you His Excellency Ehud Olmert, Prime Minister of Israel.

[Applause, the Members rising.]

ADDRESS BY HIS EXCELLENCY EHUD OLMERT, PRIME MINISTER OF ISRAEL

Prime Minister OLMERT. Mr. Speaker, Mr. Vice President, distinguished Members of the U.S. Congress, ladies and gentlemen, on behalf of the people and the State of Israel, I wish to express my profound gratitude to you for the privilege of addressing this joint meeting of the U.S. Congress. This building, this Chamber, and all of you stand as a testament to the enduring principles of liberty and democracy.

More than 30 years ago, I came to Washington as a young legislator thanks to a program sponsored by the State Department. I had a chance to tour this building, and I saw then what I believe today, that this institution, the United States Congress, is the greatest deliberative body in the world. I did not imagine then that a day would actually come when I would have the honor of addressing this forum as the Prime Minister of my nation, the State of Israel.

The United States is a superpower whose influence reaches across oceans and beyond borders. Your continued support, which, I am happy to say, transcends partisan affiliations, is of paramount importance to us. We revere the principles and values represented by your great country and are grateful for the unwavering support and friendship we have received from the U.S. Congress, from President George W. Bush, and from the American people.

Abraham Lincoln once said, ''I am a success today because I had a friend who believed in me, and I didn't have the heart to let him down.''

Israel is grateful that America believes in us. Let me assure you that we will not let you down.

The similarities in our economic, social and cultural identities are obvious, but there is something much deeper and everlasting. The unbreakable ties between our two nations extend far beyond mutual interests. They are based on our shared goals and values stemming from the very essence of our mutual foundations.

This coming Monday, the 29th of May, you commemorate Memorial Day for America's fallen. The graves of brave American soldiers are scattered throughout the world: in Asia and in the Pacific, throughout Europe and Africa, in Iraq and throughout the Middle East. The pain of the families never heals, and the void they leave is never filled.

It is impossible to think of a world in which America was not there in the honorable service of humanity. On Monday, when the Stars and Stripes are lowered to half-mast, we, the people of Israel, will bow our heads with you.

Our two great nations share a profound belief in the importance of freedom and a common pioneering spirit deeply rooted in optimism. It was the energetic spirit of our pioneers that enabled our two countries to implement the impossible, to build cities where swamps once existed and to make the desert bloom.

My parents, Bella and Mordechai Olmert, were lucky. They escaped the persecution in the Ukraine and Russia and found sanctuary in Harbin, China. They immigrated to Israel to fulfill their dream of building a Jewish and democratic state living in peace in the land of our ancestors.

My parents came to the Holy Land following a verse in the Old Testament in the book of Second Samuel: ''I will appoint a place for my people Israel and I will plant them in their land and they will dwell in their own place and be disturbed no more.''

Distinguished Members of Congress, I come here, to this home of liberty and democracy, to tell you that my parents' dream, our dream, has only been partly fulfilled. We have succeeded in building a Jewish democratic homeland. We have succeeded in creating an oasis of hope and opportunity in a troubled region. But there has not yet been one year, one week, even one day of peace in our tortured land.

Our Israeli pioneers suffered, and their struggle was long and hard. Yet even today, almost 60 years after our independence, that struggle still endures. Since the birth of the State of Israel and until this very moment, we have been continually at war and amidst confrontation. The confrontation has become even more violent, the enemy turned even more inhumane due to the scourge of suicide terrorism. But we are not alone. Today, Israel, America, Europe, and democracies across the globe, unfortunately, face this enemy.

Over the past 6 years, more than 20,000 attempted terrorist attacks have been initiated against the people of Israel. Most, thankfully, have been foiled by our security forces. But those which have succeeded have resulted in the deaths of hundreds of innocent civilians and the injury of thousands, many of them children guilty only of being in what proved to be the wrong place at the wrong time.

These are not statistics. These are real people with beautiful souls that have left this Earth far too soon.

In the decade I served as mayor of my beloved city, Jerusalem, we faced the lion's share of the seemingly endless wave of terrorism.

I remember Galila, a 12-year-old Ethiopian immigrant, whose parents worked in the King David Hotel. On one particular morning, her parents, overwhelmed by the fear of riding a bus in the city of Jerusalem, told their daughter, ''Galila, perhaps this morning, just this morning, we'll take you in the family car to your school.''

And Galila said to her parents, ''Oh, come on. Don't be silly. I know where to sit in the bus. I will be safe in the bus. Don't worry for me.'' It so happened that on that same day, the suicide attacker ascended that same bus and chose to sit just next to her.

When I visited her grieving parents, her mother came to me sobbing and she said, ''You are the mayor. You have so much influence in this city. Will you do us just one last favor. Please try to find out something, just one item of remembrance that we will be able to take with us for the rest of our lives. Maybe just a shoelace of Galila's.'' I did everything a mayor could do. I summoned the police. I summoned the security forces. I instructed the municipal workers. I told them, ''Go look out wherever you can.'' And then they came back and they said to me, ''Mr.

Mayor, nothing. Nothing. Not even a shoelace.''

Among the victims of this brutal and unremitting terror, I am sorry to tell you, are also American citizens. Only last week, Daniel Cantor Wultz, a 16-year-old high school student from Weston, Florida, who came to spend the Passover holiday with his parents in Israel, succumbed to his severe injuries incurred in Israel's most recent suicide attack.

I asked Daniel's parents and sister, Yekutiel, Sheryl and Amanda Wultz, who only finished the traditional period of mourning 2 days ago, to be with us here today. Daniel was a relative of Congressman ERIC CANTOR of Virginia, an honorable Member of this House. Our thoughts and prayers are with you.

I bring Galila's memory, Daniel's memory, and the loss of so many others with me to my new post as Prime Minister. I also bring with me the horrific scenes I saw with my own eyes when I visited New York just a few days after the devastating attacks on September 11, a tragedy that transcends any other terrorist attack that has ever occurred.

As I told my good friend, Rudy Giuliani, on that dreadful day, our hearts went out to you, not only because of the friendship between us but because, tragically and personally, we both know what it is to confront the evil of terrorism at home.

Our countries do not just share the experience and pain of terrorism. We share the commitment and resolve to confront the brutal terrorists that took these innocent people from us. We share the commitment to extract from our grief a renewed dedication to providing our people with a better future.

Let me state this as clearly as I can: We will not yield to terror. We will not surrender to terror. And we will win the war on terror and restore peace to our societies.

The Palestinian Authority is ruled by Hamas, an organization committed to vehement anti-Semitism, the glorification of terror, and the total destruction of Israel. As long as these are their guiding principles, they can never be a partner.

Therefore, while Israel works to ensure that the humanitarian needs of the Palestinian population are met, we can never capitulate to terrorists or terrorism. I pay tribute to the firmness and the clarity with which the President and this Congress uphold this crucial principle which we both firmly share.

Israel commends this Congress for initiating the Palestinian Anti-Terrorism Act which sends a firm, clear message that the United States of America will not tolerate terrorism in any form.

Like America, Israel seeks to rid itself of the horrors of terrorism. Israel yearns for peace and security. Israel is determined to take responsibility for its own future and take concrete steps to turn its dreams into reality. The painful, but necessary, process of disengagement from the Gaza Strip and Northern Samaria was an essential step.

At this moment, my thoughts turn especially to the great leader, who, in normal circumstances, should have stood here. Ariel Sharon, the legendary statesman and visionary, my friend and colleague, could not be here with us, but I am emboldened by the promise of continuing his mission. I pray, as I am sure you all do, too, for his recovery.

Ariel Sharon is a man of few words and great principles. His vision and dream of peace and security transcended time, philosophy, and politics. Israel must still meet the momentous challenge of guaranteeing the future of Israel as a democratic state with a Jewish majority, within permanent and defensible borders and a united Jerusalem as its capital that is open and accessible for the worship of all religions.

This was the dream to which Ariel Sharon was loyally committed. This was the mission he began to fulfill. It is the goal and the purpose of the Kadima Party that he founded and which I was the first to join. And it is this legacy of liberty, identity, and security that I embrace. It is what I am working towards. It is what I am so passionately hoping for.

Although our government has changed, Israel's goal remains the same. As Prime Minister Sharon clearly stated: ''The Palestinians will forever be our neighbors. They are an inseparable part of this land, as are we. Israel has no desire to rule over them, nor to oppress them. They too have a right for freedom and national inspirations.''

With the vision of Ariel Sharon guiding my actions, from this podium today, I extend my hand in peace to Mahmoud Abbas, the elected President of the Palestinian Authority. On behalf of the State of Israel, we are willing to negotiate with a Palestinian Authority. This authority must renounce terrorism, dismantle the terrorist infrastructure, accept previous agreements and commitments, and recognize the right of Israel to exist.

Let us be clear: peace, without security, will bring neither peace nor security.

We will not, we cannot, compromise on these basic tests of partnership.

With a genuine Palestinian partner for peace, I believe we can reach an agreement on all the issues that divide us. Our past experience shows us it is possible to bridge the differences between our two peoples. I believe this, I know this, because we have done it before, in our peace treaties with Egypt and with Jordan. These treaties involved painful and difficult compromises. It required Israel to take real risks.

But if there is to be a just, fair and lasting peace, we need a partner who rejects violence and who values life more than death. We need a partner that affirms in action, not just in words, the rejection, prevention, and elimination of terror.

Peace with Egypt became possible only after President Anwar Sadat came to our Knesset and declared: ''No more war and no more bloodshed.'' And peace with Jordan became possible only after the late King Hussein, here in Washington, declared the end of the state of belligerency, signed a peace treaty with us, and wholeheartedly acknowledged Israel's right to exist.

The lesson for the Palestinian people is clear. In a few years, they could be living in a Palestinian state, side by side in peace and security with Israel, a Palestinian state which Israel and the international community would help thrive.

But no one can make this happen for them if they refuse to make it happen for themselves.

For thousands of years, we Jews have been nourished and sustained by a yearning for our historic land. I, like many others, was raised with a deep conviction that the day would never come when we would have to relinquish parts of the land of our forefathers. I believed, and to this day still believe, in our people's eternal and historic right to this entire land.

But I also believe that dreams alone will not quiet the guns that have fired unceasingly for nearly a hundred years. Dreams alone will not enable us to preserve a secure, democratic Jewish state.

Jews all around the world read in this week's Torah portion: ''And you will dwell in your land safely and I will give you peace in the land, and there shall be no cause for fear. Neither shall the sword cross through the Promised Land.''

Painfully, we the people of Israel have learned to change our perspective. We have to compromise in the name of peace, to give up parts of our promised land in which every hill and every valley is saturated with Jewish history and in which our heroes are buried. We have to relinquish part of our dream to leave room for the dream of others, so that all of us can enjoy a better future. For this painful, but necessary, task my government was elected. And to this I am fully committed.

We hope and pray that our Palestinian neighbors will also awaken. We hope they will make the crucial distinction between implementing visions that can inspire us to build a better reality and mirages that will only lead us further into the darkness. We hope and pray for this, because no peace is more stable than one reached out of mutual

understanding, not just for the past but for the future.

We owe a quiet and normal life to ourselves, our children, and our grandchildren. After defending ourselves for almost 60 years against attacks, all our children should be allowed to live free of fear and terror.

And so I ask of the Palestinians: How can a child growing up in a culture of hate dream of the possibility of peace? It is so important that all schools and all educational institutions in the region teach our children to be hate-free.

The key to a true, lasting peace in the Middle East is in the education of the next generation.

So let us today call out to all peoples of the Middle East: replace the culture of hate with an outlook of hope.

It is 3 years since the Road Map for Peace was presented. The Road Map was and remains the right plan. A Palestinian leadership that fulfills its commitments and obligations will find us a willing partner in peace. But if they refuse, we will not give a terrorist regime a veto over progress, or allow it to take hope hostage.

We cannot wait for the Palestinians forever. Our deepest wish is to build a better future for our region, hand in hand with a Palestinian partner; but, if not, we will move forward, but not alone.

We could never have implemented the Disengagement plan without your firm support. The Disengagement could never have happened without the commitments set out by President Bush in his letter of April 14, 2004, endorsed by both Houses of Congress in unprecedented majorities. In the name of the people of Israel, I thank President Bush for this commitment and for his support and friendship.

The next step is even more vital to our future and to the prospects of finally bringing peace to the Middle East. Success will only be possible with America as an active participant, leading the support of our friends in Europe and across the world.

Should we realize that the bilateral track with the Palestinians is of no consequence, should the Palestinians ignore our outstretched hand for peace, Israel will seek other alternatives to promote our future and the prospects of hope in the Middle East. At that juncture, the time for realignment will occur.

Realignment would be a process to allow Israel to build its future without being held hostage to Palestinian terrorist activities. Realignment would significantly reduce the friction between Israelis and Palestinians and prevent much of the conflict between our two battered nations.

The goal is to break the chains that have tangled our two peoples in unrelenting violence for far too many generations. With our futures unbound, peace and stability might finally find its way to the doorsteps of this troubled region.

Mr. Speaker, Mr. Vice President, allow me to turn to another dark and gathering storm casting its shadow over the world.

Every generation is confronted with a moment of truth and trial. From the savagery of slavery, to the horrors of World War II, to the gulags of the Communist bloc, that which is right and good in this world has always been at war with the horrific evil permitted by human indifference.

Iran, the world's leading sponsor of terror, and a notorious violator of fundamental human rights, stands on the verge of acquiring nuclear weapons. With these weapons, the security of the entire world is put in jeopardy.

We deeply appreciate America's leadership on this issue and the strong bipartisan conviction that a nuclear-armed Iran is an intolerable threat to the peace and security of the world. It cannot be permitted to materialize. This Congress has proven its conviction by initiating the Iran Freedom and Support Act. We applaud these efforts.

A nuclear Iran means a terrorist state could achieve the primary mission for which terrorists live and die: the mass destruction of innocent human life. This challenge, which I believe is the test of our time, is one the West cannot afford to fail.

The radical Iranian regime has declared the United States its enemy. Its President believes it is his religious duty and his destiny to lead his country in a violent conflict against the infidels. With pride he denies the Jewish Holocaust and speaks brazenly, calling to wipe Israel off the map.

For us, this is an existential threat, a threat to which we cannot consent. But it is not Israel's threat alone. It is a threat to all those committed to stability in the Middle East and the well-being of the world at large.

Mr. Speaker, Mr. Vice President, our moment is now. History will judge our generation by the actions we take now, by our willingness to stand up for peace and security and freedom, and by our courage to do what is right.

The international community will be measured not by its intentions, but by its results. The international community will be judged by its ability to convince nations and peoples to turn their backs on hatred and zealotry.

If we don't take Iran's bellicose rhetoric seriously now, we will be forced to take its nuclear aggression seriously later.

Mr. Speaker, Mr. Vice President, the true Israel is not one you can understand through the tragic experiences of the complex geopolitical realities. Israel has impressive credentials in the realms of science, technology, high tech and the arts, and many Israelis are Nobel Prize laureates in various fields.

A land with limited resources, eager to facilitate cooperation with the United States, Israel devotes its best and brightest scientists to research and development for new generations of safe, reliable, efficient and environmentally friendly sources of energy. Both our countries share a desire for energy security and prevention of global warming. Therefore, through the United States-Israel Energy Cooperation Act and other joint frameworks, in collaboration with our U.S. counterparts, Israel will increase its efforts to find advanced scientific and technological solutions designed to develop new energy sources and encourage conservation.

Just one example of Israel's remarkable achievements is the recent $4 billion purchase by an American company of Israel's industrial giant Iscar. This is an important endorsement of the Israeli economy, which has more companies listed on NASDAQ than any country other than the United States and Canada. It is also a vote of confidence in Israel's strategic initiative to enhance the economic and social development of our Negev and Galilee regions.

But above all, it is recognition that what unites us, Israel and America, is a commitment to tap the greatest resource of all, the human mind and the human spirit.

Ladies and gentlemen, we believe in the moral principles shared by our two nations, and they guide our political decisions.

We believe that life is sacred and fanaticism is not.

We believe that every democracy has the right and the duty to defend its citizens and its values against all enemies.

We believe that terrorism not only leads to war but that terrorism is war, a war that must be won every day, a war in which all men and women of good will must be allies.

We believe that peace among nations remains not just the noblest ideal but a genuine reality.

We believe that peace, based on mutual respect, must be and is attainable in the near future.

We, as Jews and citizens of Israel, believe that our Palestinian neighbors want to live in peace. We believe that they have the desire, and hopefully the courage, to reject violence and hatred as means to attain national independence.

The Bible tells us that as Joshua stood on the verge of the Promised Land, he was given one exhortation: ''Chazak Ve'ematz.'' ''Be strong and of good courage.''

Strength, without courage, will lead only to brutality. Courage, without strength, will lead only to futility. Only genuine courage and commitment to our values, backed by the will and the power to defend them, will lead us forward in the service of humanity.

To the Congress of the United States and to the great people of America, on behalf of the people of Israel, I want to say today: chazak ve'ematz, be strong and of good courage; and we, and all peoples who cherish freedom, will be with you.

God bless you.

And God bless America.

Thank you.

[Applause, the Members rising.]

At noon, His Excellency Ehud Olmert, Prime Minister of Israel, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Deputy Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet;

The Acting Dean of the Diplomatic Corps.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 12 o'clock and 5 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until 12:30 p.m.

□ 1245

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOOZMAN) at 12 o'clock and 45 minutes p.m.

PRINT OF PROCEEDINGS HAD DURING RECESS

Mr. POE. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

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

There was no objection.

MESSAGE FROM THE SENATE

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

S. 2803. An act to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 1-minutes on each side.

A MARINE—A MEMORIAL DAY

(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, Harlon Block and his high school teammates took their friendship, bravery and boldness off the football field and on to the battlefield.

Twenty-two-year-old Corporal Block, from the small border town of Weslaco, Texas, would end his journey as a Marine atop an extinct volcano on Iwo Jima. February 23, 1945. The single most patriotic photographic scene in American history would erupt.

Six men vowed to raise a large American flag atop Mt. Suribachi, as they said, ''so that every Marine on this cruddy island can see it.''

That picture would be the last for three of those heroes, including Harlon Block. Admiral Chester Nimitz said, ''Among the men who fought on Iwo Jima, uncommon valor was a common virtue.''

Harlon Block's desire to fight for freedom was a common trait for those warriors who thought the American flag was worth dying for.

This Memorial Day we will remember men like Harlon Block, the other 400,000 of the Greatest Generation who died in the great World War II and all those who died in America and for America's service.

We shall never flinch, never flee, never fear, because we will never forget the Americans.

And that's just the way it is.

KENTUCKY MINERS

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

Mr. CHANDLER. Mr. Speaker, I rise today on behalf of Amon Brock, Jimmy D. Lee, George Petra, Paris Thomas, Jr., Roy Middleton and Steve Bryant. These are the names of Kentucky miners who have died in the last week.

As we just heard this morning, the other body acted on behalf of our miners, and it is critical that the House take immediate action and pass H.R. 5389, a comprehensive mining bill that will not only crack down on negligent operators but save lives. This body should not risk another miner's life by failing to act.

I call on all of my colleagues to reach across party lines for the sake of our miners who are simply trying to go to work and provide for their families.

DEMOCRATS OPPOSE SECURING THE BORDER

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

Ms. FOXX. Mr. Speaker, House Republicans are committed to securing our Nation's borders in order to ensure that our citizens remain safe and secure. One of my Republican colleagues from Virginia recently introduced an amendment to the National Defense Authorization Act that would permit members of our Armed Forces to assist with border protection under certain circumstances.

The Democrats like to say they are working to keep our country secure, but they voted ''no'' on this commonsense amendment, and this is not the first time they voted against important border security and national security measures.

Republicans voted to pass a major border security bill this past December, but Democrats voted ''no'' on the bill.

Republicans voted to pass the REAL ID Act to make sure that people who receive driver's licenses are here legally, but Democrats voted ''no'' on the bill.

Mr. Speaker, House Democrats have had ample opportunity to show that they are serious about border security. Yet every time they get a chance to prove it, they vote ''no.''

IN HONOR OF GILLETT, ARKANSAS' CENTENNIAL CELEBRATION

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

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to my hometown of Gillett, Arkansas, which will celebrate its 100th anniversary this year. This is a significant milestone for our community and for all those who shaped our town's history.

Gillett was incorporated in 1906, several decades after the first settlers migrated there from Fulton County, Illinois, in 1881. These early settlers purchased land; built modest homes; farmed crops of oats, corn and cotton; and developed orchards; and raised cattle. They worked hard to establish a town, building the first school and the first church in 1886, the first store in 1888, and lobbying for the completion of the railroad from Stuttgart, Arkansas, to the new town in 1892.

The name Gillett first appeared in 1892 after community leaders designated the town's first U.S. post office in honor of Francis M. Gillett, president of the railroad company. The name stuck, and by November 21, 1906, the County Court of Arkansas County approved a petition to incorporate the town of Gillett. The town was busy in those early years, establishing the

Bank of Gillett, constructing the first sidewalks, building a modern two-story high school on Champion Avenue, and dedicating the first flagpole in honor of the men from Gillett serving in World War I. By the early 1920s, Gillett recorded its highest population ever of 1,175 citizens.

Gillett hit difficult times, however, in the late 1920s when the flood of 1927 and the Great Depression came. Residents lost their homes and farms, the local bank closed its doors, and businesses went bankrupt. It was not until the 1930s when jobs started to reappear as sawmills, stave mills, and handle factories relocated to our city.

Gillett sent many men into World War II in the 1940s. Some were captured as prisoners of war in the Pacific. Others lost their life fighting for their country. While the town prayed for its war heroes, community leaders continued working to improve the economic conditions in Gillett. In 1946, all the one-room schools in the area moved to Gillett District 66, and the town held its first Coon Supper to raise money for local school and youth activities. This event evolved over the years into one of Arkansas' most popular political events and now receives national and worldwide attention.

The town continued to grow during the 1950s and 1960s, with Gillett High School attaining North Central Accreditation, the construction of the Arkansas River Navigation Project, integration of the schools, and the establishment of the Planters and Merchants Bank of Gillett. Farmers and businesses continued to turn a profit, and by the 1970s area farmers reported all-time highs for commodities. Farms were paid off, new machinery purchased, and new homes constructed.

The town itself also underwent a number of improvements thanks to the Federal Revenue Sharing period. A new city hall was constructed, and street improvements were made. A library was built, water and sewer improvements received attention, and many beautification projects took place.

Despite the booming times of the 1960s and 1970s, the depressed farm economy of the 1980s and 1990s proved to be a challenging time for our citizens. Many businesses closed, and construction of new homes came to a halt. Population figures declined from the highs of the 1920s and 1960s, and the schools continued to lose enrollment. This declining enrollment posed a serious threat during the 1980s, when a consolidation proposal almost cost the town its schools.

It was during this time, in 1996, when the citizens of Gillett helped elect me to represent Arkansas's 1st Congressional District in the United States House of Representatives. As a resident of Gillett, Arkansas, I am honored to serve my friends in Congress and have spent the past decade working to restore prosperity to the region. We continue to fight for our farmers who struggle with high fuel and fertilizer costs, and we are working to diversify our energy supply so places like Gillett can benefit from new opportunities.

Gillett has always been a town of citizens who pull together during tough times to improve our schools, help our businesses grow, and attract new development to the region. On May 27, 2006, our community will gather to celebrate 100 years as a corporate community. We will hold a parade down Main Street, reflect on our history, and place a time capsule in front of city hall to preserve our story for generations to come.

I ask my colleagues to join me in congratulating my hometown of Gillett, Arkansas, on this significant milestone. We send our appreciation to the town's citizens for years of hard work and dedication to their community and wish Gillett many more years as a wonderful place to live and raise a family.

HEALTH IT

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

Mr. GINGREY. Mr. Speaker, I rise today in support of Health Information Technology, one of the most important and immediate ways we can increase patient safety and help more Americans access quality health care.

Health Information Technology, like electronic medical records and e-prescribing, can help doctors save money, time and, most importantly, save lives. But as I speak to practicing physicians across America, I am hearing the same thing time and time again, Mr. Speaker: I would love to invest in this new technology, but the costs are simply prohibitive.

This is why I have introduced H.R. 4641, legislation to increase tax deductions for physicians who invest in Health Information Technology. If more physicians can afford Health IT, more Americans can benefit from these systems.

Mr. Speaker, a recent RAND study reveals that a widely adopted Health IT system could save the United States more than $126 billion each and every year. We have a unique opportunity then to help doctors, patients and the American taxpayer in one fell swoop.

It is absolutely crucial that we encourage the adoption of HIT, Health Information Technology. Congress must act, and we must act now. H.R. 4641 is the right approach to lower the cost barriers to Health IT for our physicians.

STEM CELL RESEARCH

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

Ms. BALDWIN. Mr. Speaker, I am fortunate to represent the University of Wisconsin-Madison, where Dr. Jamie Thompson and his team of scientists were the first to derive and culture human embryonic stem cells in a lab.

Embryonic stem cells open up the possibility of dramatic new medical treatments, transplantation therapies and cures. But on August 9, 2001, the hope and promise of this research was greatly curtailed by this administration's severe restrictions on Federal research dollars.

Last year, I was proud to fight for the passage of H.R. 810, a bill that opens up Federal research dollars to stem cells derived from donated embryos. One year has gone by since the House passed that bill. It is time for the Senate to act. We can no longer tie the hands of our scientists. We need to unlock the promise that this research holds.

U.S. MOX PROGRAM

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, in 2000, the U.S. and Russia agreed to dispose of 34 metric tons of surplus weapons-grade plutonium by turning it into a mixed oxide fuel for existing commercial nuclear reactors. Recently, the future of this program, which is vital to our national security, has been in doubt.

I acknowledge, sure, there have been delays, but I am confident that language previously agreed to by the House will allow the U.S. MOX program to move forward regardless of the pace of the Russian program. Moving forward in this unilateral fashion makes good sense.

I am proud that the Savannah River Site in my district has been selected for this important project. Eliminating the MOX program in the Energy and Water Appropriations Act for fiscal year 2007 is wrong not only for my State but the Nation and the world.

The chairman has made his thoughts clear, but I respectfully disagree with his conclusions and will not be able to support any legislation that effectively turns South Carolina into a dumping ground. That is why I will not be able to support H.R. 5427 when it comes to a vote later today.

□ 1300

VETERANS AND CULTURALLY APPROPRIATE CARE

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

Ms. SOLIS. Mr. Speaker, today I rise to urge my colleagues to provide greater funding for our Nation's veterans. More than 24 million veterans and

their families have sacrificed for this country, yet the majority continues to underfund vital mental health and bereavement counseling.

The growing numbers of minorities in the military and their families is especially important to note. One in 10 soldiers in the U.S. Army and one in seven marines are of Latino extraction, 7 percent of the U.S. Navy is Asian Pacific Islander, and 3 percent of the Navy and Marine Corps is Native American. But only 43 percent of the VA's staff is trained to implement culturally and linguistically appropriate programs, and only 24 percent of the facilities have translated materials into languages that are used by our servicemen and their families.

I urge my colleagues to support a bill I introduced, H.R. 5007, to ensure that veterans and their families receive culturally and linguistically competent health care, especially those suffering from post-traumatic stress disorder.

As we remember Memorial Day, we should not hinder but support our military veterans and their families. And I send my special condolences to the families of the 11 soldiers who died in Iraq from my district.

ON MEMORIAL DAY AND IN HONOR OF CHIEF WARRANT OFFICER KYLE JACKSON

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

Ms. HARRIS. Mr. Speaker, I rise today in honor of the life of Chief Warrant Officer Kyle Jackson, a Sarasota native and an American hero.

By the measure of time, Kyle's life was too short. Yet in the words of Rudyard Kipling, he filled ''the unforgiving minute with 60 seconds' worth of distance run.''

A 28-year-old father of two, Kyle treasured the fullness of each and every day and treasured the fragility of every moment. His father, Gary, said that ''he wanted to do his job and wanted to do it well.'' As a father and a son, as a soldier and a marine, Kyle gave the full measure of his heart and soul to the performance of all of his duties.

After September 11, 2001, Kyle heard the call to serve his Nation and reenlisted in the Armed Forces. Earlier this year, while stationed in Iraq, he answered God's call and gave to a grateful Nation his most treasured gift, his life.

Kyle is not unlike the many brave men and women who have died in our Nation's defense, except to his wife, Betsy, his daughters Alia and Keira, and all who were blessed to have shared a moment with him.

I wish to recognize Kyle Jackson for his extraordinary service to his Nation and to his family.

NUCLEAR IRAN

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

Ms. WATSON. Mr. Speaker, the danger of a nuclear Iran may be the biggest security challenge facing America and the world, and now it appears that the Iranian regime might finally be willing to talk about ending their nuclear weapons programs.

This opportunity raises many questions. Can we depend on Iran to negotiate in good faith? Is Iran truly ready to renounce terrorism? And what will be the cost to the people of Iran if we engage a regime that oppresses its own people?

We must confront all these questions and scour our conscience for the answers. But these questions are dwarfed by a more immediate one: Do we have the courage, the foresight and the strength of will to seize this opportunity? Will we be brave enough to talk with Iran and risk a diplomatic failure? Or will we be so afraid to talk that we would risk war?

I ask the President to confront his fears, justified as they may be, and choose the courageous path of reaching out to engage Iran on a diplomatic formula to end the Iranian nuclear program.

IMMIGRANT SMUGGLERS AVOID PROSECUTION

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

Mr. KELLER. Mr. Speaker, 94 percent of the felons arrested for illegally smuggling aliens across the Mexico border near San Diego are never prosecuted by the U.S. Attorney. This is according to a shocking internal Border Patrol report just revealed by the Associated Press.

Are you surprised? I told the Attorney General about this problem on April 6, and I spoke on the House floor about it on April 27. On my recent trip to the Mexico border, Border Patrol agents in California told me that they have arrested the same coyotes 20 times but they are not prosecuted.

The pathetic failure of the U.S. Attorney in San Diego to prosecute alien smugglers who have been arrested 20 times is a demoralizing slap in the face to Border Patrol agents to who risk their lives every day. This U.S. Attorney has, however, recently prosecuted someone for selling a Mark McGuire baseball card with a forged signature.

Here is a tip: Stop worrying about baseball cards and start worrying about enforcing our immigration laws.

HOUSE GOP CANNOT GOVERN

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

Mr. STUPAK. Mr. Speaker, during a 48-hour period last week, the House Republican majority once again demonstrated why they cannot govern. After weeks of arm twisting and two failed attempts to bring up a budget, the Republican leadership finally forced a vote late last Wednesday. Democrats stood united against the budget. Republicans were forcing major cuts in education, veterans, health and environmental programs. Also, they would continue to shower millionaires with tax breaks.

Nevertheless, the Republican budget passed. Two days later, they saw the implications of that vote when a small group of House Republicans stripped $50 million out of the military construction and veterans appropriations bill because the funding did not fit into the budget that they passed 2 days before.

House Republicans have nobody to blame but themselves. They are the ones who continue to put the needs of the wealthiest few above the needs of our veterans, our military personnel, our children and our environment.

The sad fact is that what America witnessed last Friday afternoon will be repeated over and over again here on the House floor until Republicans finally realize that their fiscal policies are out of sync with this Nation.

TRIBUTE TO PAM KOCHER, 2006 JOSEPH MOAKLEY AWARD FOR EXEMPLARY PUBLIC SERVICE RECIPIENT

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

Mr. BRADLEY of New Hampshire. Mr. Speaker, today I rise to pay tribute to Pam Kocher of New Hampshire, the recipient of the 2006 Congressman Joseph Moakley Award for Exemplary Public Service. Pam Kocher's service extends over three decades and includes serving in elected office at the local level and working for elected officials at the Federal level.

Pam's many years of service, coupled with her strong working relationships, came in very handy last summer when the Maine and New Hampshire congressional delegations were faced with the daunting task of convincing the BRAC Commission to keep the Portsmouth Naval Shipyard open. Pam's leadership in bringing together a community-based coalition was one of the driving factors in our success.

Pam credits her driving force as wanting to make government work for people. She stands for hard work, is a problem solver and knows how to bring people together to work towards a common goal.

I congratulate and thank Pam on her years of hard work and dedication to

New Hampshire, New England and our great Nation.

SOME POLITICIANS JUST DON'T GET IT

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

Mrs. MILLER of Michigan. Mr. Speaker, let me take you back to another time, 1986, and at that time, America had a problem with illegal immigration. They said we had about 3 million illegals here in the country. And in that debate, many people said that we needed to provide amnesty to those who were working here because we couldn't deport all of them and our country needed the labor.

In exchange for granting amnesty, Congress and the American people were promised that the Federal Government would vigorously enforce our border. The illegal aliens got amnesty all right, and many became citizens, even though they violated the law to get here. But the Federal Government did not secure our border. The results of that action? An estimated 12 million more illegal aliens in our country today.

Some are again calling for amnesty with a promise for stronger border controls. But the American people are not buying it again, and neither is a majority of this House. The American people and a majority of this House are demanding border security first.

And as the Who said, ''We won't be fooled again!''

No amnesty.

EXPRESSING SUPPORT FOR THE MOX PROGRAM

(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, during my service, I have worked with my colleagues from South Carolina and Georgia, especially GRESHAM BARRETT and CHARLIE NORWOOD and our four U.S. Senators, to ensure a mixed oxide facility is built at the Savannah River Site. Two weeks ago, we were grateful when 396 Members of Congress voted for the defense authorization bill and approved a measure which funds and delinks the U.S.-Russia MOX programs.

After celebrating this tremendous victory, we were extremely disappointed to learn that there is an effort to eliminate all funding for the MOX program. While I respect my colleagues, I strongly disagree with their decision and will continue to fight for this critical funding to be restored in the coming weeks.

I believe the MOX program is the most viable way for America to reduce its excess plutonium supply, and we must move forward with our nonproliferation commitments as we end future storage in South Carolina.

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

VETERANS IDENTITY PROTECTION ACT

(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, many of us are talking about our veterans. And as we approach Memorial Day, it has been with great sorrow and great concern that we have noticed some of the headlines and the information on personal data of veterans being stolen. That is of tremendous concern to us, and I want to thank Chairman BUYER and the Veterans' Affairs Committee for their prompt actions in addressing this issue.

I also would like to call to the attention of the House a piece of legislation that my colleague, Representative SIMMONS, and I are working on. It is the Veterans Identity Protection Act of 2006. We will be filing the bill on Friday. Mr. SIMMONS is a Vietnam veteran, and he understands the problems that veterans face every day.

We know that veterans have placed their faith in the government to responsibly protect their personal information, and that that trust has been damaged. That is why the Blackburn-Simmons bill requires that more stringent controls be placed on the management of personal data. We also want to help those veterans monitor their credit to be certain that no one has stolen their identities.

Government has an obligation to these men and women who have been breached in the loss of this information, and we want to be certain that that obligation is met. Mr. Speaker, I would commend the legislation to each of our colleagues and encourage them to join with us in supporting the veterans of this great Nation.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4755

Mr. PITTS. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor H.R. 4755, the Federal Aviation Administration Fair Labor Management Dispute Resolution Act of 2006.

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

There was no objection.

THE CASE FOR BEING IN IRAQ

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

Mr. PITTS. Mr. Speaker, public opinion polls show shrinking support for the war in Iraq. No doubt the nonstop media coverage questioning President Bush's motives for going to war have contributed greatly to these poll numbers.

But where is the coverage of the progress being made in Iraq? A recent 230-page Pentagon report analyzing thousands of Iraqi documents and interviews with officials from Saddam Hussein's regime is extremely enlightening.

The report shows Saddam's well-established support of terrorist activities dating back to 1994. This includes the establishment of terror training camps within Iraq's borders, and one document shows Saddam's son, Uday, coordinating a martyrdom operation called Blessed July aimed at targets in the West.

Russian President Putin has publicly stated that Russian Special Services had received information that Saddam's officials were preparing attacks on the U.S., and he reported this to the U.S.

Mr. Speaker, it is time the American people hear more about the facts that supported our decision to go to war. We must maintain our resolve to fight extremist terrorists, and we must finish the job in Iraq.

INTRODUCTION OF ZERO BASELINE BUDGET ACT

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

Mr. GOHMERT. Mr. Speaker, I rise to congratulate the Republican leadership on passing a budget resolution for fiscal year 2007. However, I must point out that the resolution we passed last week provides for a $27 billion increase in nonemergency discretionary spending over fiscal year 2006, when we spent more than we did in fiscal year 2005, when we spent more than we did in fiscal year 2004, and so on.

The Federal Government has a long track record of spending more money than it takes in. Our fiscal irresponsibility has to stop somewhere. That is why I am introducing today a bill titled the Zero Baseline Budget Act of 2006. This bill will amend the misnamed so-called Balanced Budget Emergency Deficit Control Act of 1985, which instructs Congress to continue spending more money than it takes in every year by creating a budget baseline that automatically increases over the previous year's spending.

The Zero Baseline Budget Act will instruct the CBO to provide a baseline that has no automatic increases and does not contain emergency and supplemental spending over the previous year. The baseline for the next year will merely be the sum of the year-long

spending bills in effect for the current year.

This way, an increase is an increase, a cut is a cut, and the status quo is neither. What a novel idea, for the government to say what it actually means.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record vote on the postponed question will be taken later today.

□ 1315

SAFE AND TIMELY INTERSTATE PLACEMENT OF FOSTER CHILDREN ACT OF 2006

Mr. HERGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5403) to improve protections for children and to hold States accountable for the safe and timely placement of children across State lines, and for other purposes.

The Clerk read as follows:

H.R. 5403

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 ''Safe and Timely Interstate Placement of Foster Children Act of 2006''.

SEC. 2. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) the States should expeditiously ratify the revised Interstate Compact for the Placement of Children recently promulgated by the American Public Human Services Association;

(2) this Act and the revised Interstate Compact for the Placement of Children should not apply to those seeking placement in a licensed residential facility primarily to access clinical mental heath services;

(3) the States should recognize and implement the deadlines for the completion and approval of home studies as provided in section 4 to move children more quickly into safe, permanent homes; and

(4) Federal policy should encourage the safe and expedited placement of children into safe, permanent homes across State lines.

SEC. 3. ORDERLY AND TIMELY PROCESS FOR INTERSTATE PLACEMENT OF CHILDREN.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking ''and'' at the end of paragraph (23);

(2) by striking the period at the end of paragraph (24) and inserting ''; and''; and

(3) by adding at the end the following:

''(25) provide that the State shall have in effect procedures for the orderly and timely interstate placement of children; and procedures implemented in accordance with an interstate compact, if incorporating with the procedures prescribed by paragraph (26), shall be considered to satisfy the requirement of this paragraph.''.

SEC. 4. HOME STUDIES.

(a) ORDERLY PROCESS.—

(1) IN GENERAL.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is further amended—

(A) by striking ''and'' at the end of paragraph (24);

(B) by striking the period at the end of paragraph (25) and inserting ''; and''; and

(C) by adding at the end the following:

''(26) provides that—

''(A)(i) within 60 days after the State receives from another State a request to conduct a study of a home environment for purposes of assessing the safety and suitability of placing a child in the home, the State shall, directly or by contract—

''(I) conduct and complete the study; and

''(II) return to the other State a report on the results of the study, which shall address the extent to which placement in the home would meet the needs of the child; and

''(ii) in the case of a home study begun on or before September 30, 2008, if the State fails to comply with clause (i) within the 60-day period as a result of circumstances beyond the control of the State (such as a failure by a Federal agency to provide the results of a background check, or the failure by any entity to provide completed medical forms, requested by the State at least 45 days before the end of the 60-day period), the State shall have 75 days to comply with clause (i) if the State documents the circumstances involved and certifies that completing the home study is in the best interests of the child; except that

''(iii) this subparagraph shall not be construed to require the State to have completed, within the applicable period, the parts of the home study involving the education and training of the prospective foster or adoptive parents;

''(B) the State shall treat any report described in subparagraph (A) that is received from another State or an Indian tribe (or from a private agency under contract with another State) as meeting any requirements imposed by the State for the completion of a home study before placing a child in the home, unless, within 14 days after receipt of the report, the State determines, based on grounds that are specific to the content of the report, that making a decision in reliance on the report would be contrary to the welfare of the child; and

''(C) the State shall not impose any restriction on the ability of a State agency administering, or supervising the administration of, a State program operated under a State plan approved under this part to contract with a private agency for the conduct of a home study described in subparagraph (A).''.

(2) REPORT TO THE CONGRESS.—Within 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report on—

(A) how frequently States need the extended 75-day period provided for in clause (ii) of section 471(a)(26)(A) of the Social Security Act in order to comply with clause (i) of such section;

(B) the reasons given for utilizing the extended compliance period;

(C) the extent to which utilizing the extended compliance period leads to the resolution of the circumstances beyond the control of the State; and

(D) the actions taken by States and any relevant Federal agencies to resolve the need for the extended compliance period.

(3) SENSE OF THE CONGRESS.—It is the sense of the Congress that each State should—

(A) use private agencies to conduct home studies when doing so is necessary to meet the requirements of section 471(a)(26) of the Social Security Act; and

(B) give full faith and credit to any home study report completed by any other State or an Indian tribe with respect to the placement of a child in foster care or for adoption.

(b) TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.—Part E of title IV of the Social Security Act (42 U.S.C. 670–679b) is amended by inserting after section 473A the following:

''SEC. 473B. TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.

''(a) GRANT AUTHORITY.—The Secretary shall make a grant to each State that is a home study incentive-eligible State for a fiscal year in an amount equal to the timely interstate home study incentive payment payable to the State under this section for the fiscal year, which shall be payable in the immediately succeeding fiscal year.

''(b) HOME STUDY INCENTIVE-ELIGIBLE STATE.—A State is a home study incentive-eligible State for a fiscal year if—

''(1) the State has a plan approved under this part for the fiscal year;

''(2) the State is in compliance with subsection (c) for the fiscal year; and

''(3) based on data submitted and verified pursuant to subsection (c), the State has completed a timely interstate home study during the fiscal year.

''(c) DATA REQUIREMENTS.—

''(1) IN GENERAL.—A State is in compliance with this subsection for a fiscal year if the State has provided to the Secretary a written report, covering the preceding fiscal year, that specifies—

''(A) the total number of interstate home studies requested by the State with respect to children in foster care under the responsibility of the State, and with respect to each such study, the identity of the other State involved;

''(B) the total number of timely interstate home studies completed by the State with respect to children in foster care under the responsibility of other States, and with respect to each such study, the identity of the other State involved; and

''(C) such other information as the Secretary may require in order to determine whether the State is a home study incentive-eligible State.

''(2) VERIFICATION OF DATA.—In determining the number of timely interstate home studies to be attributed to a State under this section, the Secretary shall check the data provided by the State under paragraph (1) against complementary data so provided by other States.

''(d) TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.—

''(1) IN GENERAL.—The timely interstate home study incentive payment payable to a State for a fiscal year shall be $1,500, multiplied by the number of timely interstate home studies attributed to the State under this section during the fiscal year, subject to paragraph (2).

''(2) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—If the total amount of timely interstate home study incentive payments otherwise payable under this section for a fiscal year exceeds the total of the

amounts made available pursuant to subsection (h) for the fiscal year (reduced (but not below zero) by the total of the amounts (if any) payable under paragraph (3) of this subsection with respect to the preceding fiscal year), the amount of each such otherwise payable incentive payment shall be reduced by a percentage equal to—

''(A) the total of the amounts so made available (as so reduced); divided by

''(B) the total of such otherwise payable incentive payments.

''(3) APPROPRIATIONS AVAILABLE FOR UNPAID INCENTIVE PAYMENTS FOR PRIOR FISCAL YEARS.—

''(A) IN GENERAL.—If payments under this section are reduced under paragraph (2) or subparagraph (B) of this paragraph for a fiscal year, then, before making any other payment under this section for the next fiscal year, the Secretary shall pay each State whose payment was so reduced an amount equal to the total amount of the reductions which applied to the State, subject to subparagraph (B) of this paragraph.

''(B) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—If the total amount of payments otherwise payable under subparagraph (A) of this paragraph for a fiscal year exceeds the total of the amounts made available pursuant to subsection (h) for the fiscal year, the amount of each such payment shall be reduced by a percentage equal to—

''(i) the total of the amounts so made available; divided by

''(ii) the total of such otherwise payable payments.

''(e) TWO-YEAR AVAILABILITY OF INCENTIVE PAYMENTS.—Payments to a State under this section in a fiscal year shall remain available for use by the State through the end of the next fiscal year.

''(f) LIMITATIONS ON USE OF INCENTIVE PAYMENTS.—A State shall not expend an amount paid to the State under this section except to provide to children or families any service (including post-adoption services) that may be provided under part B or E. Amounts expended by a State in accordance with the preceding sentence shall be disregarded in determining State expenditures for purposes of Federal matching payments under sections 423, 434, and 474.

''(g) DEFINITIONS.—In this section:

''(1) HOME STUDY.—The term 'home study' means an evaluation of a home environment conducted in accordance with applicable requirements of the State in which the home is located, to determine whether a proposed placement of a child would meet the individual needs of the child, including the child's safety, permanency, health, well-being, and mental, emotional, and physical development.

''(2) INTERSTATE HOME STUDY.—The term 'interstate home study' means a home study conducted by a State at the request of another State, to facilitate an adoptive or foster placement in the State of a child in foster care under the responsibility of the State.

''(3) TIMELY INTERSTATE HOME STUDY.—The term 'timely interstate home study' means an interstate home study completed by a State if the State provides to the State that requested the study, within 30 days after receipt of the request, a report on the results of the study. The preceding sentence shall not be construed to require the State to have completed, within the 30-day period, the parts of the home study involving the education and training of the prospective foster or adoptive parents.

''(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For payments under this section, there are authorized to be appropriated to the Secretary—

''(A) $10,000,000 for fiscal year 2007;

''(B) $10,000,000 for fiscal year 2008;

''(C) $10,000,000 for fiscal year 2009; and

''(D) $10,000,000 for fiscal year 2010.

''(2) AVAILABILITY.—Amounts appropriated under paragraph (1) are authorized to remain available until expended.''.

(c) REPEALER.—Effective October 1, 2010, section 473B of the Social Security Act is repealed.

SEC. 5. SENSE OF THE CONGRESS.

It is the sense of the Congress that State agencies should fully cooperate with any court which has authority with respect to the placement of a child in foster care or for adoption, for the purpose of locating a parent of the child, and such cooperation should include making available all information obtained from the Federal Parent Locator Service.

SEC. 6. CASEWORKER VISITS.

(a) PURCHASE OF SERVICES IN INTERSTATE PLACEMENT CASES.—Section 475(5)(A)(ii) of the Social Security Act (42 U.S.C. 675(5)(A)(ii)) is amended by striking ''or of the State in which the child has been placed'' and inserting ''of the State in which the child has been placed, or of a private agency under contract with either such State''.

(b) INCREASED VISITS.—Section 475(5)(A)(ii) of such Act (42 U.S.C. 675(5)(A)(ii)) is amended by striking ''12'' and inserting ''6''.

SEC. 7. HEALTH AND EDUCATION RECORDS.

Section 475 of the Social Security Act (42 U.S.C. 675) is amended—

(1) in paragraph (1)(C)—

(A) by striking ''To the extent available and accessible, the'' and inserting ''The''; and

(B) by inserting ''the most recent information available regarding'' after ''including''; and

(2) in paragraph (5)(D)—

(A) by inserting ''a copy of the record is'' before ''supplied''; and

(B) by inserting '', and is supplied to the child at no cost at the time the child leaves foster care if the child is leaving foster care by reason of having attained the age of majority under State law'' before the semicolon.

SEC. 8. RIGHT TO BE HEARD IN FOSTER CARE PROCEEDINGS.

(a) IN GENERAL.—Section 475(5)(G) of the Social Security Act (42 U.S.C. 675(5)(G)) is amended—

(1) by striking ''an opportunity'' and inserting ''a right'';

(2) by striking ''and opportunity'' and inserting ''and right''; and

(3) by striking ''review or hearing'' each place it appears and inserting ''proceeding''.

(b) NOTICE OF PROCEEDING.—Section 438(b) of such Act (42 U.S.C. 638(b)) is amended by inserting ''shall have in effect a rule requiring State courts to ensure that foster parents, pre-adoptive parents, and relative caregivers of a child in foster care under the responsibility of the State are notified of any proceeding to be held with respect to the child, and'' after ''highest State court''.

SEC. 9. COURT IMPROVEMENT.

Section 438(a)(1) of the Social Security Act (42 U.S.C. 629h(a)(1)) is amended—

(1) by striking ''and'' at the end of subparagraph (C); and

(2) by adding at the end the following:

''(E) that determine the best strategy to use to expedite the interstate placement of children, including—

''(i) requiring courts in different States to cooperate in the sharing of information;

''(ii) authorizing courts to obtain information and testimony from agencies and parties in other States without requiring interstate travel by the agencies and parties; and

''(iii) permitting the participation of parents, children, other necessary parties, and attorneys in cases involving interstate placement without requiring their interstate travel; and''.

SEC. 10. REASONABLE EFFORTS.

(a) IN GENERAL.—Section 471(a)(15)(C) of the Social Security Act (42 U.S.C. 671(a)(15)(C)) is amended by inserting ''(including, if appropriate, through an interstate placement)'' after ''accordance with the permanency plan''.

(b) PERMANENCY HEARING.—Section 471(a)(15)(E)(i) of such Act (42 U.S.C. 671(a)(15)(E)(i)) is amended by inserting '', which considers in-State and out-of-State permanent placement options for the child,'' before ''shall''.

(c) CONCURRENT PLANNING.—Section 471(a)(15)(F) of such Act (42 U.S.C. 671(a)(15)(F)) is amended by inserting '', including identifying appropriate in-State and out-of-State placements'' before ''may''.

SEC. 11. CASE PLANS.

Section 475(1)(E) of the Social Security Act (42 U.S.C. 675(1)(E)) is amended by inserting ''to facilitate orderly and timely in-State and interstate placements'' before the period.

SEC. 12. CASE REVIEW SYSTEM.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended—

(1) by inserting '', in the case of a child who will not be returned to the parent, the hearing shall consider in-State and out-of-State placement options,'' after ''living arrangement''; and

(2) by inserting ''the hearing shall determine'' before ''whether the''.

SEC. 13. USE OF INTERJURISDICTIONAL RESOURCES.

Section 422(b)(12) of the Social Security Act (42 U.S.C. 622(b)(12)) is amended—

(1) by striking ''develop plans for the'' and inserting ''make'';

(2) by inserting ''(including through contracts for the purchase of services)'' after ''resources''; and

(3) by inserting '', and shall eliminate legal barriers,'' before ''to facilitate''.

SEC. 14. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this Act shall take effect on October 1, 2006, and shall apply to payments under parts B and 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.

(b) 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 part B or E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by a provision of this Act, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the first regular session of the State legislature that begins after the date of the enactment of this Act. 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.

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from California (Mr. STARK) each will control 20 minutes.

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

GENERAL LEAVE

Mr. HERGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous materials on the subject of the bill under consideration.

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

There was no objection.

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

I rise in support of H.R. 5403, the Safe and Timely Interstate Placement of Foster Children Act of 2006. I am pleased to be an original cosponsor of this bipartisan legislation sponsored by the distinguished gentleman from Texas (Mr. DELAY).

Throughout his career, the gentleman from Texas has been an outstanding advocate for children and foster care. As chairman of the Human Resources Subcommittee, as a longtime colleague in this body, and as someone who shares his passion for helping children, I would like to personally commend him and thank him for his dedication to helping at-risk children across this country.

Mr. Speaker, the subcommittee I chair has conducted numerous hearings examining the Nation's child protection system. Every witness at these hearings has agreed that our current system fails to adequately protect children.

In December, Republicans in this Congress took the lead in providing $100 million in new funds over the next 5 years to better equip courts and ensure collaboration among judges and social workers. We also added an additional $200 million over the next 5 years for improved services for families, including preventive services to protect children and keep them from having to enter foster care in the first place.

Importantly, we pay for this new funding by ensuring States comply with Federal law and do not misspend other Federal funds. I believe these new resources will go a long ways towards better protecting children.

While these are important steps, we also must do more to ensure children are not needlessly lingering in foster care. The legislation before us today would require States to expedite the safe placement of foster and adopted children in homes across State lines.

Currently these placements take an average of 1 year longer than placements within a single State, delaying permanency with loving families for thousands of children. This legislation also would establish deadlines for completing home studies that assess whether a home is appropriate for a child.

The legislation authorizes up to $10 million per year for incentive payments to States that complete home studies in a timely manner. In addition, the bill includes provisions to better ensure safety for children in foster and adoptive homes, and to give foster parents and relative caregivers a right to be heard and notice of any court proceedings held concerning a child in their care.

I thank my colleagues across the aisle for their assistance in bringing this bill to the floor today. I urge all of my colleagues to support this legislation so we can ensure children are placed in a timely and safe way with loving families.

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

Mr. Speaker, I rise in support of the Safe and Timely Interstate Placement of Foster Children Act of 2006, H.R. 5403, and ask my associates to vote for this legislation.

As the gentleman from California (Mr. HERGER) has so eloquently described, this will help foster children across the country. But I think an easier way to look at it is here in the District of Columbia area where we are a subway ride from three States. From Maryland to Virginia to D.C., we will find that a juvenile judge in one area may have a placement of a child with a relative or acceptable foster family in another area as they move from Maryland to Virginia.

Now in California in the gentleman's district there, there may not be a lot of people wanting to go to Oregon or Nevada, it is a little longer trip. But in areas like the New Jersey-New York area, heavily populated areas are close by, and children could easily be placed in close proximity and have to cross State lines. This legislation will allow that to be done.

It takes care of a lot of technical details in terms of speeding up the process so that approval can be done across State lines, and it calls on States to update their requirements for approving the transfer of children across State lines and into foster care.

It probably will help older children, and by older I am saying 9 or older, who we have the most difficulty in placing in foster care. It is for that reason that this will help. Right now, a child 9 years or older has maybe a 20 percent chance or less of placement. We need to do better, and this bill will help.

We have 100,000 children ready for adoption, and this Congress should indeed do all that it can to expedite those procedures.

Mr. Speaker, I would like at this point first of all to commend the distinguished chairman of the Public Assistance Subcommittee of the Committee on Ways and Means, Mr. HERGER, for his Safe and Stable Families bill which we hope will be coming to the floor soon. It provides another $40 million to train case workers to help in this area. Chairman HERGER has done yeoman's work on that bipartisan bill, and I know we are getting help from the junior Senator from the State of California who has offered to help expedite it on the Senate side, and with some luck, we will be able to pass that bill.

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

Mr. HERGER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, replacing a void in a child's life or a parent's life and filling it with love and laughter is one of the most wonderful gifts in the world. As twice an adoptive mother, I know this joy firsthand. And also I believe it is our duty as legislators to work with adoption and foster care advocates to break down barriers, to bring more children and families together.

Today we have the opportunity to knock down a barrier to improve the lives of these kids right here in America. Right now, children are waiting as long as a year for paperwork to go through the system before they can be placed with a family. Imagine, Mr. Speaker, paperwork standing in the way of a permanent, loving home for a 100,000 lingering, at-risk kids. There is no excuse, and we can change it.

This legislation will expedite the safe placement of children into homes even across State lines by instituting a 60-day deadline and giving financial incentives for States to process the paperwork quickly.

I commend the gentleman from Texas (Mr. DELAY) for his leadership on this most-important issue. He has been a devout advocate for foster kids and foster families as long as I have known him.

I also want to thank Chairman HERGER and Mr. STARK for their assistance on this bill. Thousands of kids are waiting to walk into the arms of a loving family and through the door of a permanent home. This legislation will move us closer to the day when every child feels the joy, love and security that a family can provide. I urge my colleagues to support this measure.

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

Mr. Speaker, I cannot resist the opportunity to note that it is this issue of helping children that in my 34 years here has always brought us together as no other issue does. The gentlewoman from Ohio, with whom I have often disagreed on political issues, and I note the presence of the gentleman from Texas (Mr. DELAY) with whom I have

disagreed on almost every issue except in the area of helping children. Now I suspect it is because the Republicans need more Republicans, and they are trying to get more children into politics, but other than that, Mr. Speaker, it is in the spirit of helping young people mature in this country.

I do not know if many of you know that the gentleman from Texas is responsible, and I say this having chaired the District Committee when there used to be one, but with the gentlewoman from the District of Columbia (Ms. NORTON), he was instrumental in creating a family court in the District of Columbia, which most other States or jurisdictions have. Now he has done some other things with legislation in Texas with which I have a little trouble. But other than that, he has created a court here that helps children.

I want to remark on one other thing in Mr. DELAY's career. I am aware that, in Texas, he has created a most unique and it sounds to me like an exciting community called the Rio Bend Community. For those who are unfamiliar with this, it creates a subdivision of let us say eight homes. I suspect they are ranch homes or standard homes, where eight families who have foster children and perhaps birth children can live in close proximity and share baby-sitting and teaching.

When I talk about sharing teaching, I am also aware that in this area of Rio Bend, Texas, the distinguished gentleman from Texas (Mr. DELAY) is known as Old Hypotenuse, and Old Hypotenuse has been tutoring the children in this community in geometry. He may not know that I got a 100 in geometry in high school, Mr. Speaker, and I might be able to come down and spell him for a while.

But I just want to commend the gentleman from California (Mr. HERGER) and the gentlewoman from Ohio (Ms. PRYCE) and Mr. DELAY for the marvelous work they have done for children in this country. I hope we can continue in a bipartisan way to unify our efforts in the House to make every day for every child in this country more healthy with better education and a better opportunity to develop into citizens of which we can all be proud.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Mr. Speaker, I rise today in support of H.R. 5403 sponsored by Mr. DELAY, and I would like to associate myself with Mr. STARK's remarks and that while we have not always agreed on every policy issue, there is no doubt that Mr. DELAY will be fondly remembered in this House for his tireless work on behalf of foster children and disadvantaged youth. I very much appreciate knowing him and the work we have done together. This is not our first effort to work together on a bill, and I appreciate Mr. DELAY and his work in this House.

As Members on opposing sides of the political spectrum, we are coming together today to do fabulous work. As an adoptive parent myself of foster children, I have seen firsthand the glaring problems of the system currently facing this Nation. At any time, there are roughly 500,000 children in foster care in the United States, moving from placement to placement, often living out of a suitcase or even worse, the symbol of foster children, which is a black garbage bag, hoping that one day a loving family will welcome them into their home.

H.R. 5403, Safe and Timely Interstate Placement of Foster Children Act, addresses one specific yet extremely important aspect of the system of adoption across State lines. Often an impediment to foster children's placement to permanent homes occurs when a child from one State is adopted by a family from another. The State where the family resides must complete a home study in order to verify that the placement is safe, secure and ready for the new child. Often, these types of home studies are a low priority for the State where the adoptive family resides and can lead to delays, often taking months and sometimes years to complete.

□ 1330

This legislation that we are considering today would establish a 60-day deadline for completing an interstate home study. If the State completes the home study within 30 days, H.R. 5403 would authorize a monetary incentive for the completed study to be used for the adoption-related expenses.

The children this bill seeks to help are already needy, neglected children without a voice who desperately want a permanent home, something that most all of us have always taken for granted. They want to go to school, the same school with the same friends for more than a few months. They want someone to tuck them in at night and help them with their homework. They want to stop living out of a black garbage bag that doubles as a suitcase and have a real home with a bed they can call their own.

Over the years I have met numerous children from all over the country who are in various stages of foster care. I have heard great stories where children are reunited with their biological parents who are placed in loving, adoptive homes. But I have also heard of other stories that have just sickened me.

One boy I met at a school for foster children in my district told me the story of his life that seems quite fitting to this debate.

I met this young boy, and he had been placed in foster care at an early age and had been moved in and out of seven different foster homes up and down the State of California. As you can imagine, he grew jaded and resentful from the harsh life he was forced to live. He was also separated from brothers and sisters whom he loved very much. Finally, he was placed in a family that saw through his rough exterior and wanted to adopt him. This young boy was convinced that he had finally found a real home with devoted parents that he had always dreamed of.

However, soon after he was placed with his family, the father in this foster family was transferred to North Carolina and the family was forced to move. Unfortunately, they couldn't get the paperwork processed between California and North Carolina in order to facilitate the adoption. So this young boy was left behind in California and is now residing in a group home.

It is our job as Members of Congress to be a voice for these children and make sure their dreams are recognized. We owe it to them to streamline the adoption process and make Federal law work towards positive outcomes. If that means requiring a State to get their act in gear and complete timely home studies, then so be it.

Thank you, Mr. DELAY, for the legislation. Thank you, Mr. HERGER, for your work on this topic.

Mr. HERGER. Mr. Speaker, I hear these touching stories, and regrettably they are true, and the gentleman from California (Mr. CARDOZA) and some other stories we have heard, some 12 hearings of the tragedies that we see take place with these foster care children, not only being transferred seven times, as the gentleman from California mentioned, but maybe 50 or 60 in some cases.

Now it is my great pleasure to yield such time as he may consume to the author of this legislation, someone who we have been hearing a lot about, who has spent years, both he and his wife, working in this area, to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, this is the last piece of legislation that I will ever introduce in the United States House of Representatives. I am incredibly honored to do this piece of legislation, particularly at this time. It shows that there is a strong feeling in this House, as exemplified by Mr. STARK; and thank you, sir, for your words and thank you for your work on this.

Mr. HERGER, Mr. Chairman, I greatly appreciate your work on not just this piece of legislation, but for foster kids and abused and neglected children around the United States.

Mr. CARDOZA, thank you for those words; and your words show your deep feelings and understanding for the plight of foster children in this country and how we are trying to make their life just a little bit better. I appreciate Mr. MCDERMOTT's support for this legislation, too, and everybody's work on it.

I particularly appreciate Dr. Cassie Bevan, who has been on my staff for a long time, who has been the leading force in a lot of the work that we have been able to do, the good work that we have been able to do in this House of Representatives.

I pay particular tribute to my wife, who has a deep, deep abiding love for these children and what their future holds.

This bill, the Safe and Timely Interstate Placement of Foster Children Act, will bring urgently needed reform to America's broken system, a broken system of placing abused and neglected children in permanent homes across State lines.

The current system is an insult to any notion of compassion or justice that animates our national commitment to child welfare. Children are moved from home to home to home. They are looking for strong and safe and permanent homes.

We have one child in Rio Bend, that was mentioned by Mr. STARK, that is 17 years old, got into the system at age 6 or 7, in 10 years has been moved over 150 times, 150 times. Thousands of children are being shuttled in and out of our broken, debasing foster care system. They have foster or adoptive families out of State that are more than willing to provide them a permanent, safe and loving home.

Yet this system, as inefficient and backward as any government program, typically holds abused and neglected children in the perdition of government foster care for a full year longer than a child placed in-State, an extra year.

Do you realize what a year means to a child? It is forever. Just because a second government bureaucracy that operates without deadlines or incentives has its chance to let a child down. This is a year lost, Mr. Speaker, a year in the life of an innocent child, a year lost to abuse and neglect and violence and uncertainty and fear.

There is no justification or excuse for such monstrous inequality. The child welfare system exists for these children and must be organized around their needs, not the other way around.

So under this bill, once a child is deemed in need of an out-of-state placement, the State has 60 days to find a child a foster or adoptive home and 14 days to approve that home. It also creates a financial incentive of $1,500 for States that complete their home studies in 30 days or less.

Our society has a moral obligation to provide for children who are abused and neglected by their parents or others; and, despite the best intentions, our society is too often failing to do so. This bill will not instantly make life good for abused and neglected children in our society, but it can help make it better.

That, Mr. Speaker, is worth the vote of every Member of this body. So I urge my colleagues to support this legislation and just take one small step toward alleviating the burden of our abused and neglected sons and daughters.

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

Mr. HERGER. I yield 3 minutes to our distinguished majority whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman for recognizing me. I am pleased to stand in support of this legislation and also legislation that in such a significant way recognizes the great work that Mr. DELAY has done on behalf of foster children and on behalf of adoption.

Everyone in this body understands the long-term commitment that the gentleman from Texas has had on this issue. I expect that few outside of this body appreciate the great work that he has done, the tremendous commitment that Mrs. DeLay has made to foster children and to adoptive children in this case.

Here is a bill that once again looks at how much a year means in the life of a child that is going into a foster home, can't get placed in a foster home, can't get ready to be adopted. A year in life, if you are 3 or 5 or 15, is a long, long part of the life that you have lived.

The average now for children who are going into foster adoptive families across State lines is an extra year. This legislation tries to eliminate that year. This legislation tries to make it more possible for children to be placed with families as soon as possible, rather than longer than absolutely necessary.

This legislation is on the floor today, as many before it have been, because of Mr. DELAY's commitment and his family's commitment to the lives of children. The lives of children are dramatically changed when someone gets an opportunity to care about them.

Fortunately for the laws of the country, TOM DELAY has always cared about children. For the individual children that will be impacted by this bill, their opportunity comes quicker. The love and attention comes quicker.

I appreciate the comments that Mr. STARK has made. I appreciate the work that Mr. DELAY has done. I am sure our colleagues today will be eager to see us advance this important change in the law.

Mr. STARK. Mr. Speaker, will the distinguished majority whip yield?

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

Mr. STARK. Mr. Speaker, I do not think it should go unnoticed that the distinguished majority whip has become a recent adoptive father of, I believe, now a 7-month-old boy.

Mr. BLUNT. An 18-month-old.

Mr. STARK. We seriously hope that he will grow up to be a Democrat.

But, aside from that, I want to extend best wishes. He is a man who practices what he preaches and is doing his share to extend this concern for adoptive children in this country.

Mr. BLUNT. I thank my friend. Little Charlie Blunt will appreciate your comments as well. Thank you.

Mr. HERGER. Mr. Speaker, I yield 2 minutes to a member of the Subcommittee on Human Resources, the distinguished gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I thank the chairman for sponsoring the legislation, along with our colleagues on the committee, but especially Mr. DELAY and Mr. STARK for being the prime sponsors of legislation.

A lot of us have a lot of life experience that we bring to Congress. I know sometimes the general public doesn't believe that we do. Many of us are lawyers, and sometimes that is looked upon disparagingly by the general public.

But in my practice I dealt with the foster system, and I wasn't very pleased. Unfortunately, it didn't often work out as well as it should have for the children.

When I was a State senator, we had a debate about our foster system and our adoption laws and how we were treating children as chattel, the legal term for a possession. This bill helps move us away from that attitude. It helps us move toward treating children as the human beings that they are and the valued human beings who need love and nurturing that they are.

I rise in support of this bill, the Safe and Timely Interstate Placement of Foster Children Act. It will expedite the safe placement of foster adoptive children in foster homes across State lines. Currently, these types of placements take an additional year on top of all the years that the poor child has already spent in foster care.

The results of delaying safe placement have terrible implications for children. These delays are unreasonably long. They should not exist, and psychologists have stressed the importance of placing children in safe and loving environments in a timely manner.

The sooner a child is part of a safe and secure family, the sooner that child will thrive. Whether it be with a family member or another loving family, the best interests of that child dictate permanency.

Among other things, this bill will require courts to notify any foster parents, pre-adoptive parents, relatives, caregivers of the child of any court proceeding to be held concerning the child and strengthen the right of these individuals to be at permanency hearings and perhaps to be the permanent home for that child.

All of these important changes to current law ensure that some of the most vulnerable children, not only those who have been neglected or

abused but who are also on top of it, have been in foster care with a lack of security, that they get that security, that they get that security sooner, and that a safe and secure, loving home will be theirs.

□ 1345

Mr. STARK. Mr. Speaker, I yield such time as he may consume to the distinguished ranking member of our subcommittee, the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, we can improve the lives of abused and neglected children in this Nation. One of the powers that we have, the Federal Child Welfare Program, is a lifeline we don't use enough, in my view.

We know as legislators that the system needs reform. We saw it around Katrina very much as youngsters were spread across the country and fell between the cracks in a whole variety of situations.

We know as parents that the vulnerable want and need only what our own children want and need, to be loved, cherished and protected. Today we have an opportunity to extend our hand as caring adults and take hold of vulnerable children, and we should take it.

H.R. 5403, proposed by Mr. DELAY of Texas, takes a step in the right direction. It has been here before, I have supported it before, and I am proud to do that again today.

As the ranking member of the Human Resources Subcommittee, I believe children come first, and there is no such thing as a political divide if we can better protect and nurture vulnerable children in America.

I stand here to support my Republican colleague, Mr. DELAY, and urge the House to unanimously pass this legislation.

Specifically, this bill strives to safely speed the placement of children in foster care or adoptive homes across State lines when this is considered an appropriate thing to do. This is very important, because today there are a number of barriers that prevent the timely placement of children in homes across State lines.

We are a very mobile population, and laws that used to seem to make sense really do not today, and that is why we need this bill. They include an overly long time to conduct home studies to ensure the safety of children, obtaining criminal background checks on prospective foster care and adoptive parents, inadequate State resources and often a low priority assigned to interstate placement of foster and adoptive children. It is the latter that is really the problem.

This bill creates meaningful incentives for States to address these barriers, and I urge my colleagues to support this initiative. It is meaningful legislation. This is not symbolic. It has some real power to change things. But it is more than that. By passing this bill, we recognize the heroic efforts of countless Americans across this country, foster parents and the caseworkers who deal with them and the many others who strive to help kids who are in need.

By passing this legislation, we also rightly honor the leadership in fighting for vulnerable children by Mr. TOM DELAY. He has made a difference, and it is no surprise that he keeps fighting to protect and defend children. All too often, we are the light of hope for abused and neglected children. Today, let us curse the darkness by passing this bill.

Mr. HERGER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. BRADY), a member of the Ways and Means Committee.

Mr. BRADY of Texas. Mr. Speaker, this act ought to probably be entitled the Get Foster Children Out of the System Into a Safe Home As Soon As Possible Act, as it has real consequences for our foster children.

There have been so often foster children, even in the best system, that are lost in that system. These delays can be as, TOM DELAY has told you, just so harmful for them. Moving them forward is the right thing to do, and it is a possible thing to do.

Each week on TV, we watch on ''Home Makeover'' a set of people come together and build a complete home for a family in one week. Why can't we find a good, safe loving home for children in 2 months? It is important we do this.

Our family has been through two home studies in our adoption, and I know what a difference how soon and how accurate and how important these home studies can be done. We ought not let a State line get in the way of helping these children.

I can tell you that TOM DELAY has been such an advocate and champion for children. When you see the work of Rio Bend, what he and his wife are doing, it is just remarkable. I strongly support this bill.

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

Mr. Speaker, we have no more speakers. I would just like to reiterate my thanks to all the people. I would like to mention Sean McCluskie, who has been my staff member on the Subcommittee for Human Resources for over 7 years and, unfortunately, is leaving us for greener pastures.

I want to thank all of the staff on both sides of the aisle who worked so hard on these bills that come before our subcommittee which get little attention outside of the professionals in the social work field.

Again, I thank our Chair and thank Mr. DELAY and the people who have worked so well together to make this important step to improve the lives of foster and perhaps adoptive children.

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

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

Mr. Speaker, the legislation we are considering today is an important step that will ensure timely and safe homes for children. This bill would help speed up the interstate adoption process so that children could be placed in permanent, loving homes more quickly.

I thank my colleagues across the aisle, the gentleman from California (Mr. STARK) and others, for their work on this bipartisan legislation, and I again wish to thank the distinguished gentleman from Texas, Mr. DELAY, for his tireless work to improve the lives of abused and neglected children.

I urge all of my colleagues to join me in support of this legislation.

Mr. THOMAS. Mr. Speaker, I rise in support of H.R. 5403, the Safe and Timely Interstate Placement of Foster Children Act of 2006. I am pleased to be a cosponsor of this bipartisan legislation, which is sponsored by Mr. DELAY.

There are approximately 518,000 children currently in foster care. The legislation before us today is an important first step in our efforts to improve the structure that exists to find a family for these children in order to prevent them from needlessly lingering in foster care.

Specifically, H.R. 5403 would encourage states to expedite the safe placement of foster and adoptive children into homes across state lines. The data suggest that it takes 2 years on average for foster or adoptive children to be placed in homes across state lines. That is longer than the average time frame for placing children in homes within the same states. Under this legislation, states would be required to establish procedures to ensure interstate placements occur within 60 days.

The legislation also would authorize incentive payments to states that place children in safe homes within 30 days. Since we first began providing incentive payments to promote adoption in 1997, the number of adoptions of children from foster care has almost doubled. We expect this new incentive program will help expedite the safe placement of children lingering in foster care, especially when relatives or others have expressed an interest in providing a loving home.

Almost 20,000 children age out of foster care every year at age 18 without the benefit of a family to call their own. This legislation will improve that situation and ensure that more children are raised in loving families instead of waiting needlessly in temporary homes. Accordingly, I ask my colleagues to support this important legislation.

Mr. CAMP of Michigan. Mr. Speaker, I wish to express my strong support for legislation the House is considering today, H.R. 5403, the Safe and Timely Interstate Placement of Foster Children Act, introduced by Rep. TOM DELAY (R–TX).

First, I would like to commend Mr. DELAY for his work on behalf of foster children, and in the development of this bill. As the sponsor of the Adoption and Safe Families Act, I have

had the privilege of working with Mr. DELAY to improve the lives of children in foster care, and promote the adoption of children into safe and loving families.

As a cosponsor of H.R. 5403, the bill before us today further expedites the safe placement of foster care children. Under current rules, children wait a year or more for states to approve placements across state lines. Children deserve better treatment, and I am glad that H.R. 5403 places a 60 day deadline on the approval of placements across state lines. Importantly, the bill also seeks to keep families together by providing incentive payments for the placement of children with extended family members.

Again, I want to applaud Mr. DELAY for his tireless advocacy on behalf of foster children, and for his work on H.R. 5403. I am confident this legislation will improve the lives foster children everywhere.

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

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 5403.

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

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 832, by the yeas and nays;

Adopting House Resolution 832, if ordered.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

PROVIDING FOR CONSIDERATION OF H.R. 5427, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 832 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 224, nays 190, not voting 18, as follows:

[Roll No. 194]

YEAS—224

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
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, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
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—190

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
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
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
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
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—18

Ackerman
Cardin
Davis (FL)
Diaz-Balart, L.
Diaz-Balart, M.
Evans
Hastings (FL)
Kennedy (MN)
Kennedy (RI)
Linder
McKinney
Nadler
Oxley
Putnam
Sherman
Skelton
Snyder
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1415

Messrs. FARR, GEORGE MILLER of California, and DAVIS of Tennessee changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. PUTNAM. Mr. Speaker, on rollcall No. 194 I was unavoidably detained. Had I been present, I would have voted "aye."

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.

RECORDED VOTE

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 254, noes 165, not voting 13, as follows:

[Roll No. 195]

AYES—254

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

NOES—165

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

NOT VOTING—13

Brown (OH)
Cardin
Case
Diaz-Balart, L.
Diaz-Balart, M.
Evans
Forbes
Hastings (FL)
Kennedy (MN)
Kennedy (RI)
Linder
Skelton
Snyder

□ 1424

Mr. RUPPERSBERGER changed his vote from ''no'' to ''aye.''

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.

PERSONAL EXPLANATION

Mr. CARDIN. Mr. Speaker, earlier today, I was unavoidably detained and missed two rollcall votes.

Had I been present, I would have voted "nay" on rollcall vote No. 194 and "nay" on rollcall vote No. 195.

LEGISLATIVE UPDATE

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

Mr. BOEHNER. Mr. Speaker, I appreciate my colleagues' indulgence. It has become clear that we will probably, in all likelihood, finish our business by Thursday night. I wanted to give Members a heads-up that we do not expect to be in on Friday. I can't give you a firm time for what time we will be out tomorrow evening, but it is not expected that we will be in on Friday.

GENERAL LEAVE

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5427, and that I may include tabular material on the same.

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

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 832 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5427.

□ 1426

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5427), making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, with Mr. GUTKNECHT in the chair.

The Clerk read the title of the bill.

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

The gentleman from Ohio (Mr. HOBSON) and the gentleman from Indiana (Mr. VISCLOSKY) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio.

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

Mr. Chairman, it is my privilege to submit to the House for its consideration H.R. 5427, the Energy and Water Development Appropriations Bill for fiscal year 2007. The Appropriations Committee approved this bill unanimously on May 16, and I believe this is a good bill that merits the support of the entire House.

Mr. Chairman, this bill provides annual funding for a wide range of Federal programs, including such diverse matters as flood control, navigation improvements, environmental restoration, nuclear waste disposal, advanced scientific research, applied energy research, maintenance of our nuclear

stockpile, and nuclear nonproliferation activities.

The total funding for energy and water development for the fiscal year 2007 is $30.017 billion. This funding amount represents an increase of $546 million above the budget request and $172 million below the current fiscal year. I want to point out to everyone that our subcommittee's 302 allocation is right at the level and provides adequate funding to meet the priority needs of the House.

Title I is the Army Corps of Engineers. This provides the funding for the Civil Works Program of the Army Corps and the formerly utilized Sites Remedial Action Program which is executed by the corps and the Office of the Assistant Secretary of the Army for Civil Works.

□ 1430

The committee recommends a total of $4.983 billion for the title I activities, an increase of $251 million above the budget request and $345 million below the enacted level for the current year, separate from emergency supplemental appropriations.

In recent years, Mr. Chairman, in my opinion and I think our committee's, the corps' civil works program had lost its way. Instead of taking care of the Nation's most pressing water resources needs, the corps tried to keep everybody happy by spreading its limited resources across an ever-enlarging set of projects; and, frankly, Congress has been a big part of that problem, giving the corps more and more projects to do but, frankly, not enough money to do them.

Our committee has taken steps in the last several years to put the corps on the road to fiscal recovery and to restore the focus on getting the most critical projects done efficiently. As before, we do not fund any new starts and do not carry any new project authorizations. I might say we not only cut out the Members' new starts in the corps, we cut out the President of the United States' new starts. We treat everybody the same. Instead, we concentrate our limited resources on the completion of ongoing projects. This will save money.

I support the administration's attempt to apply performance-based criteria so that resources are applied to the highest-priority items. This is still a work in progress, and we know that the ratio of remaining costs and remaining benefits should not be the sole major of a project's merits, but I give OMB, and this is hard for me to do, credit for listening for a change to our concerns and, frankly, moving in what we all believe is the right direction.

One obvious consequence of folks seeing limited funding on the most important projects is that fewer House Members will receive funding for corps water projects in their districts. We added $251 million to address Member needs for additional water projects. As in prior years, we favored projects that could complete a useful increment of work in fiscal year 2007.

We also continue the initiatives we started last year to improve fiscal management in the corps. These initiatives have administration support. We maintain the reprogramming guidelines that we put in place last year, and we establish a fund to begin paying back some reprogramming comments that were made in previous years.

We included language last year significantly limiting the corps' ability to misuse continuing contracts and to continue those limitations in fiscal year 2007. I have directed the corps to hire a commercial audit firm to provide Congress with a full accounting of these contracts.

The current year is a transition from the old way of doing business to a new one in which the corps is more accountable for how it uses the funds that Congress appropriates for water projects. Frankly, in my opinion, these changes were long overdue; and we are confident they will put the corps on a more secure footing in the future.

I would also like to talk about title II, which is the Bureau of Reclamation. Title II of our bill provides $941 million for the Department of the Interior, including $40 million for the Central Utah Project and $901 million for the Bureau of Reclamation. This represents an increase of $17 million above the budget request and $114 million less than the amount appropriated for the current fiscal year.

We included an additional $6 million for the bureau to assist existing and future flood risks in the California Bay delta area and included the administration proposal to rescind $88 million of balances for at-risk desert terminal lakes.

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

Mr. VISCLOSKY. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, first, I would like to let my colleagues know what a privilege it is to work with Mr. HOBSON on the critical issues included in the Energy and Water Development Appropriations bill. Mr. HOBSON is a superb chairman, and I deeply appreciate his vision and even-handed approach to the work of our subcommittee. I also deeply appreciate the splendid work done by each member of the subcommittee. We have an exceptional membership.

I also would want to acknowledge the fine staff that supports both the majority and the minority: Kevin Cook, Taunja Berquam, Scott Burnison, Terry Tyborowski, Tracey LaTurner, Dixon Butler, Kenny Kraft, Tony Digiovanni, Debbie Willis and Peder Maarbjerg of my staff. These are all exceptional individuals, and I would point out to the general membership that we will lose Peder Maarbjerg who is my associate staff. He has done not only fine work for myself but for the last several years made an exceptional contribution to the committee and to this country with his very good work.

The bill itself does a good job of allocating scarce resources for sustaining the water infrastructure of our country, maintenance of our strategic deterrent, protecting our Nation from nuclear terrorism, continuing U.S. research leadership, particularly in the physical sciences, and developing energy technology to help us reverse a growing dependence on imported oil.

I will be joining my chairman in support of the bill.

Last year should have served as a major eye-opener as regards the protection of our communities and fellow citizens from the ravages of flooding. Hurricane Katrina may come to rank with the 1927 Mississippi flood as a seminal event in the corps' long history. The corps' responsibilities are multiple, and we should remember that.

The U.S. Army Corps of Engineers is a tool in our hands, and we must make good use of it and keep it sharp. Last year, the Energy and Water Appropriations Act began a major program of reforming the financial practices of the corps. This year, we try to continue that process; and I hope that no one will hamper that effort by striking section 102 of the bill.

As usual, there are unintended consequences of such a major reform; and this has been a particular concern of those Members whose projects could not use appropriated funds in past years but are now ready to go and look for restoration of these funds. The bill makes a start at solving this problem by allocating $55 million specifically to fund repayment of donor projects.

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

Mr. HOBSON. Mr. Chairman, I yield such time as he might consume to the gentleman from California (Mr. LEWIS), the chairman of the full Appropriations Committee.

Mr. LEWIS of California. Mr. Chairman, I rise in support of H.R. 5427, the Energy and Water Development Appropriations bill for the year 2007. This is the fourth of 11 bills the committee plans to bring to the House floor before the July 4 break.

I want to especially extend praise to Chairman HOBSON and Ranking Member VISCLOSKY, as well as members of the Energy and Water Subcommittee and their staff for their very fine work in preparing this bill.

This measure provides $30 billion in total discretionary spending. This represents a decrease, I repeat, a decrease of some $172 million below the fiscal year 2006 enacted level.

The bill contains critical funding to support a vigorous civil works program

through the U.S. Corps of Engineers, focusing limited resources on completing high-priority projects. This legislation also continues a number of significant reforms to improve project execution and financial management.

The bill also includes a number of important energy initiatives, including efforts to strengthen clean energy technologies, energy supply and conservation programs, and fossil energy research and development.

I would like to make two additional points regarding this bill. First, Member project funding in the bill before us today is some $200 million, or 16 percent, below last year's level. This bill also terminates four programs, resulting in $460.5 million in taxpayer savings.

Mr. Speaker, this energy and water bill is a fine product, worthy of all of our support. One more time, I would like to commend Mr. HOBSON and Mr. VISCLOSKY for their work together.

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

Mr. Chairman, I would now like to discuss title III of the bill, which is the Department of Energy.

The Department of Energy receives a total of $24.37 billion in the Energy and Water Development bill, $299 million over the budget request and $326 million above the current new fiscal year.

The budget request proposes a number of major new initiatives for the Department of Energy in fiscal year 2007, the American Competitiveness Initiative, which strengthens basic research by increasing funds for DOE's Office of Science by $505 million, for a total of $4.6 billion. We fully fund the budget request for the Office of Science, and we provide an additional $30 million of headroom to fund House earmarks in the science account. The Advanced Energy Initiative would increase funding for providing clean technologies.

We generally fund all of these accounts at or above the requested funding levels funding. Funding in our bill for research in biomass energy increases 65 percent over last year. Research and development on solar energy increases 78 percent over last year. Research on hydrogen technology increases 26 percent over last year.

We have also increased funding for vehicle technologies, building technologies and industrial technologies. As with the science earmarks, we also provide additional funding for the House earmarks so that these do not harm the underlying applied science research programs.

The Global Nuclear Energy Partnership, GNEP, is an initiative to recycle spent nuclear fuel with a first-year request of $250 million; and while we believe very strongly that we need to recycle our spent fuel, we have serious policy, technical and financial reservations about the GNEP proposal. It appears that the administration funded the GNEP by cutting other essential energy programs such as university nuclear energy education. We restore these funds and limit GNEP funding to $120 million in fiscal year 2007.

We terminated the State energy programs. This amounts to $50 million spread among 50 States plus the territories. From our perspective, the States are fully capable of administering their own State energy programs. Where there is sufficient energy projects that exceed a State's capabilities, then those projects should be submitted to the committee as part of the DOE budget request. We do not support taking Federal funds from our bill and giving those States funds to spend.

I might add that the group that came in, that lobbies for this, is a group located in Washington created by the States, funded by our money, to lobby us. So what do we do? We send the money out to the States.

First of all, we collect it in taxes, we take a cut off of it here, then we send it back to the States, they take another cut, and they fund all these special people. The costs go as high as 52 percent, and then they do these little grants. We think if they need them they ought to do them; and if they really need them that bad, we ought to fund them.

We fully fund the request for the Yucca Mountain repository of $545 million and provide an additional $30 million for interim storage contingent upon authorization. Unfortunately, Yucca Mountain is on a schedule that will not allow it to accept significant quantities of commercial spent fuel until the end of the decade at the earliest.

The GNEP initiative to recycle spent fuel is on a similar schedule. The Department estimates that the Federal Government incurs a liability, and I want people to listen to this, of $500 million per year for each year that the repository is delayed. In addition, the Nuclear Regulatory Commission may not be able to issue a waste competence determination for any new reactors if the Federal Government does not provide some tangible solution to the problem of accumulating spent fuel. That is why we include $30 million for the Department to explore its options for interim storage.

The Department says it needs additional statutory authorization for interim storage. If that authorization is not enacted by the end of the fiscal year 2007, then the remaining funds will revert to the effort to begin the process of selecting a site for a second nuclear waste repository.

We continue our efforts to reform the DOE nuclear weapons complex. The committee views the reform of the weapons complex as a package deal. We will move forward with a reliable replacement warhead but only if accompanied by actions to consolidate the footprint of production complex, consolidating special nuclear fuel materials and accelerating dismantlement.

I hope people will listen to this next paragraph, because this is probably one of the most outrageous expenditures we have done. It is one we have to get on with. We have to get it done, but the cost escalation of this project drives me out of my mind and I think most Members, if they would listen.

The largest environmental cleanup project in the country, the waste treatment plant in Hanford, is billions over budget and 6 years behind schedule. The cost growth of this project is an increase of $6 billion in only 5 years; and, frankly, we still do not know what it will cost, nor can they tell us.

We direct the Department to make several major management changes to this project. The Department must complete 90 percent of design before construction of major facilities, and it must impose a tighter linkage between contract payments and contract performance.

□ 1445

Most importantly, our bill requires the Nuclear Regulatory Commission's oversight of nuclear safety at the waste treatment plant, and we direct the Department to transfer $10 million to the NRC for this purpose. Fiscal year 2007 funding for the waste treatment plant is $600 million, a reduction of $90 million from the request, but an increase of $9 million over the current year.

I would point out that our recommended funding level of $600 million is $80 million higher than what the Government Accountability Office recommended as needed for fiscal year 2007. We do increase funding for other cleanup activities at Hanford, primarily to mitigate the risk of radioactive contamination from reaching the Columbia River.

Total funding for all DOE environmental cleanup activities, both defense related and nondefense, is $644 million, an increase of $161 million. The committee provides a total of $1.59 billion for defense nuclear nonproliferation activities, a decrease of $133 million from the budget request. This reduction to the bottom line total for nuclear nonproliferation is due to the elimination of funding for construction of the mixed oxide project and associated pit disassembly and conversion facility at the Savannah River Site.

In 2000, the United States and Russia each agreed to eliminate 34 metric tons of excess weapons grade plutonium. While MOX is a far more expensive option for plutonium disposal than immobilization, it was felt several years ago that it was worth doing to encourage the Russians to do their own MOX plant. Well, guess what folks? The Russians are not coming. Listen again: The Russians are not coming.

The Russian government signaled this spring that they no longer have any interest in proceeding with their own MOX project, so there is no longer any compelling nonproliferation reason to build the MOX plant. Earlier this week, I met the head of RosAtom, the Russian atomic energy agency. He confirmed that the Russians have no interest in spending any of their own money on MOX activities in Russia.

Now, they did tell us that they would build it if we would provide all the money, because, they said, if we have to put money into something, we don't want to do that because we think it is too expensive; we think there is better technology, and we need to move on. They view MOX as an expensive outdated technology for plutonium disposal.

In addition, the GAO tells us that the cost estimate on this facility has risen from $1 billion in 2002 to over $3.6 billion in 2006, and the project is already 8 years behind. Now, if you look at Hanford as any example, what do you think this thing is going to wind up at? And this is a deal that the Russians say they don't think the technology is any good. At the beginning, when we put it together, we didn't think it was that good, but we thought we could get them into the deal by doing this, so they said, let's go ahead with the deal.

To deal with the plutonium already stored at the Savannah River Site, we should use the cheaper immobilization option. The only remaining rationale to continue the MOX plant is simply as a jobs program for certain States, and I don't think that is a compelling reason to spend several billion dollars of taxpayers' money. There is not 34 metric tons of weapons grade plutonium in South Carolina at this time, and the plutonium that is there wouldn't be able to be used in the MOX anyway, because it is of a different type than that which would be used for the MOX program.

The requested fiscal year 2007 construction funding for MOX is applied to other priority nonproliferation activities, and roughly two-thirds of it is kept at the Savannah River Site for plutonium immobilization activities and to meet environmental cleanup needs at that site.

Title IV, Independent Agencies: title IV of our bill provides $228 million for several regional commissions and independent agencies. The committee recommendation provides the requested funding for the Defense Nuclear Facilities Board, the Delta Regional Authority, the Nuclear Regulatory Commission, the Inspector General and the Nuclear Waste Technical Board.

The committee reduces the funding, and if I had my way I would take it down to zero, and I tried to get those that are offering amendments to take this down to zero, but they didn't take me up on it, the Appalachian Regional Commission, which my State gets money for. But, again, it is like the State program: We send money here. We send money back there. And the Governors run around creating a bureaucracy and go do the little projects, and nobody really knows kind of what they do.

I have had letters from all kinds of people who say they don't support excess spending. They do not like earmarks, but everybody seems to like the little earmarks that the Governors do in these little programs back in their State. So I cut the money. The President's request was around $60 million. And OMB always tells me they are so cost effective down there; I don't know why they don't look at this program. And I cut it back to $35 million.

The first year, I cut it back to zero, and then we had to fund it when we got to conference. Unfortunately, that will probably happen again, but I don't like that. But if I had my way, I would cut out all these little commissions because I just think they take away from a lot of good work that the Congress does.

We have also put an additional $40 million of budget authority to provide for the Nuclear Regulatory Commission to address anticipated license applications for new reactors, which I hope we can really move forward with.

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

Mr. VISCLOSKY. Mr. Chairman, I yield myself such time as I may consume, and I would like to follow up on the chairman's remarks.

Plutonium, highly enriched uranium and some highly radioactive products of nuclear fission in the hands of terrorists pose the greatest threat to the United States and its people. Accordingly, the recommendation before the committee increases funding for those elements of defense nuclear nonproliferation at DOE that truly address this issue. This bill correctly shifts money that should not be spent on MOX plants to other areas where the funds can be used now to enhance U.S. security.

The Russians will not proceed with their MOX plant unless it is fully funded by other countries in the G–8 at a cost of $2.5 billion. Pledges to date have not passed $800 million. The Russians have stressed to the chairman, as he has pointed out, and myself that they are still fully committed to destroying 34 metric tons of their surplus plutonium. To do so, they are interested in pursuing less expensive approaches in partnership with us and funding 50 percent of the cost themselves.

When it comes to energy policy, the committee's allocation forces our bill to be hundreds of millions of dollars below needed levels. While I applaud the significant increases for biofuels and solar, even in these areas, the budget forces choices between pursuing rapid commercialization of current technology and demonstrating new ones. With the support of Chairman HOBSON, conservation technology investments were increased in the full committee resulting in full funding for solid-state lighting, one of the most promising technologies for saving energy; and for the request of the Governor's Ethanol Coalition for development of E–85 infrastructure.

However, I remain concerned that the Clean Coal Power Initiative will have to wait one or more additional years before issuing its next solicitation for research proposals. The Department of Energy has argued that it is too late to include new technologies in the FutureGen demonstration plant, but given the abundance of domestic coal as an energy source, I believe we will be seeking new technologies to improve our use of coal for many years to come.

Our country needs a robust mix of energy sources so that we can adapt rapidly to changes in the world's markets. We as a Nation can innovate our way out of the current energy crisis, but I fear that we are letting a false sense of economy prevent this from happening at the pace required.

Last year, in an effort to move the country forward in developing nuclear power as a domestic source of energy that does not emit greenhouse gases, the Congress provided funds to pursue a competitive process for choosing sites for the integrated reprocessing of spent nuclear fuel, including interim storage. We as a subcommittee also worked to accelerate the opening of the Yucca Mountain permanent high-level radioactive waste repository, but without success. The administration has responded with a Global Nuclear Energy Partnership, or GNEP, and I would like to emphasize the concerns about GNEP expressed in our committee's report.

I do not know whether GNEP will truly help the future of nuclear power. I do know that any benefits from GNEP for the American people are 15 years or more in the future, but the benefits to the DOE labs, whose directors came to Washington for a recent Senate event, might be very immediate.

I appreciate the chairman's supporting a restrained funding level for this program that will provide funds for work to refine the ideas included in the GNEP concept. I believe that the level in this bill is the correct level and will oppose any efforts to make further cuts in this area. Our subcommittee will work with the authorizing committees to ensure that the costs and plans for dealing with the waste that GNEP will generate are understood and are accounted for.

Members should note that the bill requires DOE to submit its GNEP plans

to peer review by the National Academy of Science and the National Academy of Engineering.

One cannot discuss the issues of spent nuclear fuel and other nuclear waste without reiterating that Yucca Mountain is essential as a permanent high-level radioactive waste repository. We must continue to support its opening and not give up, even though its opening has been delayed until at least 2017. Through GNEP, we may redefine the waste stream in the future. The character of much of the waste may change, and change so as to lessen the long-term radioactive activity of the waste. But we have today waste of known character awaiting permanent disposal. Of course, I speak of the waste generated by the creation and maintenance of our nuclear deterrent, a deterrent from which we have all benefited.

Last year's cuts to the science account at DOE were estimated to reduce support for 2,200 researchers. This year's funding will increase support for 2,600 researchers. This type of oscillation, however, does not attract bright minds to the research areas DOE sponsors, and a new increase of only 400 researchers over 2 years is hardly a major step forward. But it is a step forward, and I would stress to my colleagues and to the administration that further major increases will be required to support the physical sciences at the level befitting our Nation and its desire for continued economic growth and world leadership.

The bill provides for more staff at the Nuclear Regulatory Commission to enable it to handle an anticipated increase in license applications for new nuclear plants. I also foresee additional regulatory responsibilities for the NRC.

For example, I see the need for NRC to become involved in issues of nuclear safety at the Hanford Waste Treatment Plant. At many sites, the Department of Energy self-regulates on nuclear safety, and I consider this a foolish approach, even when the Department has the best of intentions. We do not let the private sector self-regulate in matters of nuclear safety, and we should end this practice at DOE as soon as is practical.

So I think you can see how many critical areas for our Nation are included within the scope of the energy and water bill. Again, despite the funding limitations imposed upon the subcommittee, I take comfort from the many excellent decisions embodied in it and from the good that will be accomplished by the people's money we provide for these many programs.

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

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume to include some further observations on our bill.

I think the committee has produced a very responsible bill that makes sound investment decisions for the future of our agencies and, frankly, for the future of our country. I believe we have one of the best Secretaries of Energy that we have had in a long time. The DOE budget request for fiscal year 2007 reflects some very clear policy choices made by the Secretary in favor of basic science research and applied energy research.

While we don't rubber-stamp every one of the Secretary's priorities, I very much respect that he has been willing to articulate his vision for the Department of Energy and has been willing to make some hard funding choices to support that vision. Frankly, we wish we saw some of that same vision and leadership in the Corps of Engineers.

The devastating consequences of the hurricanes that hit the gulf coast last year demonstrates what happens when we make the wrong investments in critical water resources infrastructure.

□ 1500

The gulf hurricanes served as a wake-up call for many other parts of the country, such as Sacramento, that have inadequate flood protection.

Last fall, we asked the corps to provide Congress with a ''top 10'' list of the flood control and navigation infrastructure needs in the country. The corps was surprisingly unable or not allowed to respond to this simple request, and that tells me the corps has lost sight of its national mission and has no clear vision for projects it ought to be doing in the future.

We have asked the corps to prepare 5-year budget plans, and the corps has made real progress in making these a useful planning tool, but we have not got there yet.

We have also tasked the National Academy of Public Administration to identify sensible criteria for prioritizing the most worthy projects in the future. But, frankly, what is still lacking is a long-term vision of what the Nation's water resources infrastructure should look like in the future. ''More of the same'' is not a thoughtful answer, nor is it a responsible answer in times of constrained budgets.

After the New Orleans experience, should we continue to rely solely on levees for urban flood protection? What should our deepwater and inland navigation system look like in 20 years? Nobody right now can tell me that, and I have been asking that for a couple of years.

And how should the corps be structured and managed to meet these changing times? The committee is determined to work with the corps, with our colleagues in the Congress, and with outside groups to help the corps craft a better vision for the Nation's water resources in the future.

Our country is also in an energy crisis, and we have the responsibility to do everything we can in our bill to address that. I feel our bill, within the limits of our jurisdiction, does that. Our bill provides significant funding increases for research on renewable energy and nuclear energy resources. This research is not going to get us the results overnight, but it puts us on a long-term path to increasing energy independence.

In short, this bill supports a variety of energy efficiency programs that can realize savings immediately. The bill increases funding for weatherization, energy savings programs for the Federal Government, vehicle technologies, building technologies, and industrial technologies, all efforts in the near term to find energy savings wherever we can.

Now let me talk about earmarks.

My goal for this year's bill is to earmark less than we did last year. The number of incoming Member requests to our subcommittee was down slightly from last year. In fiscal year 2007, we received 2,957 requests, a reduction of 17 percent from the 3,572 requests submitted in fiscal year 2006.

By comparison to the total value of $1.24 billion of earmarks and congressional adds that we carried in our bill and report last year, we have only $1.4 billion this year. This is a reduction of $200 million, or 16 percent. Frankly, if we include congressional adds and programmatic increases and focus only on project-specific earmarks, then our earmarks total only 1 percent of a $30 billion appropriations bill.

Most importantly, most of the earmarks in our bill are fully funded, meaning they do not compete with administration priorities. And I want to say once again we not only take out ours where we have to, we take out the President's, and last year we took out a number on the Senate when we got to conference.

We have produced a very responsible House bill. If you want to see real earmark reform, then we encourage our colleagues in the other body to live by the same earmark levels that we have in our bill and to provide funding headroom for those earmarks so they do not adversely impact the base programs of our agencies.

Lastly, I want to thank all members of the Energy and Water Subcommittee for their help in bringing this bill to the floor. Our subcommittee held four more hearings than last year, including two intensive oversight hearings on the Hanford Waste Treatment Plant and on reform of the DOE nuclear weapons complex. I appreciate our members' attention and participation in these hearings.

I particularly want to thank the ranking member, the gentleman from Indiana (Mr. VISCLOSKY). He has been a true partner in this bill. We have had

some hard-fought wins in this bill and have continued to work together. This is truly a bipartisan bill that represents the best of this Congress. This is the way I believe our constituents expect their representatives to work together. I am proud of our bipartisan process.

I also want to thank the chairman of the Appropriations Committee, Mr. LEWIS, and the ranking member, Mr. OBEY, for their support and for allowing us to move this bill forward in an expeditious manner.

Lastly, I want to thank the staff of this subcommittee, and it is truly a bipartisan staff. Kevin Cook is our clerk, Scott Burnison, Terry Tyborowski, Taunja Berquam and Tracy LaTurner, and I thank them for their hard work on this bill. I also want to thank Dixon Butler of the minority staff, and both Kenny Kraft from my office and Peder Maarbjerg of Mr. VISCLOSKY's office.

I might add that Peder is going to be leaving. This is his last bill. He has done a great job. He has always been great for everybody to work with. He is headed off to law school. Mr. VISCLOSKY and I are both lawyers; I am not sure that he took our advice, but he is doing it anyway. We want to wish him well in his new career.

I also want to acknowledge our agency detailees. The formerly single Tony DiGiovanni, and he just got married last week. We tried to advise him, but he didn't listen and got married. He is from the Department of Energy. And I am probably going to hear from a lot of people about that, but I have been married to my first wife for 47 years, so I guess I can get away with that maybe a little bit.

And also Debbie Willis from the Corps of Engineers for their invaluable assistance in putting this bill together.

If you see the hard work that goes into putting these bills together and all of the detail and especially the phone calls we get asking: How did I do in the bill? How come I didn't get more? What do you mean this is a new start? What do you mean?

Everybody thinks that their thing is the most important thing. We tried to do the best we can. I am sure we made some mistakes, and we will try to take care of those in conference on this bill.

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

Mr. VISCLOSKY. Mr. Chairman, I yield 7¼ minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I thank the ranking member for the courtesy he is extending me today.

Mr. Chairman, I rise in strong opposition to Yucca Mountain and to the $500 million in funding that this bill will waste on efforts to turn Nevada into a nuclear garbage dump.

The families I represent in Las Vegas and north Las Vegas remain overwhelmingly opposed to Yucca Mountain. A recent survey found that 80 percent of southern Nevada residents are against high-level nuclear waste buried only a short drive from homes and businesses in by far the fasting-growing metropolitan area in the United States.

They know that Yucca Mountain is a total failure and that transporting nuclear waste to Nevada is a disaster waiting to happen and an invitation to terrorists looking to build a radioactive dirty bomb.

But that is not the only reason I stand before you today. Mr. Chairman, I cannot believe that we are being asked to approve nearly $550 million for Yucca Mountain at a time when the Secretary of Energy cannot even calculate the cost of the proposed dump.

This past February, Secretary of Energy Bodman told the New York Times that his Department no longer, and I quote, ''No longer has an estimate of when it can open the nuclear waste repository that it wants to build at Yucca Mountain, and it may never have an accurate prediction of the cost.''

Let me read that last sentence again: The Department of Energy may never have an accurate prediction of Yucca Mountain's total cost.

The Secretary testified in front of the committee that not only does he not have an accurate prediction of the cost but does not have any idea when Yucca Mountain may open. Yet here we are debating whether or not to spend $550 million on this boondoggle in the middle of the Nevada desert. It is an insult to the taxpayers of this Nation that we even consider spending another half a billion dollars on a proposal that threatens communities in 43 States, threatens our environment, threatens the health and safety of more than 2 million southern Nevada residents, and threatens to break this Nation's bank.

I ask my friends on both sides of the aisle, how can you vote for more spending on Yucca Mountain when we do not even know how much it will cost, when it will open, or whether it will work?

When it comes to reasons to oppose Yucca Mountain, what I have just said is only the tip of the iceberg. My colleagues, how can you vote to continue funding the Yucca Mountain project when there is overwhelming evidence of chronic mismanagement and blatant disregard for quality assurance requirements? Are you so beholden to the nuclear industry that you will not stand up for the health and safety of millions of our fellow citizens?

In its most recent report, the GAO found that since the 1980s and up until this year there have been massive ongoing problems with quality assurance efforts at Yucca Mountain, including evidence that workers at the site deliberately falsified their own work.

E-mails written by employees conducting experiments at Yucca Mountain described keeping two sets of books, Mr. Chairman, one with the real information, one for the regulators. Allow me to read these e-mails:

''This is as good as it is going to get. If they need more proof, I will be happy to make up more stuff.'' And another e-mail brags, ''I don't have a clue when these programs were installed so I made up the dates and names.''

While these workers are not being criminally prosecuted for their deceitful acts, and why, I don't know, what GAO found was a quality assurance program at Yucca Mountain riddled with failures that threatened to completely undermine the validity of scientific work done at the proposed site, and these findings are supposed to serve as a basis for licensing Yucca Mountain.

Work performed at Yucca Mountain is so flawed that in some cases the DOE is spending millions of taxpayer dollars to have the science redone in the hopes of salvaging what remains of this project.

So don't let anybody talk to me about sound science. This project is a slap in the face to any scientists worthy of that title.

But we cannot stop there, Mr. Chairman. It is vital my colleagues also remember that the area surrounding Yucca Mountain has been rocked by earthquakes and violent volcanic activity. This is especially troubling considering that waste stored at Yucca Mountain will not even reach its peak danger levels for 300,000 years and will remain toxic for nearly 1 million years.

Are we so arrogant to think that mankind actually has the ability to safeguard all of the nuclear waste ever generated in this country in one place for a period of approximately a quarter of a million years longer than modern humans have roamed the face of the earth?

Let me also remind my colleagues of the groundwater beneath the Nevada desert. Are you willing to risk destroying the ecosystem of the southwestern United States to appease the nuclear industry? I am not. Is that what we want for the future of our communities? Is that what we want for families in Chicago and St. Louis and Denver and Salt Lake and others living along the waste transportation routes to Yucca Mountain, thousands of shipments of deadly radioactive waste over decades traveling along our roads and railways?

There is a better solution, Mr. Chairman. Leave the waste at the plants where it is produced in secure dry-cask storage, where it can safely sit for the next 100 years.

Mr. Chairman, in addition to funding for Yucca Mountain, this legislation also contains $120 million for the President's Global Nuclear Energy Partnership, which I also strongly oppose. This dubious project seeks to export nuclear

technology to developing nations with the guarantee that the U.S. will take back whatever nuclear waste is produced.

In other words, not only will the United States of America, State of Nevada, be the dumping ground for all of this Nation's nuclear waste, we are now supposed to be the dumping ground for the entire world's nuclear waste?

Mr. Chairman, I strongly support the efforts of my colleagues to eliminate funding for GNEP, not only because it threatens to send more nuclear waste to the United States but because nuclear reprocessing creates materials that can be used to create a nuclear bomb.

Mr. Chairman, in conclusion, I want to remind you that Nevadans are overwhelmingly opposed to seeing the Silver State turned into a nuclear garbage dump. The only safe solution is to keep the nuclear waste at the plants where it is produced in dry-cask storage.

Funding for Yucca Mountain should be eliminated, and we ought to be paying the nuclear power plants for storing this waste.

I am not an advocate of civil disobedience, but, as God is my witness, I will lie in front of any train that attempts to ship nuclear waste to Nevada. I will stand on the highway to stop any truck that is putting nuclear waste in Nevada. Nuclear waste will come to Yucca Mountain, Nevada, over my dead body, I promise you that; and I hope the people listening will contact their representatives and stand with the State of Nevada against this outrage.

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ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would admonish visitors in the gallery not to show their approval or disapproval of debate on the House floor.

Mr. VISCLOSKY. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. MILLER) for purposes of a colloquy with the chairman.

Mr. MILLER of North Carolina. Mr. Chairman, the Energy Policy Act of 2005 included two provisions to improve the technology transfer of new energy technologies, neither one of which has received any funding in this appropriations bill.

Section 1001 of the bill would establish a technology commercialization fund by dedicating .9 percent of DOE research funding to tech transfer. The Appropriations Committee, I understand, has not funded that provision, because the committee considers the dedicated funding source a tax on the funding of important research programs at the Department of Energy.

But, Mr. Chairman, also, section 917 of the bill, which I first offered as an amendment in the Science Committee, authorizes the establishment of Advanced Energy Efficiency Technology Transfer Centers. This section authorizes such funds as may be appropriate, around $10 million, and does not take funding away from other research funding into alternative energy.

However, this appropriations bill also provides no funding for those technology transfer centers either.

Mr. Chairman, I am pleased that this bill does substantially increase funding for energy efficiency, for renewable energy, for basic research. I devoutly wish that it was increased more still. But I am concerned, Mr. Chairman, that we are ignoring solutions to our energy problems that are available to us now. I am concerned that we are not supporting moving technology out of the laboratory and into the marketplace, where such technologies will save consumers and businesses on their energy bills.

I hope, Mr. Chairman, that you and the committee will recognize the importance of technology transfer and provide a near-term solution to our energy needs and provide appropriate funding.

Mr. HOBSON. Mr. Chairman, I agree with the gentleman that this research and development that we are funding in this bill needs to have a pathway to the marketplace. As we move forward to a conference with the Senate, we will both, Mr. VISCLOSKY and myself, keep the gentleman's concerns in mind, as we agree.

Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of this bill; and I want to commend Chairman HOBSON for the outstanding manner in which he has brought this House to this point, cooperating fully, minority, the majority, cooperating fully with the authorizing committees, and how refreshing that is to see us working hand in glove in common cause.

This bill is very important in the priorities it sets. The President's American Competitive Initiative is fully funded; the President's advanced energy initiative, which is fully funded, except for wise reductions on nuclear reprocessing.

I want to thank Secretary Bodman and Under Secretary Orbach for the long-needed attention they have brought to science programs at the Department. They are two of the finest senior public officials in this or any administration, and we are very fortunate to have them at their post.

As the National Academy of Sciences points out in the report, rising above the gathering storm, the U.S. must substantially increase its investment in basic research and the physical sciences to remain competitive. This bill responds to that message. This bill is a good bill. I urge its full support.

Mr. VISCLOSKY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me the time and also to Chairman HOBSON.

Mr. Chairman, I have served on this committee for 12 years. Let me compliment both you and the ranking member for your relentless pursuit of accountability and fiscal restraint in this bill. This bill has addressed nuclear issues, protecting the nuclear stockpile, seeking to address waste issues, navigation issues, issues that relate to lessons learned from Katrina. The chairman and committee members have been hands on.

We have done things with the Army Corps in terms of its management alternative, energy alternatives, as Congressman BOEHLERT just mentioned, the American Competitive Initiative, more money into research and science, and in terms of energy renewables, the work of the ITER program, the international ITER program in terms of fusion, their combination with domestic fusion.

On a more parochial level, Mr. Chairman, thank you for the endorsement of the good work that we do in the New York-New Jersey region in terms of keeping the Port of New York and New Jersey open for business, a linchpin to the eastern coast economy.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Chairman, I rise in strong support of this bill.

Since coming to Congress, I have been advocating for increased resources for research in the physical sciences and for the Department of Energy Office of Science in particular. I just really am most gratified that the chairman and the ranking member of the Energy and Water Subcommittee fully supported the President's request for funding for the DOE Office of Science.

As the Nation's primary supporter of research in the physical sciences, the DOE Office of Science led the way in creating a unique system of large-scale, specialized, often one-of-a-kind facilities for scientific discovery.

I also want to express my appreciation for the funding provided for the Energy Supply Account. This bill before us contains vital work in fossil energy, nuclear energy, renewable energy and conservation. Such a diverse portfolio of technologies is necessary to secure our energy future. These technologies represent wise investments and deserve broad support.

At the same time, I want to register my concern about the decreased funding for the Global Nuclear Energy Partnership, or GNEP. We must begin developing advanced fuel cycle technologies now. I know the chairman of the subcommittee appreciates this fact and wants DOE to do it right. So do I,

which is why I look forward to continuing our work on this issue of common interest.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I thank my colleague and also the Chair of the committee for bringing the bill up. I also want to thank my good friend from Indiana.

Mr. Chairman, I rise in support of the legislation. I want to thank the subcommittee leadership for their inclusion of $43 million for the Houston Ship Channel Navigation project and for $13 million in operations and maintenance for the Houston Ship Channel.

The navigation funding goes towards important environmental restoration work in the deepening and widening project. We are at the end of that project now.

The operations and maintenance funding is not as much needed to keep the channel at its authorized depth, but I am concerned by the lack of O&M maybe not only for the channel but for others. Our problem is that if the channel silts up, those oil tankers that we bring in with crude oil to our refineries, we will have to off-load or lighten them off the coast, and it will actually raise the price of our gasoline. The O&M is a concern that I have with gas prices so high. We don't really want to build all that extra cost into the refining.

I also want to thank the committee for the portion of the 2005 Energy Policy Act, the Rocky Mountain Oilfield Testing Center in Wyoming. The energy bill last year authorized this funding, so we can actually drill horizontally 50,000 feet instead of what we currently do. Again, it is something that will help us to get more reasonably priced products.

I do have some concern also about the lack of flood control funding, because I not only represent an energy-producing area but we are also a low-lying area. The Corps $4.98 billion is a cut of $345 million from last year, but I am pleased the committee went above the President's budget by $250 million.

I have three projects, Greens Bayou, Hunting Bayou and Halls Bayou, that were flooded with Allison in 2001; and we are on a road to try and get those so we don't have those massive floods like we did in 2001. I would hope that the committee would look at the cost-benefit ratio so that we don't see those floods. These homes are not vacation homes. They are blue-collar folks' homes that actually work at those refineries that were flooded in 2001.

With that, Mr. Chairman, I would hope that the committee would look at those in the conference committee.

Mr. Chairman, I rise in support of this legislation.

I do wish to thank the subcommittee leadership for their inclusion of $43 million for the Houston Ship Channel Navigation project and for $13 million in operation and maintenance for the ship channel.

I have serious concerns with the lack of flood control funding for the U.S. Army Corps of Engineers.

The bill provides the Corps $4.98 billion, a cut of $345 million below last year. I am pleased that the Committee was able to go $250 million above the President's request, but unfortunately that increase was not enough.

We requested funding for three federal flood control projects in our Harris County, TX, district—Greens Bayou, Hunting Bayou, and Halls Bayou—and not one of these projects was funded. These projects are all properly authorized.

Congress has funded Greens Bayou and Hunting Bayou for many years in a row now, and the general reevaluation review for Greens Bayou is almost complete. We need only $488,000 more to finish it.

We are told the subcommittee has a preference for completing existing projects and studies. As a result, I hope they will reconsider both of their decisions on Greens Bayou, which could have a completed study this year with funding, and Hunting Bayou, which is an ongoing construction project.

The Greens Bayou project has a high 3.7 benefit to cost ratio, and in 2001, over 15,000 homes in this watershed flooded in Tropical Storm Allison.

Hunting Bayou has already started construction and a cut-off of Federal funding threatens to put this project into danger of falling further behind schedule.

The Hunting Bayou project will reduce the number of homes and businesses in the 100-year flood plain by 85 percent, from 7,400 structures to 1,000. Eight thousand homes flooded in this area during Tropical Storm Allison as well.

It is particularly shocking that these projects were zeroed out this year because these flood-prone areas are now home to thousands of Katrina evacuees.

I am very concerned that we are going into a cycle of increased hurricane activity at the same time that we are failing to make the necessary flood control investments for our coastal cities.

Greens Bayou, Hunting Bayou, and Halls Bayou are not projects to protect vacation homes or homes in obvious flood hazard areas. Most of these areas were outside the flood plain until upstream development expanded the flood plains.

I do wish to thank the subcommittee leadership for their inclusion of $43 million for the Houston Ship Channel Navigation project and for $13 million in operations and maintenance for the ship channel.

The navigation funding will go towards important environmental restoration work included in the deepening and widening project, keeping our commitment to our region's environment and ecology strong.

The O&M funding is not as much as needed to keep the channel at its authorized depth, and I would alert the committee that if the channel is silted up too much, oil tankers will have a hard time getting to the major gasoline refineries.

With gas prices at the current high levels and supplies tight, we cannot risk another supply constraint.

I also want to thank the committee for funding a portion of the 2005 Energy Policy Act: the research into extended reach drilling at the Rocky Mountain Oilfield Testing Center in Wyoming.

This research promises to extend drilling up to 50,000 feet in three dimensions, which will allow us to recover more resources with fewer drill sites.

Congress's interest in this project is justified because of its potential to reduce the environmental cost of oil and gas production.

Mr. Chairman, I support the bill today, but I am making an urgent plea for flood control funding for Harris County. We dodged Hurricane Rita last year; over the next couple of years we may not be so lucky.

We don't want to look back on the next few hurricane seasons with the same regrets as we did after Hurricane Katrina.

Mr. VISCLOSKY. Mr. Chairman I yield 2 minutes to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Chairman, I thank my friend for yielding time.

If anyone needs to find an example of bipartisanship and good work product, they need to look no further than the Energy and Water bill, under the leadership of DAVE HOBSON and PETER VISCLOSKY, two fine midwestern gentlemen who know how to work together and lead us in a bipartisan way toward energy independence in the stronger and more effective Army Corps of Engineers.

One issue within the bill that I would like to address, Mr. Chairman, that is the Department of Energy's recent pronouncement that it would no longer reimburse Department of Energy contractors for contributions to defined benefit pension plans and medical plans. It is an overly broad and unprecedented position.

One Cabinet agency is attempting to prohibit contributions to defined benefit plans at the very moment the House and Senate conferees are negotiating over provisions to strengthen the financial solvency of the very same defined benefit plans. DOE should not be allowed to unilaterally mandate a reimbursement policy.

The White House has publicly supported reforms to our country's pension laws to strengthen defined benefit

plans. We commend Chairman HOBSON and Mr. VISCLOSKY for inserting language into this appropriations bill to preclude DOE from implementing this policy.

Make no mistake that the House is working its will on this specific issue and is repudiating the DOE's policy to prohibit reimbursement of contractor contributions to these plans.

It is my hope and expectation that the House leadership will sustain this position on any negotiations with the Senate. America's workers who are covered by defined benefit plans deserve our full support and protection.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, last month the Department of Energy announced, with no notice or consultation with Congress, that it would stop its contractors from offering traditional pension plans to new employees and cut back on health benefits as well, starting next year.

Over the next several years, this radical new policy would torpedo the retirement benefits of over 100,000 employees working on the Nation's most cutting edge and vital research and energy projects.

This unilateral action by the Department of Energy is a mistake in many ways. It sends a message that the Federal Government no longer supports one of the country's bedrock retirement systems.

The Department will shuffle employees into 401(k) savings plans, a vehicle that puts at risk all of the employees. Let's be honest. The 401(k) plans were never designed to meet comprehensive retirement needs of employees. They are saving plans, not retirement plans.

But I want to commend Chairman HOBSON and Ranking Member VISCLOSKY for addressing this issue in this legislation. It would stop the Department of Energy from implementing this new policy and prohibit it from using the contracting process in any way from curtailing traditional pension plans and health benefits.

Groups throughout the retirement policy area have expressed concern with the Department of Energy policy, the AFL–CIO, the AARP, Mercer Human Resources Consulting and Pension Rights Center.

Major Energy Department laboratories and facilities are spread throughout the country. These contractors range from institutions like the University of California, Iowa State University, and major companies like Honeywell, Fluor, Johnson Controls and Westinghouse.

Thousands of workers at the Energy Department facilities in Oak Ridge, Tennessee; Hanford, Washington; Idaho Falls, Idaho; Portsmouth, Ohio; and Los Alamos, New Mexico have jobs with traditional pension plans and comprehensive benefits. We need this as we try to stay on the cutting edge of competitiveness on a worldwide competition to make sure that we can track the best that this country has to offer in terms of scientists, engineers, computer technicians and the rest.

I want to thank the chairman and the ranking member for taking care of this in this legislation.

Mr. HOBSON. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. LATHAM), a member of the committee.

Mr. LATHAM. Mr. Chairman, I want to thank Chairman HOBSON for the great work that he has done and the ranking member, Mr. VISCLOSKY, just a great friend. You two guys fighting over who is going to give me a minute shows me how bipartisan we are here and all the great fellow committee members. This is really a subcommittee that works and works in a lot of different ways.

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We work well together on a very bipartisan basis, but also doing the oversight work, really working through some very difficult issues. We would not be able to do that without the extraordinarily talented professional staff that we have on both sides, and I want to thank them.

This is a very important bill for Iowa, for the country. We have got an energy facility, the Ames Laboratory in Ames, Iowa, and obviously, the Army Corps of Engineers, and the transportation issues we have on the Mississippi. There are a lot of different issues, the riverfront improvements in Fort Dodge, other environmental conservation projects around.

But this is a very, very good bill, accomplished by people working together, and I just want to once again express my appreciation to the chairman and ranking member and the great staff.

Mr. HOLT. Mr. Chairman, I rise in reluctant support of the Energy and Water Appropriations bill that we are considering today.

The Energy and Water bill funds our Nation's Department of Energy programs, water and science programs and some defense and agriculture related programs. Unfortunately, instead of making a commitment to a rational energy policy this bill continues our dependence on fossil fuels; continues our practice of poisoning our lands, oceans, and air; and does little to combat rising gas prices.

While H.R. 5427 does increase funding for alternative energy research and development, we must do more. I was pleased to learn that energy supply and conservation programs are funded at $2 billion, 5 percent more than the President's request and 12 percent more than the current level. Important initiatives that will receive additional funding are renewable energy and energy efficiency programs; including biomass fuels, hydrogen technologies and solar power.

Appropriations bills are a chance for Congress to fund programs that we believe fit our Nation's goals and protect the best interests of the American people. In this bill, we must show our commitment to important programs that promote sustainable energy sources, energy efficiency, and eliminate our dependence on foreign oil. We can and should do better than what we are considering today.

That is why I supported the Visclosky amendment which would have invested $750 million in alternative energy, innovation, and energy efficiency by increasing funding for the Biomass and Biorefinery Systems Research and Development and various other technologies such as clean coal and geothermal research and development.

Tomorrow we will consider a bill once again that will allow drilling the Arctic National Wildlife Refuge. I wonder when my colleagues will learn that drilling our way to energy independence is unrealistic and simply flawed logic. We must focus on developing sustainable energy sources and encouraging conservation. This is the only way to actually work our way to energy independence.

I urge my colleagues to make a commitment to alternative energy sources. Ernest Hemingway wrote, "The world is a fine place and worth fighting for." We must continue to fight to preserve our environment and develop energy sources that are clean, safe and sustainable.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman I want to thank the gentleman from Ohio and the gentleman from Indiana for their leadership on this important piece of water resources legislation in the midst of an extremely tight budget environment.

I support the fiscal year 2007 Energy and Water Development appropriation measure.

This measure includes funding for a number of flood control projects administered by the Corps of Engineers that are desperately needed within my congressional district: the Nokomis Road Bridge Erosion Project, the Upper Trinity River Feasibility Study, and most importantly the Dallas Floodway Extension.

I appreciate the subcommittee's consideration of my requests and your past support for vital flood control projects in my congressional district.

My constituents in the region are highly concerned about the possibility of severe flooding of the Trinity River, an event that could result in countless loss of lives and almost immeasurable property damage.

The Dallas Floodway Extension, DFE, is the linchpin of the city's flood control efforts. Each year the Office of Management Budget finds within its good graces to zero out funding, but the project is of critical importance to my constituents.

This legislation includes $5 million for the construction of the Dallas Floodway Extension.

This funding will go towards the construction of a chain of flood conveyance wetlands and a system of protective levees that will enhance the security of Dallas' central business district and area neighborhoods. The project will also reclaim 792 acres of land that are currently in the 100-year flood plain.

Although I am disappointed that this amount falls far below the Corps' expressed capability of $28 million, it is my hope that the project funding may be revisited during the House-Senate Conference.

As the country's recent flooding events have highlighted, we can not continue to short-change this Nation's water resources infrastructure.

Adequate investment in our nation's infrastructure will protect lives and property, bolster economic growth, and further enhance the quality of life for all our constituents.

While I recognize the difficult constraints the committee worked under in developing this legislation, and appreciate the funding included, I also know it is imperative to the public health and safety of the people of Dallas that this project proceed as quickly as possible.

Mr. Chairman, I appreciate the bipartisan effort that went into the drafting of this legislation, commend that effort as a model for the way in which this Chamber ought to routinely work, and urge a ''yes'' vote on H.R. 5427.

Mr. SPRATT. Mr. Chairman, I rise to express my deep concern about the subcommittee's decision to zero out funds for the Mixed Oxide, or MOX, fuel fabrication plant at Savannah River Site in South Carolina. In a nutshell, the MOX fuel plant would take weapons grade plutonium and convert it into fuel usable in commercial reactors.

In 2002, the state of South Carolina, in an arrangement with the Department of Energy and Congress, agreed to allow 34 tons of weapons grade nuclear material for MOX processing be stored at the Savannah River Site. In exchange, the state of South Carolina received assurances that the MOX fuel plant would be completed on schedule. And to be sure, we put in place penalty payments for the Department of Energy if the MOX fuel plant's construction delayed beyond 2011.

In parallel with this U.S. effort, the U.S. and our allies agreed to help fund a MOX facility in Russia, where the Russians would likewise convert 34 tons of their own plutonium into MOX fuel. To nearly everyone, this seemed like a good deal—and in any event, a done deal. In the U.S., we would eliminate the expense and risk of safeguarding weapons usable nuclear fuel. In Russia, we would eliminate the risk that weapons grade nuclear material would fall into terrorist hands. And for the nuclear power industry, we would provide a new source of nuclear fuel.

For four years, we have been told by the Department of Energy that liability concerns for U.S. contractors in Russia were the hold-up for the MOX facility—a problem we believed was resolved last summer. Unfortunately, earlier this year it came to light that there was a more fundamental problem. In February, the Russians informed U.S. officials that they would only move forward with the MOX fuel facility in Russia if the MOX fuel could be used in new so-called fast reactors, which pose proliferation concerns, or if the international community paid for the whole project. This development called into question the nonproliferation benefits that the U.S. might expect from MOX.

I can understand Chairman HOBSON's concern about these changes to the MOX fuel program. In fact, I share them. But that does not change the fact that without the MOX program, South Carolina is stuck with 34 tons of weapons grade plutonium with no clear pathway for disposal. When South Carolina agreed to take the Nation's plutonium, it did not do so to become plutonium's final burial place. We only took the plutonium with the promise that a processing facility and ultimate removal would be forthcoming. The penalty payments imposed on the Department of Energy were our ace in the hole to make sure this happened. In the Defense Authorization bill, we even included language attesting to the fact that the South Carolina MOX facility was worth doing on its own, separate of the Russian facility if need be.

We learned of Russia's decision shortly before the Defense Authorization bill was marked up in the Armed Services Committee, and we took sensible steps to account for these new circumstances. What the House Armed Services Committee did is fence the funds sought for the MOX fuel plant, pending a report from the Department of Energy that reaffirms this process as the preferred technology and most cost-effective means for disposing of weapons-grade plutonium. Millions of dollars have been spent in the expectation that the MOX fuel decision was a done deal. An EIS has been prepared. Tons of plutonium have been shipped to South Carolina, based on the iron-clad promise that it would be processed into MOX reactor fuel and shipped out on schedule. The contractor for the project has put together an impressive engineering team, and begun design work. Duke Energy has obtained MOX fuel assemblies from France and loaded the fuel rods in its light water reactor. To cancel this substantial project so precipitously, with no input from the Department of Energy, with no consideration of sunk cost, and with the enormous cost to terminate for convenience does not seem wise or right to me, particularly when we lack an agreed-upon alternative that has been studied and found superior to the MOX fuel option.

I am not dogmatic about MOX; if other treatment options are available and cost effective, I am open to those options. But with over half a billion dollars already invested in the MOX facility, I am wary of scrapping the whole idea and starting over. I understand that Chairman HOBSON put $111 million of the MOX cut into exploration of other treatment options at Savannah River Site, and I commend him for that. But I think we should withhold judgment on MOX fuel until we have at least received the report sought by the House Armed Services Committee. I look forward to working with Chairman HOBSON and Ranking Member VISCLOSKY either to restore funding or to find an alternative that is mutually agreeable.

Thank you for the opportunity to share my views on this issue of great importance to my state, out country, and our nuclear complex.

Mrs. TAUSCHER. Mr. Chairman, I would like to commend Mr. HOBSON and Ranking Member VISCLOSKY for offering a strong bill that ensures that the United States maintains a robust nuclear deterrent and modernizes the infrastructure to support it.

I am especially pleased that the bill continues the House's unwavering support for the National Ignition Facility, NIF at Lawrence Livermore Laboratory in my district with full funding.

As you know, NIF is one-of-a-kind world-class scientific effort that allows the United States to maintain its nuclear arsenal without resorting to underground testing.

Also NIF significantly advances the science of fusion as a potential alternate energy source.

I would like to also commend the chairman on a bill which fully funds the National Nuclear Security Administration's Advanced Simulation and Computing Program, ASC, which has developed the fastest computer in the world.

ASC is vital to the transformation of the Nation's nuclear infrastructure and its simulations will help assess new programs such as the Reliable Replacement Warhead Program, RRW.

Livermore Lab is at the forefront of this work and I welcome the continued investment in computational capabilities, like the Blue Gene L and Purple computers at Livermore Lab, and the unparalleled capabilities they provide.

Again I commend the chairman for a strong mark.

Mr. SIMPSON. Mr. Chairman, in accordance with earmark reform proposals currently under consideration in the House and Senate, I would like to place into the record a listing of the Congressionally-directed project in my home state of Idaho that is contained within the report to this bill.

The project provides $3 million within the Army Corps of Engineers Section 595 program for rural water infrastructure upgrades in Idaho communities. The funding was authorized in the last Water Resources Development Act.

This funding is critical to assisting rural Idaho communities in upgrading their water and wastewater treatment facilities. In many cases, this funding is required to comply with unfunded mandates passed down by this Congress and federal agencies.

Perhaps the most striking example of why the federal government has a responsibility to assist these communities is the burden the EPA's revised arsenic standard is having across America.

In the small Idaho town of Castleford, the Mayor and City Council had to lay off their only law enforcement officer so they could pay for the arsenic study required by EPA's unfunded mandate. This small town of just a few hundred people has been forced to come up with at least $2 million—a sum that would have been wholly impossible without some assistance from the federal government.

In addition, these funds help rural communities in Idaho facing economic hardship—like the rural community of Rupert. Rupert, just last week, learned that one of its major employers, Kraft Foods, is closing its cheese plant in the community. The vital water funding in this bill will assist Rupert in attracting new businesses by offering improved services at lower costs than would otherwise be possible.

I'm proud to have obtained this funding for Idaho communities and look forward to working with them in the future to meet their water resource challenges.

I appreciate the opportunity to provide a list of Congressionally-directed projects in my region and an explanation of my support for them.

(1) Rural Idaho Environmental Infrastructure, $3,000,000—pg. 28.

Mr. FORTENBERRY. Mr. Chairman, I am pleased to express my support for H.R. 5427, the Fiscal Year 2007 Energy and Water Appropriations bill and I urge my colleagues to vote for it.

I would like to begin by commending the distinguished gentleman from Ohio (Mr. HOBSON), the chairman of the Energy and Water Appropriations Subcommittee, and the distinguished gentleman from Indiana (Mr. VISCLOSKY), the ranking member of the subcommittee, for their outstanding work in bringing this bill to the Floor.

I recognize that extremely tight budgetary constraints this year made the job of the subcommittee much more difficult. Therefore, I believe the subcommittee should be commended for its diligence in creating this fiscally responsible measure.

In light of these fiscal constraints, I am very pleased that the bill includes $7.5 million for the Antelope Creek Flood Damage Reduction Project, an integral component of a flood control, transportation and community revitalization project known as the Antelope Valley Project in Lincoln, Nebraska. Critical to progress on the entire Antelope Valley Project is the completion of the drainage work. This multi-purpose project is a partnership of Lincoln, the University of Nebraska, the Lower Platte South Natural Resources District, the Corps of Engineers, and the Departments of Transportation and Housing and Urban Development.

The first segment of the project was completed in 2004 under a $4 million Corps of Engineers contract. Delay of the next project segment would cause a delay in the transportation improvements already under construction. Completion of the flood control portion is necessary before community renewal can proceed.

It is also important to note that this bill includes $190,000 to complete the Fremont South Section 205 Flood Control Study. The total cost of the study is $733,500 and the total federal share is $366,750, of which $177,000 has been received over the past two study years. The goal of this project is to provide urgent feasibility planning in connection with upgrading an existing levee in order to keep a portion of south Fremont out of flooding in the 100-year floodplain. This Fremont South area is not currently identified by the Federal Management Agency (FEMA) as being in the designated floodplain. However, a revision to the FEMA Digital Flood Insurance Rate Map will include this Fremont South area when printed and approved in the near future.

Finally, I am pleased that this bill includes $175,000 for the Lower Platte Natural Resource Districts under the Lower Platte River and Tributaries authority and Section 503 authority. This provision was included in the Water Resources Development Act of 2000 for a carrying capacity assessment for protection of water resources in the critical Lower Platte basin, including planning to expand to a water resource monitoring program. Key to protection of water resources in the basin is a carrying capacity assessment to support watershed management resource protection including the strengthening of related resource monitoring programs.

Again Mr. Chairman, I appreciate the Subcommittee's inclusion of funding for these projects of great importance to my district. I support passage of H.R. 5427 and urge my colleagues to vote for it.

Mr. CARDIN. Mr. Chairman, I believe that we need comprehensive appropriations earmark reform. In the last 10 years, the number and cost of federal earmarks have spiraled out of control, from 4,000 in 1994—totaling 24 billion dollars—to more than 15,000 items last year, valued at more than 47 billion dollars.

Earmarks are out of control. We should reform the manner in which earmarks are approved by Appropriations and Authorizing Committees, with an eye toward increasing transparency and accountability.

But what we are voting on today is a series of amendments, chosen by one member, in an ad hoc, piecemeal attempt to reform the appropriations process one earmark at a time. While this is a useful exercise to point out the problem, having one member pick and choose among existing earmarks is as arbitrary as the underlying process.

I will fight for genuine, comprehensive appropriations reform, so that we can be truly open and accountable to our constituents.

Mr. GONZALEZ. Mr. Chairman, I want to briefly recognize the work the subcommittee has done in providing $2.3 million for the San Antonio Channel Improvements Project. This money will provide the first installment of a multiyear construction effort to expand the economic development of the San Antonio River while addressing potential flood control problems.

As many know, the San Antonio Riverwalk which is the central segment of the San Antonio River park system is one of the premier tourist sites in our country. Conceived in the 1930's, the Riverwalk has been an example of everything the Federal government and the Army Corps of Engineers can do right with its water construction efforts.

The San Antonio Channel Improvements Project has fully met the federal technical requirements for project development and fully fits with the Corps' strategic plan for the Nation. This project will significantly enhance flood protection in the San Antonio metropolitan effort while at the same time restore the river ecosystem and connect the San Antonio River park system with the San Antonio Missions National Historical Park.

The significant economic development impact of this project will primarily be felt by the most disadvantaged sections of the San Antonio community. The City of San Antonio and Bexar County have also committed more than $46 million in local funding to match the Army Corps of Engineers investment in this project.

Mr. Chairman this bill's $2.3 million initial commitment to the San Antonio Channel Improvements Project is appreciated by the San Antonio community. As the legislative process moves forward on this bill it is my hope the final language for this project will provide the level needed to fully proceed with construction. The construction of the San Antonio Channel Improvements Project will provide untold flood control and environmental benefits as well as economically benefit South Texas. I look forward to continuing to work with the Committee towards that goal.

Ms. LEE. Mr. Chairman, I would first like to thank the chairman of the subcommittee, Mr. HOBSON, and the ranking member, Mr. VISCLOSKY, for their work in putting together the Energy and Water Appropriations Bill.

I also want to thank both of them for including $43.5 million in the bill to continue funding the Port of Oakland's 50-foot dredging project in my district in California, as well as for including the Army Corps of Engineers funding request for Operations and Maintenance programs in California that should provide $6.5 million for the Port.

As the fourth largest container port in the country, the Port of Oakland serves as one of our premier international trade gateways to Asia and the Pacific.

The 50-foot dredging project will underpin an $800 million expansion project funded by the Port that will improve infrastructure, expand capacity and increase efficiencies throughout the distribution chain.

Once this project is finished, an additional 8,800 jobs will be added, business revenue will increase by $1.9 billion, and local tax revenues will go up by $55.5 million. Best of all, 100 percent of the dredged materials will be reused for wetlands restoration, habitat enhancement, and upland use within the San Francisco Bay Area.

I appreciate the subcommittee's support for this project and I look forward to continuing to work with the chairman and ranking member to complete it.

Mr. THOMAS. Mr. Chairman, I rise today to discuss the important issue of dam safety work at Isabella Dam, located in Kern County, California, which I represent.

On April 27, 2006, the U.S. Army Corps of Engineers declared an emergency pool restriction at the Lake Isabella Dam due to concern over increased seepage at the base of the auxiliary dam. On May 1, the Corps began releasing water from the dam to relieve pressure on the dam, until the pool level at the dam reached only 63 percent of capacity. This restriction will remain in place until the Corps can take permanent corrective action at the dam, which may not be until 2012, which is 6 years from now.

The Corps of Engineers has named Isabella Dam as their top dam safety concern in the Nation as a result of the Corps Screening Portfolio Risk Assessment done last year, due to seepage, seismic concerns, and spillway deficiencies. Nonetheless, their estimated time for taking permanent corrective action is 6 years. Because of this significant concern, I am working with Energy and Water Appropriations Chairman HOBSON to secure the additional funding needed for the Corps to continue important drilling, sample collecting, economics modeling, and environmental studies at Isabella in order to expedite this multi-year process.

Isabella Dam protects a population of 300,000 in the Bakersfield area and about 350,000 acres of highly profitable agricultural land and oil fields. Kern County's evacuation plan notes that should Isabella Dam fail, within three and a half hours portions of the city of Bakersfield would be under as much as thirty feet of water. Loss of life and property, including agricultural land, which annually produces crops with a $3.5 billion farmgate value, would be tremendous. Likewise, there would be tremendous damage to oil infrastructure and significant impact to the entire Nation because Kern County annually produces more oil than Oklahoma.

I am also concerned about the considerable economic hardship that has already occurred

as a result of the Corps' pool restriction at Isabella. Water agencies and the City of Bakersfield who have water rights on the Kern River have already lost 77,000 acre feet of water since the pool restriction was put in place. This is precious water, with a conservatively estimated value of over $2.5 million. Allowing water to be lost simply because there is no place to store it is an immense problem in a State like California, which has limited resources.

Given the immediate and considerable safety and economic concerns surrounding Isabella Dam, I will continue to work with my colleagues and the Corps to resolve the problem as swiftly as possible.

Mr. SALAZAR. Mr. Chairman, I rise today to express my support of the House version of the Energy and Water Appropriations Act for Fiscal Year 2007, and I urge my colleagues to vote in support of this important measure.

I commend Chairman HOBSON and Ranking Member VISCLOSKY for their work on this bill. I believe it is a good start for addressing our Nation's water infrastructure and energy research needs, especially given the budget constraints.

As a water user in Colorado's San Luis Valley, I know and understand water issues, and I can't emphasize how important it is to invest back into local water infrastructure. Without this investment, I fear we will continue to see a decline in the management of this irreplaceable resource—water is the lifeblood of our rural communities.

The House Energy and Water Appropriations Bill would provide $5 billion for the Army Corps of Engineers, $923 million for the Bureau of Reclamation, and $24.6 billion for the Department of Energy. Of this amount, $1.9 billion is provided for energy research, development, and demonstration and conservation deployment—an amount $20 million above the previous year and $55 million above the Administration's request.

I am pleased the committee included funding for three important projects which I had requested back in March for the 3rd District of Colorado. First and foremost, the committee included $57.4 million in funding for construction of the Animas-La Plata Project. This funding level represents a $4 million increase over the FY 2006 funding level.

Completion of the A–LP will provide a much-needed water supply in the southwest comer of our state for both Indian and non-Indian municipal and industrial purposes. It will also fulfill the intent of a carefully negotiated settlement agreement in the mid-1980s to ensure the legitimate claims of the two Colorado Ute Tribes could be met without harm to the existing uses of their non-tribal neighbors.

Since 2002, the Bureau of Reclamation has made much progress, and work has been completed or initiated on many key project features. While I had hoped we could achieve a funding level closer to the Bureau of Reclamation's current capability of $70 million, I appreciate the committee's decision to increase the project funding level. If we can speed up completion of the project, then we avoid costly delays, saving taxpayer money.

I am pleased that the FY 2007 Energy and Water Appropriations bill also includes $350,000 for the Arkansas River Habitat Restoration Project. The U.S. Army Corps of Engineers in cooperation with the City of Pueblo, Colorado has completed 95 percent of the project including fish habitat structures along a 9-mile section of the river below Pueblo Dam through downtown Pueblo. This funding would be used to complete the project which is an important environmental restoration project for the project.

The committee also provided a $789,000 appropriation for the Army Corps of Engineers to engage in operations and maintenance at Trinidad Lake, Colorado. While I appreciate the funding for this project, I am disappointed that the committee chose to reduce its funding by almost half of last year's level. Trinidad Lake is a multipurpose project for flood control, irrigation and recreation, and was authorized by the 1958 Flood Control Act. I realize we are under tight budget constraints but a delay in necessary funding will end up costing us more in the long run.

Finally, I am pleased with the increased funding this bill dedicates for research and development. Some of this money will go directly to the National Renewable Energy Lab (NREL) in Golden, Colorado. NREL is home to some of the most innovative renewable energy research in America and even the world. There is also an increase above the Administration's budget request for weatherization grants. This program directly helps the American consumer by assisting them in energy conservation measures. Conservation is the quickest way for consumers to deal with high energy prices.

Given the current budgetary constraints, I believe this bill is a good start. The funding included for Colorado projects is important for improving water related infrastructure in our state. As we move forward with the appropriations process, I will continue the fight to preserve funding for Colorado and the 3rd Congressional District.

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, I want to thank Chairman HOBSON for his work during consideration of the Energy and Water Appropriations Act to include language in the final version of the legislation to block funds that would have allowed an ill-advised policy directive by the Department of Energy to go forward. The policy directive would have prevented contractors to the agency from continuing to provide defined benefit pension plans and comprehensive healthcare coverage to their employees. Chairman HOBSON's language blocks federal funds from implementing this directive.

The Department of Energy's policy directive amounts to nothing more than an attack on organized labor unions and their members. Not only did the policy directive allow only a scant 90 days for the new restrictions to be executed, but no labor unions were consulted on the proposed policy prior to its promulgation. The Department of Energy failed to clear its policy with the Department of Labor to determine whether it is consistent with the requirements of the Service Contract Act and the Davis-Bacon Act.

Moreover, while this policy sets a significant precedent by having one of the largest federal departments prohibiting certain employers from offering workers the security of defined benefit pension plans and comprehensive health coverage, it was not cleared by the Office of Management and Budget. The Department of Energy should not be driving pension and health care policy—especially when it does so without due deliberation and input from stakeholders and agencies with expertise on these issues.

Additionally, the House is currently in the process of crafting a reform of our Nation's pension system. It is disconcerting that an Executive agency would undertake a policy directive that could contravene the actions of the Congress in what should be a legislative matter.

It is my hope that the House will maintain its position in opposition to the Department of Energy in respect to this policy initiative, or any other legislative vehicle that would allow its execution as we enter negotiations with the other body in conference.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I rise today to thank the chairman and staff of the Energy and Water Appropriations Subcommittee for their continued support of the Florida Everglades FY07 Energy and Water Appropriations bill.

This legislation includes funding for the Army Corp of Engineers to proceed with Everglades Restoration, which will ensure natural water flows continue through Everglades National Park.

The Florida Everglades is a unique and precious ecosystem that must be preserved for future generations. Everglades Restoration is an invaluable investment that will ensure the Everglades is restored and protected.

I am pleased that the chairman included $164 million for Everglades Restoration, which is so critical to ensuring continuation of this vital project. Just last week, the Interior Appropriations bill included an additional $69 million for Restoration. The funding provided in the Interior bill, combined with that in the Energy and Water bill, will together provide a total of $233 million to allow restoration to move forward.

I thank my colleagues from Florida for their continued support of the Florida Everglades and Restoration funding. Additionally, I would like to thank the Governor of Florida for his steadfast support of Everglades Restoration. Floridians understand the great benefit the Everglades provide not just to our ecological diversity, but also to our economy, which is so dependent upon tourism and ecotourism.

On behalf of myself, and the residents of southern Florida I am so proud to represent, I thank the chairman for his support of this funding.

Mr. HOBSON. Mr. Chairman, under general leave for H.R. 5427, the Energy and Water Development Appropriations bill for fiscal year 2007, I submit the following table:

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL FY 2007 (H.R. 5427)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF DEFENSE - CIVIL					
DEPARTMENT OF THE ARMY					
Corps of Engineers - Civil					
Investigations	162,360	94,000	128,000	-34,360	+34,000
Emergency appropriations (P.L. 109-148)	37,300	---	---	-37,300	---
Construction	2,348,280	1,555,000	1,947,171	-401,109	+392,171
Emergency appropriations (P.L. 109-148)	101,417	---	---	-101,417	---
Rescission	---	---	-56,046	-56,046	-56,046
Subtotal, Construction	2,449,697	1,555,000	1,891,125	-558,572	+336,125
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	396,000	278,000	290,607	-105,393	+12,607
Emergency appropriations (P.L. 109-148)	153,750	---	---	-153,750	---
Operations and Maintenance	1,969,110	2,258,000	2,195,471	+226,361	-62,529
Emergency appropriations (P.L. 109-148)	327,517	---	---	-327,517	---
Regulatory program	158,400	173,000	173,000	+14,600	---
FUSRAP	138,600	130,000	130,000	-8,600	---
Flood control and coastal emergencies	---	81,000	32,000	+32,000	-49,000
Emergency appropriations (P.L. 109-148)	2,277,965	---	---	-2,277,965	---
General expenses	152,460	164,000	142,100	-10,360	-21,900
Emergency appropriations (P.L. 109-148)	1,600	---	---	-1,600	---
Office of Assistant Secretary of the Army (Civil Works)	3,960	---	1,500	-2,460	+1,500
Total, title I, Department of Defense - Civil	8,228,719	4,733,000	4,983,803	-3,244,916	+250,803
Appropriations	(5,329,170)	(4,733,000)	(4,983,803)	(-345,367)	(+250,803)
Emergency appropriations	(2,899,549)	---	---	(-2,899,549)	---
TITLE II - DEPARTMENT OF THE INTERIOR					
Central Utah Project Completion Account					
Central Utah project construction	31,351	37,587	37,587	+6,236	---
Fish, wildlife, and recreation mitigation and conservation	937	965	965	+28	---
Subtotal	32,288	38,552	38,552	+6,264	---
Program oversight and administration	1,719	1,603	1,603	-116	---
Total, Central Utah project completion account	34,007	40,155	40,155	+6,148	---
Bureau of Reclamation					
Water and related resources	874,679	833,424	849,122	-25,557	+15,698
Rescission	---	-88,000	-88,000	-88,000	---
Subtotal, water and related resources	874,679	745,424	761,122	-113,557	+15,698
Central Valley project restoration fund	52,219	41,478	41,478	-10,741	---
California Bay-Delta restoration	36,630	38,610	40,110	+3,480	+1,500
Policy and administration	57,338	58,069	58,069	+731	---
Total, Bureau of Reclamation	1,020,866	883,581	900,779	-120,087	+17,198
Total, title II, Department of the Interior	1,054,873	923,736	940,934	-113,939	+17,198

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL FY 2007 (H.R. 5427)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE III - DEPARTMENT OF ENERGY					
Energy supply and conservation	1,812,627	1,923,361	2,025,527	+212,900	+102,166
Clean coal technology:					
Deferral of unobligated balances, FY 2005	257,000	---	---	-257,000	---
Deferral of unobligated balances, FY 2007	-257,000	257,000	257,000	+514,000	---
Rescission, uncommitted balances	-20,000	-203,000	-257,000	-237,000	-54,000
Transfer to Fossil Energy R&D	---	-54,000	---	---	+54,000
Total, Clean coal technology	-20,000	---	---	+20,000	---
Fossil Energy Research and Development	592,014	469,686	558,204	-33,810	+88,518
Naval Petroleum and Oil Shale Reserves	21,285	18,810	18,810	-2,475	---
Elk Hills School Lands Fund	83,160	---	---	-83,160	---
Strategic petroleum reserve	164,340	155,430	155,430	-8,910	---
Northeast home heating oil reserve	---	4,950	4,950	+4,950	---
Energy Information Administration	85,314	89,769	89,769	+4,455	---
Non-defense environmental clean up	349,687	310,358	309,946	-39,741	-412
Uranium enrichment decontamination and decommissioning fund	556,606	579,368	579,368	+22,762	---
Science	3,596,393	4,101,710	4,131,710	+535,317	+30,000
Nuclear Waste Disposal	148,500	156,420	186,420	+37,920	+30,000
Departmental administration	250,289	278,382	278,382	+28,093	---
Miscellaneous revenues	-121,770	-123,000	-123,000	-1,230	---
Net appropriation	128,519	155,382	155,382	+26,863	---
Office of the Inspector General	41,580	45,507	45,507	+3,927	---
Atomic Energy Defense Activities					
National Nuclear Security Administration:					
Weapons activities	6,369,603	6,407,889	6,412,001	+42,398	+4,112
Defense nuclear nonproliferation	1,614,839	1,726,213	1,593,101	-21,738	-133,112
Naval reactors	781,605	795,133	795,133	+13,528	---
Office of the Administrator	338,450	386,576	399,576	+61,126	+13,000
Subtotal, National Nuclear Security Administration	9,104,497	9,315,811	9,199,811	+95,314	-116,000
Defense environmental cleanup	6,130,448	5,390,312	5,551,812	-578,636	+161,500
Other defense activities	635,577	717,788	720,788	+85,211	+3,000
Defense nuclear waste disposal	346,500	388,080	388,080	+41,580	---
Total, Atomic Energy Defense Activities	16,217,022	15,811,991	15,860,491	-356,531	+48,500
Power Marketing Administrations					
Operation and maintenance, Southeastern Power Administration	37,930	40,115	53,726	+15,796	+13,611
Offsetting collection	-32,386	-34,392	-48,003	-15,617	-13,611
Subtotal, O&M, Southeastern Power Administration	5,544	5,723	5,723	+179	---
Operation and maintenance, Southwestern Power Administration	32,834	34,539	45,139	+12,305	+10,600
Offsetting collection	-2,970	---	-13,600	-10,630	-13,600
Offsetting collection (P.L. 106-377)	---	-3,000	---	---	+3,000
Subtotal, O&M, Southwestern Power Administration	29,864	31,539	31,539	+1,675	---
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	511,982	490,770	688,511	+176,529	+197,741
Offsetting collection	-276,210	---	-472,593	-196,383	-472,593
Offsetting collection (P.L. 98-381)	-4,120	-3,705	-3,705	+415	---
Offsetting collection (P.L. 106-377)	---	-274,852	---	---	+274,852
Subtotal, O&M, Western Area Power Administration	231,652	212,213	212,213	-19,439	---

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL FY 2007 (H.R. 5427)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Falcon and Amistad operating and maintenance fund	2,665	2,500	2,500	-165	---
Total, Power Marketing Administrations	269,725	251,975	251,975	-17,750	---
Federal Energy Regulatory Commission					
Salaries and expenses	218,196	230,800	230,800	+12,604	---
Revenues applied	-218,196	-230,800	-230,800	-12,604	---
Total, title III, Department of Energy	24,046,772	24,074,717	24,373,489	+326,717	+298,772
Appropriations	(24,031,132)	(24,277,717)	(24,630,489)	(+599,357)	(+352,772)
Advance appropriations from previous years	(35,640)	---	---	(-35,640)	---
Rescissions	(-20,000)	(-203,000)	(-257,000)	(-237,000)	(-54,000)
TITLE IV - INDEPENDENT AGENCIES					
Appalachian Regional Commission	64,817	65,472	35,472	-29,345	-30,000
Defense Nuclear Facilities Safety Board	21,812	22,260	22,260	+448	---
Delta Regional Authority	11,880	5,940	5,940	-5,940	---
Denali Commission	49,500	2,536	7,536	-41,964	+5,000
Nuclear Regulatory Commission:					
Salaries and expenses	727,032	768,410	808,410	+81,378	+40,000
Revenues	-611,010	-620,328	-656,328	-45,318	-36,000
Subtotal	116,022	148,082	152,082	+36,060	+4,000
Office of Inspector General	8,233	8,144	8,144	-89	---
Revenues	-7,410	-7,330	-7,330	+80	---
Subtotal	823	814	814	-9	---
Total, Nuclear Regulatory Commission	116,845	148,896	152,896	+36,051	+4,000
Nuclear Waste Technical Review Board	3,572	3,670	3,670	+98	---
Tennessee Valley Authority: Office of Inspector General	---	15,100	---	---	-15,100
Offset	---	-15,100	---	---	+15,100
Total, title IV, Independent agencies	268,426	248,774	227,774	-40,652	-21,000
Grand total	33,598,790	29,980,227	30,526,000	-3,072,790	+545,773
Appropriations	(30,683,601)	(30,271,227)	(30,871,000)	(+187,399)	(+599,773)
Emergency appropriations	(2,899,549)	---	---	(-2,899,549)	---
Rescission	(-20,000)	(-291,000)	(-345,000)	(-325,000)	(-54,000)
Advance appropriations from previous years	(35,640)	---	---	(-35,640)	---

Mr. INSLEE. Mr. Chairman, I rise today to bring your attention to a technology that will revolutionize our electricity resources. This Congress has recognized that energy challenges need to be explored through alternative, renewable and clean energy sources to enable a diverse national energy resource plan. However, the rhetoric of supporting alternate fuels hasn't been met with the policies enacted by the House of Representatives. The Energy and Water Appropriations Act of Fiscal Year 2007 fails to recognize an area of energy exploration that other nations are well-ahead of us in tapping—ocean wave energy.

There is an increasing need for reliable, non-polluting sources of economic electrical power throughout the world. The Electrical Power Research Institute, EPRI, has carried out a comprehensive economic study of wave generation and has concluded that the economics of wave generation are at least as favorable as for wind generation, EPRI study shows that tidal is as favorable as wind and that wave would be as favorable if the same resources for wind had been invested which has now achieved economic competitiveness and is undergoing extensive worldwide growth.

It is estimated that if 0.2 percent of the oceans' untapped energy could be harnessed, it could provide power sufficient for the entire world.

Wave Energy has several advantages over other forms of renewable energy such as wind and solar including higher energy densities, enabling devices to extract more power from a smaller volume at much lower costs (e.g., the density of water is about 1000 times that of air).

The availability of wave energy is in the 80–90 percent range, whereas wind availability is in the 30–45 percent range depending on location. Wave energy is also more predictable, with energy forecast times of greater than 10 hours, thus enabling more straightforward and reliable integration into the electric utility grid to provide reliable power.

Unfortunately, these developments have once again been ignored by Congress. While the FY 07 Energy and Water appropriations bill provides just over $24 billion for the Department of Energy, it fails to provide any funding for the ocean energy program.

Ocean wave energy extraction technology is currently in the preliminary stages of development, at the same stage that wind turbines were approximately 15–20 years ago. Several technologies are being developed, and yet no clear superior engineering solution has been established. I urge my fellow colleagues to understand to recognize any opportunity to support this new endeavor and make the United States a leader in tapping into this alternative, renewable energy source.

I am very pleased that this bill fully funds the American Competitiveness Initiative which would strengthen basic research by increasing funding for the DOE Office of Science, for a total of $4 billion. In addition, the bill supports the Advance Energy initiative by increasing funding for a variety of clean energy technologies, including biomass, hydrogen, solar, wind and clean coal. However, again, it includes no funding or support for ocean wave energy.

The new Energy Policy Act of 2005 adopted into law recognized for the first time the value of wave power to the U.S. economy. Ocean energy research and development was authorized by this Congress. It should be supported and funded by this Congress.

The CHAIRMAN. The gentleman from Ohio's time has expired.

Mr. VISCLOSKY. Mr. Chairman, I yield back my time.

Mr. HOBSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. BIGGERT) having assumed the chair, Mr. GUTKNECHT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, had come to no resolution thereon.

LIMITING AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 5427, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

Mr. HOBSON. Madam Speaker, I ask unanimous consent that during further consideration of H.R. 5427 in the Committee of the Whole pursuant to House Resolution 832, notwithstanding clause 11 of rule XVIII, no amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

An amendment by Mr. VISCLOSKY regarding funding levels and tax cuts;

An amendment by Mr. KING of Iowa regarding Corps of Engineers funding;

An amendment by Mr. DEAL of Georgia striking section 110 of the bill, which shall be debatable for 20 minutes;

An amendment by Mr. PICKERING regarding funding limitation on Corps of Engineers contracting;

An amendment by Ms. DELAURO regarding funding for the State energy grant program;

An amendment by Mr. MARKEY regarding funding reduction for GNEP;

An amendment by Ms. MILLENDER-MCDONALD regarding funding for energy efficiency programs;

An amendment by Mrs. DAVIS of California regarding funding for industrial assessment program;

An amendment by Mr. ANDREWS or Mr. LEACH regarding funding for the Global Threat Reduction Initiative;

An amendment by Mr. WILSON of South Carolina regarding funding for MOX plant at Savannah River site;

An amendment by Mr. BROWN of Ohio regarding funding limitation for contracts relating to port security;

An amendment by Mr. TIAHRT regarding funding limitation on competitiveness;

An amendment by Mr. GORDON regarding funding limitation on energy efficiency in Federal buildings;

An amendment by Mr. BISHOP of New York regarding funding limitation on FERC reviews of LNG floating storage applications;

An amendment by Ms. BERKLEY regarding funding limitation on Yucca Mountain Youth Zone Web site;

An amendment by Mr. MARKEY regarding funding limitation on subtitle J of title IX of Energy Policy Act of 2005;

An amendment by Mr. ENGEL regarding funding limitation on alternative fuel vehicles;

An amendment by Mr. LYNCH regarding a Secretary of Energy plan for oil and gas supply disruptions;

An amendment by Mr. BARTON of Texas regarding funding limitation on GNEP;

An amendment by Mr. HEFLEY regarding across-the-board cut;

An amendment by Mr. HINCHEY regarding funding limitation on electric transmission in the Upper Delaware Scenic River;

An amendment by Mr. STUPAK regarding funding limitation on Corps of Engineers harbor dredging policy;

An amendment by Mr. KING of Iowa regarding funding limitation on bimodal spring pulse releases on Missouri River;

An amendment by Mr. INSLEE regarding funding limitation on termination payments by certain regulated entities;

An amendment or amendments by Mr. HOBSON regarding funding levels;

An amendment by Mr. FLAKE regarding funding limitation on the Center for End-of-Life Electronics in West Virginia;

An amendment by Mr. FLAKE regarding funding limitation on the Southwest Gas Corporation GEDAC heat pump development in Nevada;

An amendment by Mr. FLAKE regarding funding limitation on Virginia Science Museum;

An amendment by Mr. FLAKE regarding funding limitation on the Missouri Forest Foundation;

An amendment by Mr. FLAKE regarding funding limitation on the Juniata Ultra Low-Emission locomotive demonstration in Pennsylvania;

An amendment by Mr. FLAKE regarding funding limitation on the research and environment center at Mystic Aquarium in Connecticut.

Each such amendment may be offered only by the Member named in this request or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Energy and Water Development, and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of

the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

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

Mr. OBEY. Madam Speaker, reserving the right to object, I would simply like to point out that if this unanimous consent agreement is accepted by the House, we are looking at at least 7 hours of time, not counting the votes that will be cast on these amendments, and if every single one of these amendments were pushed to a vote, you would be adding another 3 hours to the debate time.

So I would ask Members to recognize that perhaps it isn't crucial to have the House learn as much as it will learn in a 5-minute discussion on some of these amendments, and I would hope that Members would withhold on some of them so that we can focus on the major matters before the House and not deal with this at some time around midnight.

Madam Speaker, I withdraw my reservation of objection.

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

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 832 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5427.

□ 1539

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, with Mr. GUTKNECHT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, all time for general debate had expired.

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

Pursuant to the order of the House of today, no amendment to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

The Clerk will read.

The Clerk read as follows:

H.R. 5427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007, for energy and water development and for other purposes, namely:

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, shore protection and storm damage reduction, aquatic ecosystem restoration, and related purposes.

AMENDMENT OFFERED BY MR. VISCLOSKY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VISCLOSKY:

Page 2, line 20, strike ''$128,000,000'' and insert ''$132,000,000''.

Page 3, line 12, strike ''$1,947,171,000'' and insert ''$2,175,171,000''.

Page 6, line 10, strike ''$2,195,471,000'' and insert ''$2,213,471,000''.

Page 6, line 14, strike ''$297,043,000'' and insert ''$306,043,000''.

Page 7, line 3, strike ''$141,113,000'' and insert ''$150,113,000''.

Page 21, line 5, strike ''$2,025,527,000'' and insert ''$2,525,527,000''.

Page 21, line 6, before the period, insert the following: '', of which not less than $150,000,000 shall be for funding new advanced energy research''.

Page 22, line 1, strike ''$558,204,000'' and insert ''$808,204,000''.

Page 22, line 2, strike ''$54,000,000'' and insert ''$80,000,000''.

Page 22, line 13, strike ''$36,400,000'' and insert ''$200,400,000''.

At the end of title V, insert the following:

SEC. ____. In the case of taxpayers with income in excess of $1,000,000, for the calendar year beginning in 2007, the amount of tax reduction resulting from enactment of Public Law 107–16, Public Law 108–27 and Public Law 108–311 shall be reduced by 2.42 percent.

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

The CHAIRMAN. The point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Indiana (Mr. VISCLOSKY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the recognition and would explain the amendment to the membership. As I indicated in my opening remarks, I fully support the committee's bill. The chairman and members of the committee have done an excellent job. But we do not have the sufficient resources represented in the legislation.

My amendment would provide $1 billion additional, $750 million of which would be dedicated to programs at the Department of Energy, $250 million of which would be dedicated to water projects throughout the United States of America.

As I mentioned in my statement to the full committee when this legislation was being considered, when John Kennedy was President of the United States, almost 70 cents out of every $1 spent by the Federal Government was appropriated by the Appropriations Committee, and we made an investment in our economic infrastructure. We made an investment in our society. We made an investment in our future.

Today, less than 30 cents out of every $1 spent by the Federal Government is appropriated dollars, and we are failing in that investment responsibility.

The amendment I would offer would enhance the quality of the bill before us by doubling funding for biofuels and biorefineries. It would provide for clean coal programs. It would restore funding for petroleum, natural gas, geothermal technology programs, increase support for developing a full range of conservation technologies and help weatherize an additional 30,000 homes next year to provide immediate energy savings. We would also again provide $250 million to accelerate needed programs for flood control measures and also operation and maintenance.

I also believe that, unfairly, we have borrowed too much too long in this country and have burdened the next generation with the cost of that borrowing, and therefore, the amendment would be paid for by reducing the tax cut provided to the wealthiest in society in 2001, so that the amendment is also paid for.

I do think we need to make an investment in this society, and my amendment would do so. I would hope that the point of order is not sustained.

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

POINT OF ORDER

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

The rule states in pertinent part: An amendment to a general appropriations bill shall not be in order if changing existing law. The amendment does change the existing law.

Therefore, I ask for a ruling from the Chair.

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

If not, the Chair finds that the amendment changes the application of existing law by varying a rate of taxation. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

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

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

Mr. Chairman, yesterday, we spent an inordinate amount of time focusing on a few relatively tiny earmarks on the agriculture appropriations bill and spent almost no time discussing whether or not that bill was adequate in responding to the needs of rural America. Today, we are going to be debating the shape and nature of some of these individual programs, but we are likely, except for the Visclosky amendment, never likely to really discuss the adequacy of this bill in terms of the challenges that lie before the Nation. So I want to take just a moment to express my regret that the majority felt it necessary to strike the Visclosky amendment on a point of order.

We have been drifting aimlessly on energy policy ever since President Carter left office, as Mr. VISCLOSKY pointed out last night. In a variety of program categories, when we are discussing (energy and conservation research, renewable research, fossil fuel research and energy conservation) we are funding these efforts at levels that range from one-quarter to one-half in real-dollar terms of what we were funding those same efforts when Jimmy Carter was President.

□ 1545

As a result of that two decade or more drift, we as a society today are extremely vulnerable to higher energy prices, and especially higher gas prices. The Visclosky Amendment was an attempt to, at least for a few moments on the debate on this bill, focus on the adequacy of our effort.

No one faults the gentleman from Ohio for the job he has done in allocating what resources are available. But the fact is, if we are really serious, if we were really serious about meeting the flood control needs of the country, if we were really serious about meeting the energy conservation and energy development needs of this country, we would be putting those items first.

We would be putting an extra billion dollars into those items, rather than providing super-sized tax cuts to people who make $1 million or more a year. The Visclosky Amendment would have simply asked that we cut back by $2,000 per taxpayer the size of the tax cuts going to people who make $1 million or more a year.

The tax bill that this House passed 2 weeks ago provided over $40 billion in additional tax cuts to people who make over $1 million a year. We would have simply taken $1 billion of that $40 billion and transferred it from tax cuts for the most privileged among us to investments in flood control, to investments in the kind of energy promises that Mr. VISCLOSKY was talking about today.

It is regrettable that this House does not see fit to put first things first by passing an amendment such as the Visclosky Amendment. I simply wanted to take the time to express that thought.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection and storm damage reduction, aquatic ecosystem restoration, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, $128,000,000, to remain available until expended: *Provided*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended in accordance with the terms and conditions specified in the report accompanying this Act.

CONSTRUCTION

(INCLUDING RESCISSION)

For expenses necessary for the construction of river and harbor, flood control, shore protection and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $1,947,171,000, to remain available until expended; of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, to cover one-half of the costs of construction and rehabilitation of inland waterways projects; and of which $8,000,000 shall be exclusively for projects and activities authorized under section 107 of the River and Harbor Act of 1960; and of which $2,000,000 shall be exclusively for projects and activities authorized under section 103 of the River and Harbor Act of 1962; and of which $29,933,000 shall be exclusively available for projects and activities authorized under section 205 of the Flood Control Act of 1948; and of which $15,000,000 shall be exclusively for projects and activities authorized under section 14 of the Flood Control Act of 1946; and of which $25,000,000 shall be exclusively for projects and activities authorized under section 1135 of the Water Resources Development Act of 1986; and of which $25,000,000 shall be exclusively for projects and activities authorized under section 206 of the Water Resources Development Act of 1996; and of which $2,500,000 shall be for projects and activities authorized under section 111 of the River and Harbor Act of 1968; and of which $5,000,000 shall be for projects and activities authorized under section 204 of the Water Resources Act of 1992: *Provided*, That $35,000,000 shall be available for projects and activities authorized under 16 U.S.C. 410–r–8: *Provided further*, That, of the funds provided under the heading ''Construction'' in title I of Public Law 109–103, $56,046,000 is rescinded, to be derived from the unobligated balances of the amounts made available for the following projects in Louisiana: Grand Isle and Vicinity, Lake Pontchartrain and Vicinity, Larose to Golden Meadow, New Orleans to Venice, Southeast Louisiana, and West Bank and Vicinity: *Provided further*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended in accordance with the terms and conditions specified in the report accompanying this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for the program for the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $290,607,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended in accordance with the terms and conditions specified in the report accompanying this Act.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law, including the construction of facilities, projects, or features (including islands and wetlands) to use materials dredged during Federal navigation maintenance activities; the mitigation of impacts on shorelines resulting from Federal navigation operation and maintenance activities; the benefit of federally listed species to address the effects of any civil works project under the jurisdiction of the Corps on any such species on project land within the watershed or operational reach of the project; providing security for infrastructure owned and operated by, or on behalf of, the Corps, including administrative buildings and facilities, and laboratories; the maintenance of harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; and surveys and charting of northern and northwestern lakes and connecting waters, clearing and straightening channels, and removal of obstructions to navigation, $2,195,471,000, to remain available until expended, of which $45,078,000 shall be for projects and activities in Region 1 New England; of which $143,250,000 shall be for projects and activities in Region 2 Mid Atlantic; of which $297,043,000 shall be for projects and activities in Region 3 South Atlantic Gulf; of which $101,407,000 shall be for projects and activities in Region 4 Great Lakes; of which $252,886,000 shall be for projects and activities in Region 5 Ohio; of which $21,301,000 shall be for projects and activities in Region 6 Tennessee; of which $233,803,000 shall be for projects and activities in Region 7 Upper Mississippi; of which $147,021,000 shall be for projects and activities in Region 8 Lower Mississippi; of which $2,999,000 shall be for projects and activities in Region 9 Souris-Red-Rainy; of which $151,180,000 shall be for projects and activities in Region 10 Missouri; of which $178,084,000 shall be for projects and activities in Region 11 Arkansas-White-Red; of which $141,113,000 shall be for projects and activities in Region 12 Texas-Gulf; of which $10,209,000 shall be for projects and activities in Region 13 Rio Grande; of which $722,000 shall be for projects and activities in Region 14 Upper Colorado; of which $3,327,000 shall be for projects and activities in Region 15 Lower Colorado; of which $761,000 shall be for projects and activities in Region 16 Great Basin; of which $242,593,000 shall be for projects and activities in Region 17 Pacific Northwest; of which $102,461,000 shall be for projects and activities in Region 18 California; of which $22,204,000 shall be for

projects and activities in Region 19 Alaska; of which $1,995,000 shall be for projects and activities in Region 20 Hawaii; of which $4,000,000 shall be for projects and activities in Region 21 Caribbean; of which such sums as are necessary to cover the Federal share of eligible operations and maintenance shall be derived from the Harbor Maintenance Trust Fund of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–6a(i)), shall be used for resource protection, research, interpretation, and maintenance activities related to resource protection in areas operated by the Corps at which outdoor recreation is available; and of which such sums as become available under section 217 of the Water Resources Development Act of 1996, Public Law 104–303, shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which fees have been collected: *Provided*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended in accordance with the terms and conditions specified in the report accompanying this Act.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $173,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $130,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to flood and hurricane emergencies, as authorized by law, $32,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related civil works functions in the headquarters of the United States Army Corps of Engineers, the offices of the Division Engineers, the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, $142,100,000, to remain available until expended: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the offices of the Division Engineers: *Provided further*, That, of the funds provided under this heading, $10,000,000 shall be transferred to ''Operation and Maintenance'' upon the expiration of the 30-day period following the date of enactment of this Act if, during such period, the Secretary of the Army has not submitted to the Committees on Appropriations of the House of Representatives and the Senate a report summarizing outstanding reprogramming commitments of the Corps of Engineers for fiscal years 2000 through 2006 on a project by project basis.

OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

For expenses necessary for the Office of Assistant Secretary of the Army (Civil Works), as authorized by 10 U.S.C. 3016(b)(3), $1,500,000: *Provided*, That, of the funds provided under this heading, $1,000,000 shall be transferred to ''Operation and Maintenance'' upon the expiration of the 30-day period following the date of enactment of this Act if, during such period, the Secretary of the Army has not submitted to the Committees on Appropriations of the House of Representatives and the Senate a report summarizing outstanding reprogramming commitments of the Corps of Engineers for fiscal years 2000 through 2006 on a project by project basis.

ADMINISTRATIVE PROVISION

Appropriations in this title shall be available for official reception and representation expenses not to exceed $5,000; and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase not to exceed 100 for replacement only and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) None of the funds provided in title I of this Act shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act;

(4) reduces funds that are directed to be used for a specific program, project, or activity by this Act;

(5) increases funds for any program, project, or activity by more than $2,000,000 or 25 percent, whichever is less; or

(6) reduces funds for any program, project, or activity by more than $2,000,000 or 25 percent, whichever is less.

(b) Subsection (a)(1) shall not apply to any project or activity authorized under section 205 of the Flood Control Act of 1948; section 14 of the Flood Control Act of 1946; section 208 of the Flood Control Act of 1954; section 107 of the River and Harbor Act of 1960; section 103 of the River and Harbor Act of 1962; section 111 of the River and Harbor Act of 1968; section 1135 of the Water Resources Development Act of 1986; section 206 of the Water Resources Development Act of 1996; sections 204 and 207 of the Water Resources Development Act of 1992 or section 933 of the Water Resources Development Act of 1986.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word, and I yield such time as he may consume to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Chairman, I thank the ranking member and thank the chairman, Mr. HOBSON, for providing me this opportunity to speak on a matter of great importance to my district.

The budget recommended by the committee provides for only $90.6 million for the Defense Environmental Cleanup at Los Alamos National Laboratories. While it is important to note that this amount is equal to the President's budget request, it is more than $50 million less than the amount enacted for this purpose in fiscal year 2006.

Mr. Chairman, I am gravely concerned that this funding level will seriously impede cleanup efforts at the Los Alamos National Laboratory. Less than a year ago, the State of New Mexico, the Department of Energy and the University of California signed an historic fence-to-fence cleanup order. This year's cut reduces funding to only 30 percent of what is called for in this order.

Not only must this cleanup be undertaken to protect the health of New Mexicans, but the order of consent is a legally enforceable document. It is my understanding that the DOE will face significant penalties for noncompliance to this agreement.

Mr. Chairman, in 1 week, the Los Alamos National Laboratories will enter a new era when the new management team comes into place. I feel that we should take advantage of this positive momentum and keep LANL moving in the right direction by showing that it is a responsible and conscientious neighbor to the residents of New Mexico.

Mr. Chairman, the order of consent was the result of years of negotiations; and it provides clear guidance for how to proceed with the cleanup. Lack of funding leaves New Mexicans, LANL and potentially the DOE in jeopardy.

I hope that an adequate funding level for the Defense Environmental Cleanup account for the Los Alamos National Laboratories is restored in conference.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 102. Notwithstanding any other provision of law, the requirements regarding the use of continuing contracts under the authority of section 206 of the Water Resources Development Act of 1999 (33 U.S.C. 2331) shall apply only to projects funded under the Operation and Maintenance account and the Operation and Maintenance subaccount of the Flood Control, Mississippi River and Tributaries account.

POINT OF ORDER

Mr. BOUSTANY. Mr. Chairman, I raise a point of order against section 102.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BOUSTANY. Mr. Chairman, this provision violates clause 2 of rule XXI. It changes existing law and therefore constitutes legislating on an appropriation bill in violation of House rules.

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

Mr. HOBSON. Mr. Chairman, section 202 of WRDA 1999 requires the use of continuing contracts. When the corps decides to move forward on a project, it must use a continuing contract.

You need multi-year contracting authority. Without it, the corps would be in anti-deficiency. This permits the corps to obligate the Federal Government in future fiscal years priority appropriations. The out-year costs of continuing contracts are not fully budgeted.

This is an irresponsible use of continuing contracts; and, frankly, something has got to be done. If the authorizers will not do it, then the Appropriations Committee will.

There are instances where continuing contracts make sense, but the corps, not the contractor, needs to control the spending rate. It must be no more than is available to the project.

We requested the GAO review the corps' use of this mechanism, and early findings are similar to the reprogramming report of last year. The corps has made the use of this contract provision the rule rather than the exception.

The corps cannot reliably account for the contracts currently in place. As a result, the House report directs the corps to secure the services of a national accounting firm to audit and account for all existing contracts and contain this clause and the out-year commitments required to meet these obligations.

The problem you have here is that the corps enters into these contracts, they don't control what the funding level is, and then they take money from another project and put it over there. Then they can't fund that one, all because of this provision.

We have tried to get the committee of authorization to handle this matter. They haven't. So what we have to do, and I know you will sustain his point of order, but it is not the proper thing to do, then we are going to have to go and put it back in the bill, do it for another year, because we can't get the authorizers to get into the reprogramming, which is affecting the corps and causes increased costs to the corps.

So while I disagree with the gentleman, I understand the technicalities of this. But sometimes we are able to work these things out with committees so for the good of the country we move forward. Apparently, they want to continue this. I have no other way of dealing with this than to argue about it. And then I will have to stick it back in until we get some responsible response from the corps on this matter and save money, I might add.

The CHAIRMAN. Does anyone other Member wish to be heard on the point of order? Then the Chair is prepared to rule.

The Chair finds that this section explicitly supersedes existing law. The section therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and this section is stricken from the bill.

Mr. HOBSON. Mr. Chairman, I move to strike the last word to enter into a colloquy with Mrs. BIGGERT.

Mr. Chairman, I yield to the gentlewoman from Illinois.

Mrs. BIGGERT. Mr. Chairman, I thank the chairman for yielding to me.

I know that the chairman shares my interest in protecting the Great Lakes from aquatic invasive species like the Asian carp. I appreciate his past support for efforts by the Army Corps of Engineers to construct, operate and maintain a system of dispersal barriers.

Located on the Chicago Ship and Sanitary Canal, the only link between the Great Lakes and the Mississippi River ecosystems, these barriers are underwater, invisible electric fences that repulse fish.

As the chairman knows, the corps has encountered some obstacles, both in terms of funding and authority, to completing construction of the permanent barrier. At the same time, funding for the corps to operate the original demonstration barrier is limited.

It is up to Congress to provide the funding for the corps to complete construction and testing of the permanent barrier and to operate and maintain the original demonstration barrier while the corps completes the construction and testing. If we fail to do so, we will leave the corps without any tools to protect the Great Lakes from the Asian carp and other invasive species.

This is why I would ask the chairman to do any and everything possible in conference to ensure that the corps has the resources it needs to maintain some barrier to the threat of the fast-approaching Asian carp and other invasive species.

Mr. HOBSON. Mr. Chairman, I share the concerns of my colleague from Illinois, especially since I am from Ohio and we have the Great Lakes. That is why I commit to revisiting in conference the issue of funding for the demonstration barrier in fiscal year 2007.

If Congress were to appropriate the necessary funds, I believe the corps has the authority to operate and maintain the demonstration barrier. Continued operation of this demonstration barrier may very well be necessary if some outstanding authorization issues are not resolved and the corps is unable to complete construction of the permanent barrier next year.

Should those authorization issues be addressed before the conference on this bill is complete, I am open to providing the corps with the additional resources it needs to complete construction and testing of the permanent barrier.

Mr Chairman, I agree that we need permanent, redundant protection against the spread of the aquatic invasive species between the Great Lakes and Mississippi River basins. I commit to the gentlewoman from Illinois and the rest of our Great Lake colleagues, including my ranking member from Indiana, and we will both, I believe, work in conference to address the issue of protecting the Great Lakes from invasive species like the Asian carp.

Mrs. BIGGERT. Mr. Chairman, I thank the chairman for his commitment. I look forward to working with him and the ranking member to ensure that every precaution is taken to protect the Great Lakes from such a harmful species as the Asian carp.

Mr. HOBSON. Mr. Chairman, I would yield any remaining time I have to my ranking member.

Mr. VISCLOSKY. I appreciate the Chair rising, and I appreciate his concern which he has continually expressed to me on this issue, and also I would want to be heard because I absolutely agree with the position the gentlewoman has taken.

Asian carp have been found in the Illinois River, which connects the Mississippi River to Lake Michigan. To prevent the carp from entering the Great Lakes, the U.S. Army Corps of Engineers, the EPA and State of Illinois, the International Joint Commission and others are working together and have installed a permanent electric barrier between the fish and Lake Michigan.

Unfortunately, the first barrier or nonpermanent barrier has been shut down. I believe we should keep both open and running. However, the fix would be legislating on an appropriations bill and would not be appropriate at this point.

Mr. Chairman, I do join the chairman and fully support the gentlewoman's intent to solve this problem. I appreciate your bringing it again to our attention.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 103. None of the funds made available in title I of this Act may be used to award any continuing contract or to make modifications to any existing continuing contract that commits an amount for a project in excess of the amount appropriated for such project pursuant to this Act: *Provided,* That the amounts appropriated in this Act may be modified pursuant to the authorities provided in section 101 of this Act or through the application of unobligated balances for such project.

SEC 104. None of the funds provided in this Act may be expended by the Secretary of the Army to construct the Port Jersey element of the New York and New Jersey Harbor or to reimburse the local sponsor for the construction of the Port Jersey element until commitments for construction of container handling facilities are obtained from the non-Federal sponsor for a second user along the Port Jersey element.

SEC. 105. (a) None of the funds provided in this Act shall be available for operation and maritime maintenance of the hopper dredge McFarland.

(b) Subsection (a) shall not apply to funds required for the decommissioning of the vessel.

SEC. 106. None of the funds provided in this Act may be expended to prevent or limit any reprogramming of funds for a project to be carried out by the Corps of Engineers, based on whether the project was included by the President in the budget transmitted under section 1105(a) of title 31, United States Code, or is otherwise proposed by the President or considered part of the budget by the Office of Management and Budget.

SEC. 107. None of the funds provided in this Act may be used to repay the Department of Treasury's Judgment Fund for past judgments against the United States on Civil Works contracts and real estate acquisitions that have been financed by the Judgment Fund.

SEC. 108. None of the funds provided in this Act may be used to implement an A–76 study or similar privatization process for Corps personnel employed to operate or maintain locks and dams.

SEC. 109. None of the funds in this Act may be used to further work on the Corps of Engineers proposal to remove a section of the dam for fish passage or to study other alternatives to the trap and haul facility at Elk Creek Dam, Oregon.

SEC. 110. None of the funds made available under this Act may be used to revise the master control plans and master manuals of the Corps of Engineers for the Alabama, Coosa, Tallapoosa River basin in Alabama and Georgia or the Apalachicola, Chattahoochee, Flint River Basin in Alabama, Georgia, and Florida.

□ 1600

AMENDMENT NO. 1 OFFERED BY MR. DEAL OF GEORGIA

Mr. DEAL of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. DEAL of Georgia:

Page 14, strike lines 12 through 17.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Georgia (Mr. DEAL) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. DEAL of Georgia. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, it is with reluctance that I come today because this is a matter that we would rather not have to deal with on this floor. It relates to the limiting language that was placed in the bill by way of a manager's amendment that was not debated in the subcommittee but was inserted prior to the full committee and taken by voice vote.

It relates to the restrictive language that does not allow the Corps of Engineers to upgrade its master plans and water control plans. The bottom line of this is that this is involved in litigation that has been going on at least since 1990 in the Federal courts. Most recently, the Federal courts have ordered by virtue of a decree in the District of Columbia District Court that the Corps of Engineers is to proceed with its NEPA studies. This relates to the water usage along two major river corridors that originate in the State of Georgia and also, of course, supply water into Alabama and Florida.

We believe that we should not as a Congress interfere with the actions between States that are in litigation. The courts have actually spoken on the issue. We think they should be allowed to proceed with the actions they have directed the corps to take and that Congress should not inject itself into this matter.

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

Mr. EVERETT. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIRMAN (Mr. MCHUGH). The gentleman from Alabama is recognized for 10 minutes.

Mr. EVERETT. Mr. Chairman, I yield 5 minutes to Mr. BOYD of Florida for purposes of control.

The Acting CHAIRMAN. Without objection, the gentleman from Florida will be recognized for 5 minutes.

There was no objection.

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

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Georgia. The amendment would strike a much needed provision that would prohibit the Army Corps of Engineers from revising the manuals which govern the water distribution rights of Alabama, Florida and Georgia regarding the Alabama, Coosa, Tallapoosa, Apalachicola, Chattahoochee and Flint River Basin. This matter is still in Federal court, and the court's decision to revise the manuals is opposed by both the Governors of Alabama and Florida.

In addition, such an action would create severe distress in Alabama's waterways, harming both navigation and power production. In light of the ongoing Federal litigation, it is inappropriate for the courts to proceed with such revision of the manuals at this time.

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

Mr. DEAL of Georgia. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, I rise to support the Deal amendment. It is very important to our State of Georgia. Georgia is one of the fastest growing States in this region, and because of this growth, we certainly need to make sure that we have this detrimental language, that would be very detrimental to Georgia, out of this bill.

The manuals have not been updated for 50 years. Common sense would say that the corps is not operating based on the current situation in the area but on outdated population and outdated environmental information that was generated back in the 1950s. It is most important for my people that we have updated information, and that is why it is important for Mr. DEAL's amendment to pass.

These old, out-of-date manuals will result in a greatly increased cost of growth, inefficient and unpredictable operation of the river system, and will result in unstable water supplies for the municipalities, for the households and the businesses throughout our State of Georgia.

Moreover, Mr. Chairman, for the last 15 years, the States of Georgia, Florida and Alabama have been engaged in litigation and mediation on this issue and much progress has indeed been made. But by placing this provision in the bill, Congress is now inserting itself into a situation that is best left for the State and the local entities to resolve.

Therefore, I respectfully ask my colleagues to support the Deal amendment and let us move this offensive language out of the bill and move forward in the best interests of the entire region and certainly for the people of Georgia.

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

Mr. Chairman, I want to thank my friend, Mr. EVERETT, and also Chairman HOBSON and Ranking Member VISCLOSKY for including this language in there.

Just to try to give the Members a brief history: In the 1990s, this Congress set up a compact that existed between Alabama, Georgia and Florida to try to resolve this water usage issue, and those negotiations were guided by the Army Corps of Engineers. Those States were unable to come together with their leadership to resolve this issue, and so matters reverted back into the courts.

It would be completely inappropriate, Mr. Chairman, for the Army Corps of Engineers to take this step, and it would disadvantage Florida and Alabama significantly in this litigation.

Now, the bottom of that system, that ACF system, is Apalachicola Bay, and our interests are purely the life and health of that bay and the life and health of the environmental system up in that Apalachicola Basin. If these rulings come out wrong and are disadvantaged by the Army Corps of Engineers' intervention, then you would have a situation where there would be some extremely harmful environmental damage done. So I would respectfully submit to the Members of this body that we reject the Deal amendment.

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

Mr. DEAL of Georgia. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I would like to express my support for the striking amendment offered by my fellow Georgian and friend, Congressman DEAL.

Section 110 would prevent the Corps of Engineers from moving forward with their revision of the master control plans and master manuals for the Alabama, Coosa, Tallapoosa River Basin in Alabama and Georgia or the Apalachicola, Chattahoochee, Flint River Basin in Alabama, Georgia and Florida.

These control plans are essential to the corps' management of water resources in our region, not only to ensure equitable distribution of water resources but also to prevent flooding and preserve critical water infrastructure for the people of our region.

Mr. Chairman, these master control plans have not been updated since the 1950s. In the 50-plus years since the last update, our region and its water needs have fundamentally changed, and these changes must be accounted for, not only as a matter of equity but as a matter of safety. Specifically, FEMA is investing heavily in revising the flood plain maps. This is necessary due to the overwhelming growth, not just in my State of Georgia but also in Alabama.

The population explosion in the Southeast requires that the flood characteristics of the watersheds be updated as soon as possible. And delaying the update of the master control plan would delay the court-ordered implementation of the D.C. settlement agreement. Any further delay is bad policy for the regional economy, and it is a safety risk for our residents.

Section 110 is ill-conceived. I urge my colleagues to support the amendment to strike this language from the bill.

Mr. EVERETT. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I thank the gentleman. I think Members back in their offices ought to know this, and this is a longstanding dispute between the States of Florida, Alabama and Georgia. What this amendment does is authorize $15 million or as much as $15 million to be spent by the Corps of Engineers to revise their manuals to try to interject their decisions into what is in court today.

The court proceedings are still going on. They are on appeal. And they are not only going to affect our three States, they are going to affect everybody who eats oysters because, as Mr. BOYD said, 90 percent of the oysters come out of the basin at the bottom of the Apalachicola River. These things do not need to be decided; the purity of that water in that basin or in those seven rivers does not need to be decided on the floor of the House by people who do not know what the right decision is that ought to be made.

It ought to be made in the courts in the deliberative process and not by some bureaucrat or not by Congressmen or -women who do not understand the issues involved. I urge a ''no'' vote.

Mr. BOYD. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Chairman, this is a very simple issue. We have ongoing litigation in the courts. There are hearings being held. There is discovery being conducted. And most of us who have conservative impulses on both sides of the aisle think the Constitution means something and the separation of powers means something, and the courts ought to finish their process.

For the executive branch to come in and take a side in this dispute is disrespectful to the balance of power in the Constitution. There is a dispute that is going on that may have merit on both sides, but let the litigation play itself out. If this can happen in this instance, there is no possible controversy involving the Army Corps of Engineers where there is not a possibility of the executive branch inserting itself in the judicial. That is why I stand in strong opposition to the Deal amendment today, and I urge my colleagues to follow course.

Mr. DEAL of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. MARSHALL).

Mr. MARSHALL. Mr. Chairman, this is really pretty simple, and I am kind of amazed to hear Mr. BACHUS and my good friend from Alabama, Mr. DAVIS, say that Congress ought not to be intervening, that this is a judicial matter, because that is exactly what it is. And that is exactly what Congress is proposing to do right now, and it is very inappropriate.

The question whether or not the corps should conduct this study was submitted to the court. The court ruled against Alabama. Alabama and Florida do not like that decision. All three parties had their day in court on whether or not the corps should proceed with the study. Now Alabama and Florida are running to Congress trying to get Congress to intervene in a way that, frankly, Mr. BACHUS and Mr. DAVIS both say would be inappropriate.

I agree with that. It is inappropriate for Congress to intervene in a court proceeding where the court has specifically approved something. And the court has approved the corps moving forward with its study. For the Congress not to approve the Deal amendment is for Congress to intervene inappropriately in an ongoing court proceeding. Congress should not do that. It has not done it in the past.

Mr. EVERETT. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Chairman, I rise today in opposition to this proposed amendment by the gentleman from Georgia.

We all sympathize with the needs of the water resources that each State has, but we feel the language in the bill is necessary as it is written to prevent the Corps of Engineers from interfering in litigation which is meant to allocate those resources in a fair way among the States of Alabama, Georgia and Florida.

Mr. Chairman, let me say, if the manuals are revised and are allowed to go forward, it is our belief that it will cause great harm to the State of Alabama. We will have real concerns over inadequate water for drinking, power generation, navigation, recreation and wildlife. For this reason, it is essential that all three States come to a mutual, equitable water-sharing agreement.

We do not believe it is appropriate for the Corps of Engineers to unilaterally step in and to create water distribution without the approval of all three States. With all due respect to Mr. DEAL's concern, I must ask for a ''no'' vote on this amendment.

□ 1615

The Acting CHAIRMAN. For the information of the Committee, the gentleman from Georgia (Mr. DEAL) has 5 minutes remaining, the gentleman from Alabama (Mr. EVERETT) has 2 minutes remaining, and the gentleman from Florida (Mr. BOYD) has 2½ minutes remaining.

Mr. DEAL of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. BISHOP), my colleague.

Mr. BISHOP of Georgia. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Deal amendment. I think it is appropriate that the Congress not interfere, and what this bill will do without the Deal amendment is allow the Congress to interfere with ongoing litigation.

This case has been litigated in the district courts in Alabama, the United States District Court in the District of Columbia, and the 11th Circuit Court of Appeals has rejected the claims of Florida and Alabama and has ruled in favor of Georgia. We would like very much for this Congress not to intercede and to interfere with the implementation of that court's order by violating the separation of powers and trying to hold back the Corps of Engineers through the appropriations process and preventing them from executing their duties under law.

So I think that the Deal amendment is highly appropriate. It keeps this Congress on track in its constitutional duties, and it preserves the separation of powers. I urge the adoption of the Deal amendment.

Mr. BOYD. Mr. Chairman, I yield 1½ minutes to the gentleman from Alabama (Mr. CRAMER).

Mr. CRAMER. Mr. Chairman, I thank my friend from Florida; and I want to say to my colleagues, while this sounds like a complicated issue, this really is not a complicated issue.

I rise in strong opposition of the Deal amendment; and, first, I want to congratulate the chairman and the ranking member of this subcommittee and say that the language that you have put in this bill is fair. What we are after here today in Alabama and in Florida and in those other States as well is fairness.

What we want is the opportunity to settle this dispute. We are in court.

The court knows that we have been in court. The corps comes in with a last-minute attempt to revise their manual, asking for money to do that at the same time that the court is taking this very issue up.

That is not the way to do it right now. The President's budget did not include money for this. The chairman and the ranking member saw fit, in fairness to both sides, to keep this language in here.

So what we are asking today is defeat the Deal amendment and support the base bill itself.

If current conditions are used by the corps, if this amendment were to be allowed and current conditions are used to revise this manual, then that is being done at a time that would be of great disadvantage to the parties involved here.

So this issue is very critical to Alabama and to Florida. We must defeat the Deal amendment.

Mr. BOYD. Mr. Chairman, I yield my time back to the gentleman from Alabama (Mr. EVERETT).

The Acting CHAIRMAN. Without objection, the gentleman from Florida yields back his time to the gentleman from Alabama.

There was no objection.

Mr. EVERETT. Mr. Chairman, how much time does that give me?

The Acting CHAIRMAN. The gentleman from Alabama now has 3 minutes remaining. The gentleman from Georgia has 4 minutes remaining.

Mr. DEAL of Georgia. Mr. Chairman, that also includes the right to conclude; is that correct?

The Acting CHAIRMAN. That is correct.

Mr. DEAL of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. NORWOOD), my colleague.

Mr. NORWOOD. Mr. Chairman, we need to pass the Deal amendment. We need to strike section 110 of this bill that has been put in the bill at the last minute. That section is very, very simple that needs to be stricken. It prohibits the Corps of Engineers from updating the amount of water that counties in Georgia, Alabama and Florida can draw from the Corps of Engineers' lakes.

Now, the Corps of Engineers is simply doing what the Federal courts have told them. Someone says this is in court now. No, this is not in court now.

It is very clear. The corps will have to complete this NEPA process and was ordered to do so by the U.S. District Court of the District of Columbia as late as January 6, 2006, and it says do this as quickly as possible. The problem is we have not been able to work this out in the three States.

The second part of the problem is Alabama and Florida do not want the Corps of Engineers to work this out. Well, maybe they will be and maybe they will not, but we have to have a master plan. So says the law.

So support the Deal amendment.

Mr. DEAL of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. PRICE), my colleague.

Mr. PRICE of Georgia. Mr. Chairman, there are some agreements here. One is that this is a long-standing discussion and battle and it is in ongoing litigation in the court. It is a battle between some States, but I do not know that there is not a whole lot of agreement.

Everybody says that we ought to let the courts decide, but those who are opposed to this amendment begin the double talk at that point.

If this amendment fails, the Corps of Engineers will not be able to follow the court order. On January 6 of this year, the D.C. court ordered the corps to undertake the NEPA process ''as expeditiously as practicable.'' Section 110 that was put in the bill would not allow them to do so.

Curiously, Alabama informally requested that the judge stay the corps from proceeding with the NEPA analysis or updating the water control plans, but she refused to do so.

Alabama itself says let the courts decide, and we agree. Let the courts decide, not an amendment which was inserted into this bill without discussion.

By accepting the language in the Energy and Water Appropriations bill, Congress is inserting itself both into the three-State negotiation on State water rights and a legal issue which has been ongoing.

Support the Deal amendment.

Mr. DEAL of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. KINGSTON), my colleague.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman; and I just want to say that the Corps of Engineers has had water control plans in place for 50 years. The plans are guidelines so that everybody can kind of have some input and some feedback on what is working and what is not.

This is an area that is one of the fastest-growing parts of the United States of America, and their own regulations that the corps has, they know they need to update them.

So what we are saying is let the system that is in place stay in place without Congress inserting language that pulls the rug out from under it. If this needs to be done on a congressional level, then let us do so with all the States' delegations together. Let us not have two States against one State. Let us all sit down and work out a legislative solution if a legislative solution is necessary. I do not think that it is right now.

I think that the best thing for us to do is to let the Corps of Engineers continue to work the process as it has been set up and as it is intended to do so.

Mr. EVERETT. Mr. Chairman, I yield the remainder of the time to the gentleman from Alabama (Mr. BONNER) to close our arguments.

Mr. BONNER. Mr. Chairman, I thank the gentleman from Alabama (Mr. EVERETT).

First of all, I would like to say that those of us from Alabama and Florida find ourselves in a strange position today. Because, normally, we speak with a similar accent when we talk with our fellow brothers and sisters from the great State of Georgia. But, like my other friends from the Alabama and Florida who have already spoken, I, too, rise today in opposition to the gentleman from Georgia's amendment and to support the underlying bill.

At the outset, I want to, first of all, join my other friends in thanking Chairman HOBSON, and the ranking member as well, for including this report language in the Energy and Water Appropriations bill.

Let the record note that the chairman took this action after Members from both the Alabama and Florida delegations made him aware of the fact that it appears that our friends from Georgia are trying to get the Army Corps of Engineers to update this master manual, which on the surface sounds like a very reasonable request. It probably does need to be updated, except for the fact that it would come at a time where it would be detrimental to the people of Alabama and the people of Florida, and it would occur at the very time that this decades-long dispute is being litigated in the Federal court.

Mr. Chairman, if the Army Corps of Engineers goes forward with their plans to update this manual before the court makes a final decision, then, in essence, the corps is picking a winner even before the court has had the chance to make a determination. That would be the same thing as a judge finding someone either innocent or guilty before all of the facts have been presented.

The process can and should work, but it cannot work if one Federal agency is going to choose sides and choose a winner over another.

Vote ''no'' on the Deal amendment and allow the taxpayers of Alabama and Florida to have their day in court.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. DEAL of Georgia. Mr. Chairman, I yield myself the remaining time.

I would share the respect that I have for my colleagues from Georgia and Florida. This is just one of those issues we have a disagreement on.

Let us set the record straight. Yes, there is ongoing litigation. It all started in modern times in 1990 when Alabama sued the Corps of Engineers in the Northern District of Alabama, certainly a favorable venue, and has proven to be favorable for them over the years.

At a later point in time, about 13 years later, a suit was instituted in the

District of Columbia court. It is that court that has now resolved some of the issues and that court has issued an order, even though Florida and Alabama attempted to intervene to prevent that court order from going in effect.

On January 20, 2006, Judge James Robertson of the U.S. District Court of the District of Columbia ordered the corps to perform its obligations under the settlement agreement ''as expeditiously as practicable.''

They then went back to the Alabama court where they filed suit in 1990. They asked that judge to intervene and to enjoin the operation of the District Court of Columbia. That judge did temporarily until she was overturned by a ruling of the 11th Circuit Court of Appeals, but they also asked that same judge if she would order the Corps of Engineers not to do the NEPA and the water plan update, and even that judge who has been a favorable venue refused to do so.

The reality is the court has ordered this to go forward. Congress should not inject itself into this issue.

And, yes, I compliment my friends from Alabama for outnumbering us on the Appropriations Committee and being able to put this in the bill, but I urge you to support the Deal amendment.

Mr. ROGERS of Alabama. Mr. Chairman, I rise today in opposition to the gentleman from Georgia's Amendment.

This provision, if enacted, would permit the Army Corps of Engineers to make an end-run around an ongoing Federal lawsuit.

It would reprogram already appropriated funds away important existing river projects.

It would also cause severe distress to Alabama's waterways, harming both navigation and power production.

The Corps of Engineers' manual on the A-C-T River Basin hasn't been revised since 1951.

This revision hasn't occurred even though nine dams, including four structures built by the Corps, have since been constructed in the A-C-T Basin.

Furthermore, the President's Fiscal Year 2007 budget request did not include a request for this action.

It is important to note that the entire Alabama delegation—along with members of the Florida delegation—have been working with the Corps to resolve this issue.

The language included in this bill, if left intact, would simply allow the current litigation process to be completed.

And it would not allow funds appropriated for Fiscal Years 2006 or 2007 to be used to revise the A-C-T Basin manual.

I would like to associate myself with the remarks made by my colleague Congressman ADERHOLT, as well as the other members of the Alabama and Florida delegations in opposition to this amendment.

Mr. Chairman, I urge a ''no'' vote on this amendment.

Mr. ADERHOLT. Mr. Chairman, I rise today in opposition to the proposed amendment by the gentleman from Georgia. The three States of Alabama, Georgia, and Florida have areas which are dependent on the same water sources. While I sympathize with all those needs, the language in the bill is necessary to prevent the Corps of Engineers from interfering in litigation which is meant to allocate those resources in a fair way among the three States.

Mr. Chairman, in 2005 we learned that the Corps of Engineers planned to revise the manuals which govern water sharing between three States—Alabama, Georgia, and Florida. The corps' ACT manual has not been revised since it was written in 1951, even though nine dams have been built and successfully operated in the ACT Basin since then. In other words, there is no urgent need to revise the manuals, and doing so impacts the water supply of millions of persons in the Southeast. Furthermore, this matter is still in Federal court, and allowing the corps to revise these manuals now will interfere with ongoing litigation.

Mr. Chairman, we have tried to work this issue out with the corps directly. On April 14, 2005, the entire Alabama delegation sent a letter to Lt. Gen. Carl Strock, Commander of the U.S. Army Corps of Engineers, asking that he explain the corps' actions in this matter. In response, on April 26, 2005 Assistant Secretary of the Army for Civil Works John Woodley wrote that the corps ''will withdraw and disclaim any intention to re-evaluate or update the relevant operating procedures and manuals until all relevant litigation has concluded, or the three States' Governors reach an agreement.''

However, Mr. Chairman, after that, the corps did not hold to their commitment. In a letter to Governor Bob Riley of Alabama, dated January 30, 2006, Assistant Secretary Woodley stated that since the relevant litigation has concluded, the corps will now begin revising its manuals. This litigation, however, is not concluded. My understanding is that the ACF litigation has been appealed, and the ACT litigation is still actively underway.

Mr. Chairman, if the corps' manuals revisions are allowed to go forward, it will cause great harm to the State of Alabama. We will have inadequate water for drinking, power generation, navigation, recreation, and wildlife. For this reason, it is essential all three States come to a mutual equitable water sharing agreement. It is not appropriate for the corps to unilaterally step in and decree water distribution without the approval of all three States.

With all due respect to Mr. DEAL's concerns, I must ask for a ''no'' vote in the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. DEAL).

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

Mr. BONNER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

Mr. HOBSON. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Chairman, I rise for the purpose of engaging in a brief colloquy with the chairman regarding funding for several recreation areas at two Virginia lakes managed by the U.S. Army Corps of Engineers. I commend the chairman and his staff for their hard work on this bill. Considering the budget constraints, they have crafted excellent legislation.

In response to what the Corps of Engineers has identified as low funding for Operations and Maintenance, the corps has announced plans to evaluate seven recreation sites for possible closure in 2007 at John H. Kerr Lake and Philpott Lake in Virginia. These recreation sites are of great importance to citizens in these areas, and their closure would net only a savings of $97,000. There must be other ways for the corps to reform its procedures in order to reduce spending while keeping these recreation sites open to the public as camp grounds and picnic areas.

I hope that we can continue to work together to identify ways in which funding can be provided for these recreation areas either through additional funds that may become available in conference or through more appropriate reforms by the Corps of Engineers.

□ 1630

Mr. HOBSON. I understand the gentleman's concern and realize the importance of the Corps of Engineers' recreation sites to local communities. In a time of static budgets and aging infrastructure, we must work together to make our limited funding go further.

I commit to working with the gentleman from Virginia to review existing corps policies and funding to address this issue.

Mr. GOODE. Thank you, Mr. Chairman.

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

Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana.

Mr. MELANCON. Mr. Chairman, what I have here today is a map of the gulf coast. It is not all-inclusive. JO BONNER knows that. But from Galveston Bay to Mobile Bay has been a total disaster, and I am from a district that concerns me about New Orleans, but we keep talking only about Katrina, and we keep talking only about New Orleans. I am not saying we shouldn't. I am here today to say that with these natural disasters that we have had and the help that you in the Congress have given us, it is tremendously appreciated; however, immediately following those storms, coming to Congress and asking for help and, in

recent weeks, bringing amendments and asking for additional moneys to build levees, and we have not even gotten to the coastal restoration issue. We were told that maybe we needed to have the authorization first. We were told to put it in the regular appropriations bill.

We are here, and it didn't get into the regular appropriations bill. So I guess these projects in Cameron, LaFourche, Terrebonne, St. Charles and other parishes, inclusive of Plaquemines Parish, it was felt they should be excluded because there wasn't enough people to justify the cost. A place on the Gulf of Mexico that services the offshore oil industry and brings in 80 percent of the offshore oil through pipelines through that parish and provides another important aspect to its presence there, it is the levee or the breakwater or whatever you might want to call it, barrier island, that protects Mississippi under many circumstances from the storm surge.

So I am here today after asking for, I think the number was $430 million, and having several of my friends say that is a lot of money, and then a week later, Mr. Powell came and asked for in excess of $4 billion and then readjusted it down when they took Plaquemines Parish out, because there are lots of projects throughout south Louisiana that are necessary if we are going to protect the residents of that State. There are many projects in the southwest part of Louisiana where Rita has gone, the storm that is forgotten, the storm you hear no one talking about in Port Arthur, and in Texas, it was devastating also.

I want to say that I do appreciate this body and everything that it has done for New Orleans, but please remember that the rest of the gulf coast has been tremendously affected, and these people that keep the oil and gas industry in operation and produce the seafood for this country as well as run the ports and export the goods and commodities from this Nation need additional help.

I thank the gentleman for allowing me the time.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman's concern and very good work.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $38,552,000, to remain available until expended, of which $965,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,603,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS AND RESCISSION)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $849,122,000, to remain available until expended, of which $57,298,000 shall be available for transfer to the Upper Colorado River Basin Fund and $26,952,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: *Provided further*, That from unobligated balances made available under section 2507 of the Farm Security and Rural Investment Act of 2002 for the Bureau of Reclamation's At Risk Terminal Lakes Program, $88,000,000 are rescinded: *Provided further*, That $10,000,000 of the funds provided herein shall be deposited in the San Gabriel Restoration Fund established by section 1110 of division B, title I of Public Law 106–554 as amended: *Provided further*, That of the sums provided herein, $1,000,000 shall be used for assessing the feasibility of relocating the Highway 49 bridge, Auburn-Folsom South Unit of the Central Valley Project.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $41,478,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, Public Law 108–361, consistent with plans to be approved by the Secretary of the Interior, $40,110,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program: *Provided further*, That $6,000,000 shall be transferred to the Army Corps of Engineers to carry out further study and analysis of the stability of the levee projects authorized under section 103(f)(3) of Public Law 108–361.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $58,069,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 14 passenger motor vehicles, of which 11 are for replacement only.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program-Alternative Repayment Plan" and the "SJVDP-Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared

by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 202. None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

Mr. HOBSON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title II be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY AND CONSERVATION

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy supply and energy conservation activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $2,025,527,000, to remain available until September 30, 2009.

AMENDMENT OFFERED BY MR. MARKEY

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY:

Page 21, line 5, after the dollar amount insert: ''(reduced by $40,000,000)''.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Ohio (Mr. HOBSON) each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in opposition to the Global Nuclear Energy Partnership receiving an additional $40 million in this budget over what it received last year. It received $80 million worth of taxpayers' dollars last year, and here we are seeing a 50 percent increase in the taxpayers' contribution to something that should be paid for by the private sector.

This is now one of the wealthiest, most successful, most profitable industries in the United States, the domestic nuclear energy industry. If there is any industry, apart from the oil and gas industry, that has no business being out here on the floor asking for handouts from the taxpayer at this time, then you have to put the nuclear industry at the top of the list.

And what is the essence of this Global Nuclear Energy Partnership? Well, sad to say, it is that we will cut deals with countries like Bulgaria, Egypt, Kazakhstan, Korea, on and on, where our private sector companies will be building nuclear power plants in those countries and returning the nuclear waste to the United States for reprocessing in our country. So on the one hand, the Congress is saying, well, we don't want any more immigrants from any of these countries, but send us your nuclear waste if an American company has been able to build nuclear power plants there and make a profit from it.

Well, ladies and gentlemen, it should not be the business of the House, of the people who represent hardworking taxpayers, to be handing over all this money to very wealthy industries. They are doing quite well, thank you. This is, once again, an example of an industry now 50 years old; this industry is like someone who is 50 years old still living at home with mom and dad and expecting mom and dad to continue to subsidize them; to give them a hand out.

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

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I appreciate the gentleman for yielding.

Boy, there is more rhetoric on this floor about GNEP and what is going on there than I have heard in quite some time. The fact is the Federal Government has the responsibility under the Nuclear Policy Act to take care of the byproduct of this stuff. Those people who use energy that is partly produced by nuclear energy have been paying a tax in order that the Federal Government would build a repository and finally take control of this. If you want the byproduct, the waste product of nuclear waste to be handled by private companies and have them in control of it, then I think you are asking for big problems.

For years, I have been asking the Federal Government, the Department of Energy, to give us a vision of what they see as the future of energy development in this country and how we are going to supply the baseload needs in this country. GNEP is the first comprehensive forward-looking plan for nuclear energy development that I have seen come out of this or any administration in decades. It takes into consideration the entire fuel cycle, from the mining uranium to final disposition of spent fuel.

It will render civilian nuclear material unusable in nuclear weapons. I will repeat that: It will render civilian nuclear materials unusable in nuclear weapons. It will use much of the energy in the fuel rods that is left behind now. And GNEP promises to make Yucca Mountain the only repository our Nation will need for the final disposition of spent nuclear fuel.

If you believe that global warming is a problem, if you believe that we can't afford to shut down nuclear power plants today that contribute over 20 percent of our electricity, and I suspect much of it in Massachusetts, the gentleman's home State; if you believe that we can't shut that down and that it makes sense to provide our baseload with an emission-free type of energy, such as nuclear power, and if we don't pursue GNEP, then we better start looking and debating on this floor where we are going to put Yucca II, Yucca III, Yucca IV, and Yucca V, because that is what is going to happen.

The simple fact is, most Americans now support nuclear energy, and most Americans know that we can't meet our growing energy needs without it. I urge you to defeat this amendment.

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

The problem with this program is that the Department of Energy is only guessing about how much it is ultimately going to cost. Their range is from $3 billion to $6 billion just for a demonstration project, because it doesn't know the answers to the ultimate questions about cost, about feasibility, about the nuclear proliferation consequences. It doesn't know the answers to any of these questions.

But if, again, the nuclear industry wants to get back out on the road and start selling nuclear power plants around the globe, they should do it. Adam Smith is spinning in his grave so fast listening to this debate that he would qualify for a subsidy under this bill as a new electrical generating source. That is how bad this is.

This is a total violation of free market principles. There are no answers at all that you are providing, except that you want to stick your hand into the pockets of the American taxpayers, and it is just wrong.

Mr. HOBSON. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Chairman, I thank the chairman for yielding, and let me just say to the sponsor, who asserts that the reprocessing is too expensive and will add to the cost, that we don't know what the cost is.

My Subcommittee on Energy for the Science Committee has spent an entire hearing on the economics of reprocessing, and today it might be cheaper to mine and use enriched uranium, but the enrichment technology has had 30

years to develop. We stopped the process. President Carter stopped the process that is needed to treat and use all of the nuclear energy.

So, if anything, this concern only reinforces the need to increase the R&D on technologies for the back end of the fuel cycle in order to bring down the cost. We have got to have this process if we are going to have the energy needed for our children and grandchildren to live in this country. But we also have to look at taking the nuclear energy and using all of it by reprocessing and reestablishing that program.

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

You know, the problem with this whole debate is that, within the same bill, there is funding for Yucca Mountain in order to store all of the spent fuel that the nuclear industry has created here domestically. Yet they are coming in here saying, well, we need another solution to the same problem. We also need the taxpayers to subsidize ultimately $3 billion, $6 billion, which is just a demonstration project, and ultimately, $20 billion, $30 billion, $40 billion or $50 billion for reprocessing technology; two paid-for-by-the-taxpayer solutions to the same problem, even though Yucca Mountain is supposed to solve the problem.

Why is that? Because this program does what President Bush wants to do, which is to offer cradle-to-grave services for countries around the world. American companies will build nuclear power plants around the world, and then they will ship the nuclear waste to the United States. And by the way, this waste, when it is reprocessed, is the worst of all materials because it can be used for nuclear weapons but it is not too dangerous for terrorists to handle as a dirty bomb at the same time.

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

□ 1645

Mr. HOBSON. Mr. Chairman, I yield 1 minute to my ranking member, the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I rise in strong opposition to the amendment that has been offered by the gentleman from Massachusetts. He mentioned multiple solutions. The fact is we have a waste problem.

As I pointed out in my general remarks, last year the Congress voted again to move ahead to provide funds to pursue a competitive process for choosing sites for integrative reprocessing of spent nuclear fuel as well as interim storage. The fact is the chairman and I and the subcommittee are committed to pursuing Yucca Mountain. That is not enough. If we are to have a nuclear industry and to have an investment in our energy future, we also have to examine options to reduce waste. That is what we are about.

I also believe that the subcommittee has taken a very thoughtful approach, and people have only to look at pages of committee report language that is very explicit in detail relative to the concerns and observations we have made relative to the GNEP proposal that the administration has put forth.

So we are trying to solve an energy problem dealing with our energy future. I would oppose the gentleman's amendment.

Mr. MARKEY. Mr. Chairman, I yield the balance of my time to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I commend the chairman and the ranking member for the work they have done here, and I take small exception here because you have cut back the $250 million the President requested. I think that is a good move, but this would simply level out the funding so that next year will have as much funding as this year.

If you go to the Savannah River Site in my State, you will see the K Reactor, on which we have spent close to $2 billion, it never was operated again; the NPR, on which we spent $40 million on the environmental impact statement; the MOX fuel facility, which is being abandoned today after millions were spent; and Agnes, where we trod down this road once before toward nuclear reprocessing and realized it was not the way to go.

And today more than ever, when we do not want to open up new nuclear processes which give rise to more fissile material, there are really legitimate doubts about this path.

I respect the course that the committee has taken, but slow it down. Let us take a closer look at this before we plunge headlong into something that could cost $20 billion, $30 billion, maybe $40 billion before it comes to full fruition.

Mr. HOBSON. Mr. Chairman, I yield the balance of my time to the gentleman from Tennessee (Mr. WAMP), a member of the committee.

Mr. WAMP. Mr. Chairman, to review, the President of the United States rightly asked for $250 million for GNEP to help us stand the nuclear industry back up in this country. Decades after Three Mile Island, we need energy independence. The committee did not have enough money, so we appropriated $150 million at the subcommittee level. At the full committee, we accepted an amendment to reduce it to $120 million, and now they are wanting to cut it further.

France understands, as an environmentally sensitive country, that in order to reduce greenhouse gas emissions, you have to use nuclear. Seventy percent of their electricity is generated from nuclear power in France.

They do not get it in Massachusetts, apparently. The gentleman from Massachusetts has fought nuclear in every capacity, every time it has come to the floor the entire 12 years that I have been here. That is what this is really about.

If his amendment stands, it would leave spent nuclear fuel at reactor sites in Massachusetts at five places: at Pilgrim 1; Yankee-Rowe; research reactors at MIT; the University of Massachusetts; and Worcester Polytechnic Institute.

Defeat the Markey amendment.

Mr. SPRATT. Mr. Chairman, I rise in support of the Markey amendment, which would cut $40 million from the so-called GNEP, the Global Nuclear Energy Partnership.

GNEP is an exceedingly ambitious set of proposals. It runs the gamut, from expanding the use of nuclear power, to closing the loophole in the nuclear fuel cycle, to developing a new generation of advanced "fast" nuclear reactors. Among other things, it calls for restarting nuclear reprocessing, a risky venture abandoned by the Carter Administration in the 1970s out of cost and proliferation concerns. It moves us ahead before we know the long term costs or international implications. On issues of this consequence, we should tread lightly.

I have concerns over GNEP on several fronts. First, I am concerned about reprocessing of nuclear spent fuel, because it lends itself to the production of fissile material. On its face, the idea of reusing spent nuclear fuel sounds appealing. Proponents point out that we only use 3–5 percent of nuclear fuel in the first reaction. They claim that reprocessing will allow us to recycle spent fuel and captured the untapped tap energy potential. But recycling nuclear fuel is not so easy, and there is a limit to the number of times you can put a fuel rod through reprocessing before fission by-products make additional recycling impractical. So, the amount of reusable energy that the process yields is questionable. As explained to me by DoE, reprocessing is really more about reducing the heat from spent nuclear fuel, to facilitate storage, than it is about generating more usable fuel.

Questionable energy yields are only one problem with reprocessing. The other problem is that re-running nuclear fuel multiple times is one means of converting commercial nuclear fuel rods into weapons-grade plutonium. The Department of Energy has told us that the new reprocessing technology they hope to use (UREX+) is "proliferation resistant" since the radioactive emissions will still be lethal to unprotected handlers. But there is no such thing as being completely proliferation-resistance. A suicidal terrorist could find a way to steal, handle, and transport any nuclear material, and increasing the neutron flux simply brings them one step closer to using this material for a nuclear weapon.

On another front, I am greatly concerned about the potential cost of the GNEP proposal. Though the President's budget request called for only $250 million this year, estimates have ranged up to $40 billion over the next 10 years. This is huge price-tag for an amorphous program.

As an example, the Department of Energy has indicated that, as part of GNEP, they

would like to build a scaled-down facility to demonstrate UREX+ reprocessing technology. But when pressed for details, DoE has said that this facility could range in scale from 1 ton throughput per year to 200 tons and on up to 500 tons per year. This is almost as large as commercial scale reprocessing operations overseas, and is hardly a demonstration project. Moreover, the Department of Energy does not know where the demonstration facility will be sited, what the environmental or engineering costs will be for the facility, or what the ultimate cost will be to construct it. Even further, they do not know how many of these facilities will be needed if we ever move to a commercial scale.

We are running a budget deficit of $300–350 billion this year alone. The Department of Energy itself is has more major acquisition projects on its plate than it can carry to fruition. I am wary of adding another $40 billion liability with GNEP before we know fully what we are getting ourselves into.

The Markey amendment before us today takes a pragmatic approach to this problem. It does not eliminate funding for the program; rather, it reduces the $120 million remaining for the program by $40 million, effectively freezing GNEP funding at this year's funding level.

Before we rush headlong toward the latest acronym, GNEP, we should make the Department come to us with concrete proposals, more definitive costs and benefits, so that this far-reaching project can be measured against other priorities.

I urge my colleagues to support the Markey amendment.

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

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

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT OFFERED BY MS. DELAURO

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. DELAURO:

Page 21, line 5, after the dollar amount insert ''(increased by $25,000,000)''.

Page 29, line 11, after the dollar amount insert ''(reduced by $25,000,000)''.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Connecticut (Ms. DELAURO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Chairman, my amendment is simple. It would restore funding to the State Energy Program which the underlying bill eliminates, and it would happen by reducing the administrative funding for the Department of Energy to last year's levels. That means that the Department's administrative funds would amount to about $278 million.

The administration thought this program worthy enough to propose an increase to $49.5 million from approximately $35 million last year. Essentially I am saying this amendment would simply fund this program at $25 million.

The State Energy Program, it provides grants to States and directs funding to State energy offices. The States use these grants to address their energy priorities, program funding to adopt emerging renewable energy and energy-efficient technologies.

States have implemented countless initiatives funded by this program that have reduced energy costs and have increased efficiency.

Let me give you two or three examples. The Texas Energy Office's Loan Star Program has reduced building energy consumption and taxpayers' energy costs through the efficient operation of public buildings, saving taxpayers more than $172 million through energy efficiency projects.

New Mexico, the State energy office is supporting an expandable renewable energy usage, tax incentives for hybrid vehicles, school energy-efficiency programs, technical assistance to the wind industry and expansion of geothermal resources. With the funding, New Mexico has been able to meet approximately 40 energy performance goals with an annual energy savings in millions, including an expansion in the use of ethanol and biofuels.

My own State of Connecticut, the program supports 31 municipalities to help them make their schools and public buildings more energy efficient.

The value of this program speaks for itself. It enables energy offices to design and implement programs according to the needs of their economies, the potential of their natural resources and the participation of their local industries. For every dollar we spend on this public-private partnership, we save $7.23, while almost $11 is leveraged in the State, local and private funds.

That means by funding the program at $25 million this year, we could help save as much as $180 million just in fiscal year 2007.

Mr. Chairman, helping States to carry out their own energy efficiency and renewable energy programs is an effort in which the Federal Government not only has a stake, it has an obligation. This is something we should be encouraging, not eliminating. I am asking my colleagues to support this amendment.

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

Mr. HOBSON. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I rise in opposition to this amendment. This bill does in fact cut $49.7 million to State grants.

This cut was done for several reasons: to fund the higher congressional priorities that were cut by the administration; in reaction to a DOE IG report regarding the implementation of the program; and an assessment of what the grant program is adding to energy research and development, the mainstay of the DOE portfolio.

The IG report did say DOE does not know if the program is working. The IG report did say that States aren't sure what energy savings are coming from these State grants. The IG report did say that the States have large uncosted balances, and aren't spending the money that they do get in the grant and award process. The IG report did say energy savings proclaimed by proponents can't be tracked to State grants solely. They may be from other programs that we do support, like weatherization.

But I want you to know that the IG report did say that given the broad goals of the program, funds were being spent consistently. However, I would contend we ought to look at what the States can spend this money on and do: State employee salaries, travel and administrative supplies. In fact, of the States examined by the IG, 66 percent had administrative costs in excess of 29 percent to as high as 57 percent, but these are allowable under the grant statute.

Finally, I would contend that these grants may have served a useful purpose 20 years ago to raise the consciousness of energy efficiency and conservation. But, frankly, these services are not now in demand by the public, and our dollars are better suited for making the technologies available that are in demand, rather than feel-good ''coordination'' activities of this program.

Ms. DELAURO. Mr. Chairman, I yield myself 30 seconds.

On the IG report, and I quote: ''Nothing came to our attention during our visits to six States to indicate that they were not spending the funds for their intended purpose.''

If anyone wants to know, I have a list of all of the States and the amount of money they receive in grants every year from this program, and they will get nothing next year if we do not restore some funding.

Mr. Chairman, I yield my remaining time to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, this is a crazy budget. It really is. It authorizes $50 million to help the oil companies to drill in deep water even though

they reported $113 billion in profits. It allows for drilling in the Arctic National Wildlife Refuge. That is where they are going to be heading tomorrow on the House floor.

And this shows you the hypocrisy coefficient on energy policy. Last year, they trumpeted on the House floor and the President with a flourish signed the bill that put in $100 million for State energy plans for conservation at the State level, $100 million.

Then, in January, the President sends up his budget, $49.5 million.

And today, out on the House floor, the true agenda of the Republican Party once again reveals itself: zero. Zero for conservation. Nothing. Meaning that the $100 million last August that the President signed, the $49.5 million that he asked this year, all dismissed while we are going to tip the taxpayer upside down and subsidize the nuclear, oil, gas and coal industries.

But the American taxpayer knows we have to learn to work smarter, not harder; how to conserve, how to use technologies that will reduce our consumption. We only have 3 percent of the oil reserves in the world. We import 70 percent of the oil we consume. That is why we need the DeLauro amendment in order to make sure that we put conservation number one, to back out this imported oil from around the world.

Vote ''aye'' on the DeLauro amendment.

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

Mr. Chairman, let me talk about hypocrisy. Let me talk about extraneous matter out here. I mean, this is outrageous.

First of all, if we want to save money, you do not go back and do these itty-bitty State grants. My State gets a million dollars out of this, $1.6 million. Big deal.

Under your deal, it is going to get $250,000 or less the way you have drafted this amendment. It is absolutely ridiculous to send money up here. We take administration off the top, and then we send it back to the States, and they start it all over again and take a bunch of salaries.

The group that is out here now advocating this thing on behalf of all of the States is funded by this program. This is just another pork-barrel program for Governors of States. We ought to get rid of it. The State grant does absolutely nothing. This amendment will make it even less effective. And what it does to the Department of Energy is outrageous.

Under this, this mandates reduction of 100 employees. Those employees are responsible for the financial integrity of the Department. The next thing they will be saying is, we are not doing it right, and that is because we have cut 100 people out of it. These employees are responsible for the Department's cyber security. Then we hear it is all gone.

Programs like Minority Economic Impact, General Counsel and the Office of Economic Impact and Diversity would be severely impacted.

This amendment is outrageous. You want to get rid of pork-barrel stuff around here, these kinds of programs are a waste of money.

There are a couple of others in this bill that I would take out totally, too, but this one is particularly egregious because it doesn't do the job.

Vote ''no'' on the DeLauro amendment.

Mr. UDALL of Colorado. Mr. Chairman, on Rollcall 198, I inadvertently voted against the amendment offered by my colleague Rep. ROSA DELAURO to restore $25 million to the Department of Energy's State Energy Program. I had intended to vote yes because the State Energy Program is effective and important program that provides vital funds to 55 State Energy Offices around the country.

While energy prices continue to escalate, State Energy Offices are one of the few on the ground resources to increase energy efficiency for consumers, educate the public on ways of reducing energy use, and monitor the price and supply situation.

That's why I was puzzled and disappointed that the Energy and Water Development Appropriations Subcommittee effectively terminated the State Energy Program, SEP, in its FY07 bill.

In many of the States, the impact will be devastating. For States without other dedicated sources of revenue, State energy services will be terminated. Many legislatures have already adjourned for the year and will not have an opportunity to attempt to step into the breach. Destroying the State Energy Offices at the very time that energy costs are hovering at record highs, many oil producing nations are unstable, and supplies are tight makes no sense.

It was just last year that this body voted to authorize $100 million for the SEP in the Energy Policy Act of 2005. In his FY07 budget request, the President asked for $49.5 million for the SEP, restoring a 20 percent cut from last year. So I find it troubling that the Energy and Water Development Subcommittee voted in contradiction both to the Administration's proposal and the recently adopted energy policy of Congress.

SEP has a proven record of reducing energy consumption for residential consumers, as well as schools, hospitals, small businesses and agriculture, and has funded a variety of important programs in Colorado.

Restoration of SEP funding will have an immediate effect on reducing demand for energy, allowing us to leverage specific investments in a variety of energy efficiency projects in all types of buildings. In addition, SEP funding will permit us to expand aggressive public information efforts, convincing consumers and businesses alike to increase their use of energy efficient products, add insulation to their homes, utilize hybrid or ethanol-fueled vehicles, etc. Studies have shown that for every Federal dollar invested in this program, over $7 is saved in direct energy costs.

I am pleased that the DeLauro amendment passed the House, and I regret that the final vote tally does not reflect my strong support for the State Energy Program.

□ 1700

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO).

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

Ms. DELAURO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Connecticut will be postponed.

AMENDMENT OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-MCDONALD. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. MILLENDER-MCDONALD:

Page 21, line 5, after the dollar amount insert ''(increased by $5,000,000) (reduced by $5,000,000)''.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from California (Ms. MILLENDER-MCDONALD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I yield myself such time as I may consume.

My amendment addresses a critical energy source of our national renewable energy portfolio that needs to be a priority in the energy debate. As we know, the affordable energy situation is far from resolved in our Nation. My amendment provides for the necessary funds to continue the Geothermal Technology Program and to continue our Federal support of cleaner alternative power. This energy is cost-effective and cleaner.

Recently, an Associated Press article stated that the Federal Government has a backlog of 230 lease applications to prospect for geothermal energy. This AP article also states that the average age of an application to prospect geothermal sites is 9 years.

Recent supply projections from the American Gas Association show that natural gas suppliers will continue to lag behind the demand in the foreseeable future, resulting in continued high prices. The high cost of natural gas affects electricity and home heating costs across the United States. This is why we need to continue to support Federal investment in geothermal energy and to support the Geothermal Technology Program.

Now we do know that most of the geothermal power plants were built in

the mid-1980s and early 1990s when energy markets were receptive to alternative energy investment. Since then, there has been a significant decline in this investment.

The Bush administration has repeatedly championed the need to expand our renewable energy resources and to develop our country's geothermal energy resources. The Department of the Interior and the Department of Energy have jointly stated that commitment to increase our energy security would be by expending the use of indigenous resources on Federal lands, while accelerating protection of the environment.

A recent report from the Department of Energy found that California, Nevada, New Mexico, Oregon, Utah and Washington State have the greatest potential for quick development of geothermal resources. In fact, the study, Mr. Chairman, listed nine ''top pick'' sites in California and ten in Nevada.

As we work on improving our affordable energy options, we must support the Geothermal Technology Program. It is also a job creation program. It will ultimately mean about 150 to 200 jobs in a community.

The minimal $5 million that I am asking for will be taken from the Hydrogen Technology Program to be placed in the Geothermal Technology Program, and all of this can be attainable.

We must not turn our backs on this important source of environmentally friendly energy. I ask my colleagues to support this amendment and to support geothermal technology and, more importantly, to support lower prices for energy.

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

The Acting CHAIRMAN. Does the gentleman from Ohio rise in opposition to the amendment?

Mr. HOBSON. Mr. Chairman, I am going to rise to strike the required number of words, I guess, because I am going to accept her amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. HOBSON. I think this is a very responsible amendment. I happen to agree on geothermal, and I want to thank the Member for working with us to find the appropriate funding source on this, and I look forward to holding this as we move forward into conference.

Ms. MILLENDER-McDONALD. Mr. Chairman, I do appreciate the chairman's working with me on this amendment, along with our ranking member. I thank him for accepting the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MILLENDER-McDONALD.)

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CLEAN COAL TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading for obligation in prior years, $257,000,000 are rescinded.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $558,204,000, to remain available until expended, of which $54,000,000 is available to continue a multi-year project coordinated with the private sector for FutureGen, without regard to the terms and conditions applicable to clean coal technology projects: *Provided*, That the initial planning and research stages of the FutureGen project shall include a matching requirement from non-Federal sources of at least 20 percent of the costs: *Provided further*, That any demonstration component of such project shall require a matching requirement from non-Federal sources of at least 50 percent of the costs of the component: *Provided further*, That of the amounts provided, $36,400,000 is available, after coordination with the private sector, for a request for proposals for the Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: *Provided further*, That no project may be selected for which sufficient funding is not available to provide for the total project: *Provided further*, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading ''Clean Coal Technology'' in 42 U.S.C. 5903d as well as those contained under the heading ''Clean Coal Technology'' in prior appropriations: *Provided further*, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: *Provided further*, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: *Provided further*, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That the Secretary of Energy is authorized to accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State, or private agencies or concerns: *Provided further*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under the Fossil Energy Research and Development account may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, $18,810,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), including the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, $155,430,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, $4,950,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $89,769,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed six passenger motor vehicles, of which five shall be for replacement only, $309,946,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, as amended, and title X, subtitle A, of the Energy Policy Act of 1992, $579,368,000, to be derived from the Fund, to

remain available until expended, of which $20,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed twenty-five passenger motor vehicles for replacement only, $4,131,710,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended (the ''Act''), including the acquisition of real property or facility construction or expansion, $186,420,000, to remain available until expended, of which $156,420,000 shall be derived from the Nuclear Waste Fund: *Provided*, That of the funds made available in this Act for Nuclear Waste Disposal, $2,000,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act: *Provided further*, That $4,000,000 shall be provided to affected units of local government, as defined in the Act, to conduct appropriate activities and participate in licensing activities: *Provided further*, That 7.5 percent of the funds provided shall be made available to affected units of local government in California with the balance made available to affected units of local government in Nevada for distribution as determined by the Nevada units of local government: *Provided further*, That notwithstanding the provisions of chapters 65 and 75 of title 31, United States Code, the Department shall have no monitoring, auditing or other oversight rights or responsibilities over amounts provided to affected units of local government under this heading: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the Act and this Act: *Provided further*, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action, except for normal and recognized executive-legislative communications, on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the Act, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended: *Provided further*, That no funds provided in this Act may be used to pursue repayment or collection of funds provided in any fiscal year to affected units of local government for oversight activities that had been previously approved by the Department of Energy, or to withhold payment of any such funds.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $35,000, $278,382,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $123,000,000 in fiscal year 2007 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2007, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2007 appropriation from the general fund estimated at not more than $155,382,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $45,507,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 14 passenger motor vehicles, for replacement only, including not to exceed two buses; $6,412,001,000, to remain available until expended: *Provided*, That $40,000,000 of that amount is for the Material Consolidation and Upgrade Construction Project, Buildings 651 and 691, at the Idaho National Laboratory.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,593,101,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $795,133,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000, $399,576,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $4,951,812,000, to remain available until expended, and $600,000,000 for the Waste Treatment and Immobilization Plant at Hanford, Washington, to remain available until September 30, 2007.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed ten passenger motor vehicles for replacement only, $720,788,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $388,080,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500. During fiscal year 2007, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of electric power and energy, including transmission wheeling and ancillary services

pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $5,723,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, up to $48,003,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power administration, $31,539,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, up to $13,600,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500; $212,213,000, to remain available until expended, of which $208,776,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, $6,893,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That of the amount herein appropriated, $6,000,000 shall be available until expended on a nonreimbursable basis to the Western Area Power Administration for Topock-Davis-Mead Transmission Line Upgrades: *Provided further*, That of the amount herin appropriated, $500,000 shall be available until expended on a nonreimbursable basis to the Dynamic Engineering Studies on the TOT–3 and Wyoming West Transmission projects: *Provided further*, That notwithstanding the provision of 31 U.S.C. 3302, up to $472,593,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,500,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed $3,000, $230,800,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $230,800,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2007 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2007 so as to result in a final fiscal year 2007 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. CONTRACT COMPETITION.—(a)(1) None of the funds in this or any other appropriations Act for fiscal year 2007 or any previous fiscal year may be used to make payments for a noncompetitive management and operating contract unless the Secretary of Energy has published in the Federal Register and submitted to the Committees on Appropriations of the House of Representatives and the Senate a written notification, with respect to each such contract, of the Secretary's decision to use competitive procedures for the award of the contract, or to not renew the contract, when the term of the contract expires.

(2) Paragraph (1) does not apply to an extension for up to 2 years of a noncompetitive management and operating contract, if the extension is for purposes of allowing time to award competitively a new contract, to provide continuity of service between contracts, or to complete a contract that will not be renewed.

(b) In this section:

(1) The term ''noncompetitive management and operating contract'' means a contract that was awarded more than 50 years ago without competition for the management and operation of Ames Laboratory, Argonne National Laboratory, and Lawrence Livermore National Laboratory.

(2) The term ''competitive procedures'' has the meaning provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) and includes procedures described in section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) other than a procedure that solicits a proposal from only one source.

(c) For all management and operating contracts other than those listed in subsection (b)(1), none of the funds appropriated by this Act may be used to award a management and operating contract, or award a significant extension or expansion to an existing management and operating contract, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver. At least 60 days before a contract award for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Committees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

SEC. 302. WORKFORCE RESTRUCTURING.—None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy, under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h).

SEC. 303. SECTION 3161 ASSISTANCE.—None of the funds appropriated by this Act may be used to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request to the appropriate congressional committees.

SEC. 304. UNFUNDED REQUESTS FOR PROPOSALS.—None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) or other solicitations for a program if the program has not been funded by Congress.

SEC. 305. UNEXPENDED BALANCES.—The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. BONNEVILLE POWER ADMINISTRATION SERVICE TERRITORY.—None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 307. USER FACILITIES.—When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term ''user facility'' includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 308. INTELLIGENCE ACTIVITIES.—Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2007 until the enactment of the Intelligence Authorization Act for fiscal year 2007.

SEC. 309. LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.—Of the funds made available by the Department of Energy for activities at government-owned, contractor-operator operated laboratories funded in this Act, the Secretary may authorize a specific amount, not to exceed 8 percent of such funds, to be used by such laboratories for laboratory-directed research and development: *Provided*, That the Secretary may also authorize a specific amount not to exceed 3 percent of such funds, to be used by the plant manager of a covered nuclear weapons production plant or the manager of the Nevada Site Office for plant or site-directed research and development.

SEC. 310. TECHNOLOGY COMMERCIALIZATION FUND.—None of the funds made available by this Act may be used for technology commercialization activities funded via a tax on applied energy research, development, demonstration, and commercial application activities by the Department of Energy as authorized by section 1001(e) of title X of the Energy Policy Act of 2005.

SEC. 311. CONTRACTOR PENSION BENEFITS.—None of the funds made available in title III of this Act shall be used for implementation of the Department of Energy Order N 351.1 modifying contractor employee pension and medical benefits policy.

Mr. HOBSON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title III be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. ANDREWS

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ANDREWS:

Page 29, line 11, after the dollar amount, insert the following: ''(reduced by $27,800,000)''.

Page 31, line 15, after the dollar amount, insert the following: ''(increased by $27,800,000)''.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, I yield myself 2½ minutes.

I am pleased to offer this amendment with my friend from Iowa (Mr. LEACH).

On page 380 of this report, the 9/11 Commission says, ''A trained nuclear engineer with an amount of highly enriched uranium or plutonium, about the size of a grapefruit or an orange, together with commercially available material, could fashion a nuclear device that would fit into a van like the one Ramzi Yousef parked in the garage of the World Trade Center in 1993. Such a bomb would level lower Manhattan.''

Where would people find such highly enriched uranium? Over the last 15 years, the Department of Energy and the military have been looking at 106 reactors throughout the world. In those 15 years, they have dealt with some of them, but there are 64 of these reactors left that use highly enriched uranium.

At this pace, we will have converted those reactors to less low-enriched uranium, which cannot make a bomb, by the year 2019. We need to speed that up. The purpose of this amendment is to more than double the amount of money that is dedicated to the conversion of these reactors from highly enriched uranium to low-enriched uranium.

Last year, the President provided about $24.7 million. Our amendment adds $27 million for that purpose this year. Where do we find the money?

Well, this year's bill, which is a great bill, which I am going to support, adds about $27 million to the administrative accounts of the Department of Energy. So we take that $27 million increase in administrative costs, and we shift it towards this program of converting these potential nuclear bomb factories into low-enriched uranium.

This does not cut the administrative expenses of the Department of Energy. It simply gives the Department about the same amount that it has, actually a tiny bit more, than it has in the present fiscal year.

We need to prevent a nuclear 9/11. We will be able to convert about twice as many of these reactors from highly enriched uranium to low-enriched uranium if we adopt the amendment.

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

Mr. HOBSON. Mr. Chairman, I rise in opposition to the Andrews-Leach amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

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

The gentleman's amendment proposes to increase funding for nuclear nonproliferation activities that were already significantly increased in this bill.

The Nonproliferation and Verification Research and Development program budget was increased by $39 million, an increase of 15 percent over the request. This program develops better technologies for satellite detection of nuclear activities.

The MPC&A program was increased by $170 million, an increase of 41 percent over the request. This program secures nuclear weapons and nuclear material in Russia and installs radiation detection monitors at border crossings around the former Soviet Union and at foreign seaports.

The MegaPorts program was increased by $65 million, an increase of 162 percent over the request. The committee recognized the need to protect the country's seaports against nuclear smuggling and increased the funding to scan cargo containers.

The Global Threat Reduction Initiative, or GTRI, which the gentleman's amendment would increase funding for, was already increased by the committee for a total of $13 million, or 12 percent over the budget request. The increase was targeted to accelerate recovery of domestic and radiological sealed sources, Russian-origin nuclear material, and U.S.-origin orphaned nuclear materials still overseas.

I urge a ''no'' vote on the gentleman's amendment. We have already added $222 million to this account. I do not think we need to add any more money into this account at this time.

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

Mr. ANDREWS. Mr. Chairman, one of the reasons I am going to vote for the chairman's bill is because it has those increases, but I think we need to do more.

Mr. Chairman, I am pleased to yield 2½ minutes to my co-author, my friend from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Chairman, I rise in deep respect for the subcommittee chairman, Mr. HOBSON; and I recognize how difficult it is to establish budget priorities within the limits provided. Nevertheless, I think it is important to note that there are many lessons of 9/11; and the one that stands out is it is relatively easy to destroy. A few can inflict havoc on the many with advanced economies being more vulnerable than less advanced ones to terrorist acts.

Significantly, what distinguishes this generation of citizens of the world from all others is that we are the first generation able not only to cause war or inflict anarchy but to destroy civilization itself. Weapons of mass destruction have been invented, refined, and access provided to a wider and wider group of nation states and potentially to terrorist organizations.

In the most profound observation of the last century, Einstein noted that splitting the atom had changed everything except our way of thinking. In this context I think there has never been a more important time to give threat reduction assistance and arms control a chance.

The goals of this Global Threat Reduction Initiative includes securing and/or removing vulnerable, high-risk nuclear and radiological materials throughout the world and minimizing or eliminating the use of highly enriched uranium. This amendment would add $27 million to the program

and provide for acceleration of efforts to secure highly enriched uranium and other radiological materials. Further, it is our hope that this funding approach will give impetus to the effort to increase the number of HEU reactors being converted to low-enriched uranium.

What is needed is increased priority to this program. If Congress can lead, we would, as President Eisenhower once suggested in another context, be dedicating some of our country's strength ''to serve the needs rather than the fears of mankind.''

Mr. Chairman, I honor the subcommittee chairman. There is a great deal that is worthy in this bill, and I fully intend to support it. But I would hope this modest change in priorities could be looked at sympathetically by this body.

Mr. HOBSON. I understand the gentleman's concern. Let me tell you this. If funds become available along the way, we will take a look at it. I am interested in the program, but I just think we have done an awful lot, probably more than this committee has done in years. Mr. VISCLOSKY has been around longer than I, and Mr. OBEY has always been interested in nonproliferation, Mr. EDWARDS has been interested in nonproliferation, and we have tried to meet those needs by the amounts of moneys we have put in here.

I am sorry this does not meet the gentlemen's needs at this point, but if funds become available along the way and we can find them, we will do that.

But at this point I would have to oppose the gentlemen's amendment but tell them along the way we will try to take a look at it as best we can.

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

Mr. ANDREWS. I simply would like to thank the chairman and the ranking member for the debate and again commend them for the increases they have in these accounts. I just respectfully believe we should do more, and I would ask my colleagues to vote ''yes'' on this bipartisan amendment.

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

□ 1715

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding 40 U.S.C. 14704, and, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $35,472,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $22,260,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), and 382M(b) of said Act, $5,940,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, $7,536,000, to remain available until expended, nothwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses not to exceed $19,000, $808,410,000, to remain available until expended: *Provided*, That of the amount appropriated herein, $40,981,840 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $656,328,000 in fiscal year 2007 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2007 so as to result in a final fiscal year 2007 appropriation estimated at not more than $152,082,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $8,144,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at $7,330,000 in fiscal year 2007 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2007 so as to result in a final fiscal year 2007 appropriation estimated at not more than $814,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,670,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

Mr. HOBSON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 47, line 2, be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

AMENDMENT NO. 4 OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. BARTON of Texas:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act from the Nuclear Waste Fund may be used to carry out the Global Nuclear Energy Partnership program.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. BARTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, $26 billion has been collected from our Nation's electricity consumers to pay for the disposal of spent nuclear fuel in a repository. $8 billion of that $26 billion already has been spent, leaving a balance of $18 billion in Nuclear Waste Fund.

The Department of Energy has not yet proposed to use this fund for the Global Nuclear Energy Partnership, but they do believe that they have the authority under the Nuclear Waste Policy Act subject to appropriations. I strongly disagree with that interpretation.

Consumers have paid for nuclear waste to be disposed of in a repository that should have been opened in 1998, 8 years ago. What they have not paid for is a program to encourage the development of nuclear energy in other countries, and they have not paid for a program to dispose of those other countries' spent fuel.

My amendment would simply prohibit the Department of Energy from looting the Nuclear Waste Fund for the Global Nuclear Energy Partnership, a program that is overly broad, premature and poorly defined. This money should be reserved for its designated purpose.

If DOE wants to encourage the development of nuclear energy, then it is time to focus here at home. It is time to get Yucca Mountain open, so new nuclear plants can be built in our own country.

I would urge my colleagues to support this amendment. It is my understanding that Mr. DINGELL supports the amendment. It is also my understanding that the chairman of the Appropriations subcommittee before us, Mr. HOBSON, supports the amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. HOBSON).

Mr. HOBSON. Mr. Chairman, I support the amendment from the chairman of the Energy and Commerce Committee. As you know, our bill does not use the Nuclear Waste Fund for any activities under the Global Nuclear Energy Partnership. Your amendment is entirely consistent with the views of our committee and its uses of the waste fund, and I encourage Members to support this amendment.

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

The Acting CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Texas (Mr. BARTON).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. BERKLEY

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. BERKLEY:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used by the Office of Civilian Radioactive Waste Management to administer the ''Yucca Mountain Youth Zone'' website.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Nevada (Ms. BERKLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Nevada.

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

Mr. Chairman, I would like to introduce my colleagues and the American people to the newest member of the Bush administration's energy policy team. His name is Yucca Mountain Johnny. He is the star of the Energy Department's Yucca Mountain Youth Zone Web site devoted to brainwashing school children into believing that burying the Nation's nuclear garbage 90 miles from Los Vegas is safe. The Web site features helpful facts on nuclear waste, as well as games and activities to make high level nuclear waste fun.

High level nuclear waste is not fun. It is dangerous, and the Department of Energy should not be using taxpayer money to politicize this issue or to use the DOE Web site designed to attract children as a propaganda tool.

Yucca Mountain Johnny is full of advice for America's youth. Among his witty sayings, he says, ''The worst mistake is never making one.''

Well, Yucca Mountain is a mistake. This Web site is a mistake. Yucca Mountain Johnny, with all due respect, is a mistake, and to promote the proposed Yucca Mountain nuclear waste repository to our Nation's children under the guise of education is a big mistake.

What is next, I ask my colleagues? Will the Department of Health and Human Services recruit Joe Camel to teach our children that smoking and tobacco is good for them? This is no less egregious.

Whether you are pro-Yucca or anti-Yucca, I hope that we are all pro-children. As a parent, I am imploring my colleagues to let us not allow the DOE to use a cartoon character to persuade our children that nuclear waste is safe and good for you. It is not. This is wrong. This Web site is wrong. Yucca Mountain Johnny is very wrong.

My amendment would prohibit the Department of Energy from maintaining a Web site whose purpose is the indoctrination of our children by the nuclear industry, the Department of Energy and other proponents of Yucca Mountain.

I urge my colleagues to support this amendment. I cannot imagine how anybody could think Yucca Mountain Johnny is good for our school children.

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

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. I yield 2 minutes to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I rise in opposition to this amendment also. It is obvious that people can have different opinions about projects, and the gentlelady from Nevada certainly has the right to have a difference of opinion about whether there should be a Yucca Mountain repository at all. I respect her opinion.

Having said that, I don't think there is any question that we should allow the Department of Energy to educate on just what that repository would be if it were in operation. They have put up a Web site for children, and they have got some diagrams and some information on it that is of a very simple nature, but to my knowledge, nobody has questioned the accuracy or truth of what is on the Web site.

So to say we are just not going to allow the Department of Energy to have an educational Web site for the children in Nevada, or any other area that wishes to find out, my guess is that most of the children that access this use it for term papers and papers in their classrooms that they have to do on nuclear power.

So I would hope we would oppose the gentlewoman's amendment and let the Department of Energy continue its educational program. Whether you oppose or support the repository, we should at least want the facts out to our children and adults who wish to use that same Web site about just what exactly it is.

So I oppose the amendment.

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

Mr. Chairman, I would probably not be as upset with Joe Camel, excuse me, Yucca Mountain Johnny, if there was a more balanced approach on this Web site. It doesn't talk about the risks of transporting nuclear waste through 43 States. It doesn't talk about the potential of accidents or being an inviting target for terrorists. It doesn't talk about the fact that Yucca Mountain is in a volcanic and seismic zone area. It doesn't talk about the chronic mismanagement of the project by the DOE. It doesn't talk about what was contained in the e-mails that said they were ''making up the science,'' ''making up the stuff.'' It doesn't say anything about the existence of safer and cheaper alternatives.

What it does do, some of the pithy sayings, and I can't imagine anybody doing a term paper on this one, ''Think safe, be safe.'' ''Change your attitude and you change the world.'' ''Any idea is worth having.'' ''The best sense for safety is common sense.''

Now, quite candidly, I don't know what the schools are like in your State, but in the State of Nevada, that is not term paper material.

So this is just used for the sole purpose, and this cartoon character was created with taxpayer money, taxpayer money, to convince elementary school children that nuclear waste is a good thing. Why would we want to do this? Why would we use one penny of taxpayer money on Yucca Mountain Johnny? Have we nothing better to do with our resources in this Nation?

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

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

Mr. Chairman, I rise in opposition to the amendment. We talked about it, and we are on very different sides of this issue.

One of the reasons I am upset about some other things out here is I don't want to build seven or eight Yucca Mountains, and we differ on that, and I don't want to put perfectly good rods into Yucca Mountain. I want to go through GNEP and some other things. And maybe someday, if we were really lucky, we wouldn't have to put anything there. But I assume that we will probably have to do some things, certainly with the Naval reactor stuff.

But I think education is one of the most important things we can do. I think one of the things we ought to work on is maybe we need to look at this Web site and have some other types of things and some more balance to it. I happen to think that the best cure for fear is knowledge, and I don't happen to agree with some of the things that you are causing fear about what is going on at Yucca Mountain, and we may disagree about that.

But if we could have a more balanced approach, I still think Yucca Mountain Johnny may have a place in teaching kids. We may differ on where that place is. But I think, in the long run, education, good education is a way to go. So I would encourage the gentlelady to try to work with us and maybe with the Department to get a better and less cutesy sort of thing going and educating people, especially young people, about Yucca Mountain and the responsible use of green fuel in this country.

Ms. BERKLEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I don't believe I said anything about fear. This is not about fear or creating fear. This is about using taxpayer dollars for a cartoon character when we have better things to do with our money.

It doesn't matter to me if you are pro-Yucca or anti-Yucca, this is not a good expenditure of our taxpayers' dollars, and we shouldn't be using our children as propaganda tools. This is not Communist Russia. The last time I looked, this is the United States of America.

If you will let me redesign this Web site, I might be a little bit more interested in Yucca Mountain Johnny. Right now, just his name is an offense to the people of the State of Nevada.

The Acting CHAIRMAN. The time of the gentlelady has expired.

Mr. HOBSON. Mr. Chairman, I urge a ''no'' vote on the amendment, and I yield back the balance of my time.

□ 1730

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Nevada (Ms. BERKLEY).

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

Ms. BERKLEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Nevada will be postponed.

AMENDMENT OFFERED BY MR. MARKEY

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used to carry out subtitle J of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16371 et seq.).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

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

Mr. Chairman, believe it or not, in this budget there is $50 million to help the oil industry figure out how to do ultra-deep drilling for oil.

Now, the Republicans here in Congress do this despite the fact that President Bush says this on the program, ''I will tell you, with $55-a-barrel oil, we do not need incentives to oil and gas companies to explore.''

It is now $70 a barrel. The President has asked us to take out the money. It is ultimately a $500 million 10-year project. The only ultra-deep drilling that is going on here is in the pockets of American taxpayers by oil companies which have reported $110 billion worth of profit in the last year.

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

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition to the Markey amendment.

This Ultra-Deep Program was authorized by the Energy Policy Act last summer, had bipartisan support. The Ultra-Deep is a research program that universities and independents and various national laboratories would participate in. This is to try to find the technology to allow us to go into waters primarily in the Gulf of Mexico, very deep waters, to develop the technology so that we can go in and drill in an environmentally safe fashion and recover what are estimated to be almost 4 trillion cubic feet of natural gas and almost 1 billion barrels of oil.

It is primarily a research program. It is authorized at $50 million for 10 years, or a total of $500 million. This money would go to universities like the University of Texas, Texas A&M, in my great State, Massachusetts Institute of Technology in Massachusetts, in consortium with our national laboratories and the smaller independent oil and gas companies to develop technology in an environmentally safe fashion to develop those necessary resources for our energy future.

Mr. Chairman, I oppose the Markey amendment.

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

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

Mr. Chairman, I would like to read to the Members who are paying attention what President Bush has said to us this year, just a couple of months ago. Here is what he says. He says, ''In the 2007 budget, we recommend repealing provisions of the Energy Policy Act for a new mandatory $50 million per year oil and gas R&D program funded with Federal revenues from oil and gas leases which would be similar to the discretionary programs proposed for termination. Industry has the incentives and the resources to do such research and development on its own.''

That is from President Bush and Dick Cheney to us on the floor.

We do not need this $500 million program. Mom and pop companies do not go out into deep water. The companies that are going out there are ExxonMobil, BP, Chevron, Conoco, Marathon. We do not have to subsidize these oil companies. They are already tipping the American consumer upside down and shaking money out of their pockets at the pump every single day.

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

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Chairman, I rise in opposition, of course, to the Markey amendment that would repeal funding for DOE's administration of the Ultra-Deep Water and Unconventional Natural Gas Program.

Mr. MARKEY is just absolutely dead wrong when he describes this ultra-deep is a program for big energy, big energy companies, ExxonMobil and all of those. Actually, ExxonMobil is not even a member of the consortium that was selected to oversee the Ultra-Deep Program.

To call a Federal R&D program a subsidy is like calling public education a social giveaway. The Ultra-Deep Program is about American energy for the

American people, for the American young people, young people that will have to fight a war if we do not have energy for them. Countries will fight for energy. This country will fight for energy.

We do not have to, because 55 years of natural gas awaits us in the gulf. But we have to have this amendment to get it. The Ultra-Deep Program is about American energy. Nineteen of the 84 members of the consortium are universities, not Big Oil.

If Mr. MARKEY looks closely enough, he will find that one of those universities is his own Massachusetts Institute of Technology. Even more than the universities, the American people are beneficiaries of the Ultra-Deep Program.

First, the American people benefit because the intellectual property developed from the Ultra-Deep Program will belong to all of the American people, not any one company and not Big Oil.

Second, the American people will benefit because it helps get the country off foreign sources of oil and gas. The Energy Information Administration estimates that the Ultra-Deep Program will increase our domestic oil production by 50 million barrels of oil and 3.8 million cubic feet of natural gas.

Big Oil left us and went to produce in countries like Venezuela and Nigeria. The businesses that will be able to use the ultra-deep technologies are the little independent oil and gas companies that do not have the funds for huge R&D programs, not Big Oil.

It seems to be a little-known fact to Mr. MARKEY that these little independents are the companies that produce 68 percent of the net domestic oil and 82 percent of the domestic natural gas, not Big Oil. We need to help these producers get more.

Lastly, I want to emphasize that the Ultra-Deep Program is one of the few R&D programs that pays for itself. The money for the Ultra-Deep Program comes from royalty revenue that the oil and gas companies have to pay for it.

The energy is there. We know that. We have studies that show it is there. With this program, we can get it up.

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

Mr. Chairman, you know, I am like a referee at an intramural Republican fight here. And so I am just trying to ref it so that you can understand what is going on.

The President and the Vice President have asked for this huge subsidy to huge oil companies to be taken out. He is kind of being a free marketeer here. Well, the Republican leadership here is saying, no, we want to give another half a billion dollars to companies that are now charging $3 a gallon for gasoline, made $114 billion last year and, in the President's own words, do not need this subsidy.

So it is free marketeers versus subsidizers, but it is an intramural slaughter inside the Republican Party. And which of the companies are going to be the beneficiaries in this partnership to secure energy for America? The names are Chevron, Halliburton, BP, Marathon Oil, Kerr-McGee and others.

And this is DICK CHENEY and George Bush saying take the money out. But yet they continue to commit to these subsidies from the taxpayer even as the companies report huge profits.

Mrs. EMERSON. How much time do we have remaining on our side?

The Acting CHAIRMAN. Without objection, the gentlewoman from Missouri will control the time originally claimed by the gentleman from Ohio.

There was no objection.

The Acting CHAIRMAN. The gentlewoman from Missouri has 2 minutes remaining.

Mrs. EMERSON. Mr. Chairman, I yield such time as he may consume to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Chairman, it is interesting to listen to the discussion by the gentleman from Massachusetts describing himself as a referee.

Now he was showing the American taxpayer held by their feet shaking the money out of their pockets. The truth is that this program is actually funded by revenue from taxes on oil and gas production, and that is it.

So, first of all, the money for the program comes directly from oil and gas companies. But then the big beneficiary is, the money that is being poured into the pockets of the taxpayers, $15 million was used previously by universities to study coal bed methane gas. This last year, 2005, $327 million came into the budget from that $15 million dollar budget, and every year we are increasing the production of coal bed methane gas.

The beneficiaries are not Texaco, Chevron. They are not ExxonMobil. The beneficiaries are MIT, Stanford, Penn State, and a whole plethora of other research institutions.

This makes sense to lower the costs of energy to our American consumers. One party is in favor of that. The referee stands here trying to block the American people from having lower energy prices. That is a very simple fight to referee, my friend.

Mr. Chairman, I oppose the amendment.

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

Mr. Chairman, I am so sorry that President Bush cannot be here on the House floor, but under separation of power, he just cannot be here.

I would just like to reference for the Republicans on this side what the President has said on this issue. ''I will tell you, with $55-a-barrel oil, we do not need incentives for oil and gas companies to explore.''

That is President Bush talking to the Republicans in Congress.

You do not have to tell me that. I already believed that. But he is on my side of the debate now.

So the point that we are making is quite clear that, yes, the money comes from the oil companies, but the money comes from oil companies because they have to pay the public for the leases on public land. So the public gets the money.

But then what this bill does is then it takes the money back out of the taxpayers' pockets and it hands it back over to the oil companies who have already been in the other pocket of the consumer, tipping them upside down and taking it out of $3 a gallon.

So this is basically the bonus for one oil executive for a couple of years. I mean, that is where they can get the money from if this is such a valuable project.

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

Mr. HOBSON. Mr. Chairman, I have no additional speakers at this time and yield back the balance of my time.

Mr. MARKEY. Mr. Chairman, in conclusion, this amendment is nothing more nor less than an attempt to be fair to the American taxpayer. They are howling at the pumps. They feel like they are getting stuck up at the gas stations. They are paying too much. They are being ripped off.

And this just adds insult to energy by having the oil companies then come to Congress and saying, now you do the research for us. You pay us to go out and drill for more oil. We will then charge you $3.50, $4 a gallon for it. It just makes no sense.

President Bush and DICK CHENEY want this amendment to pass. Vote ''aye'' on the Markey amendment.

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

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

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

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT OFFERED BY MR. VISCLOSKY

Mr. VISCLOSKY. Mr. Chairman, as the designee of the gentleman from Tennessee (Mr. GORDON) I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VISCLOSKY:

At the end of the bill, before the short title, insert the following new section:

SEC. 503. None of the funds made available by this Act shall be used in contravention of the Federal buildings performance and reporting requirements of Executive Order 13123, part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.), or subtitle A of title I of the Energy Policy Act of 2005 (including the amendments made thereby).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Indiana (Mr. VISCLOSKY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

□ 1745

Mr. VISCLOSKY. Mr. Chairman, I would ask unanimous consent that Mr. GORDON's entire statement be entered into the CONGRESSIONAL RECORD.

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

There was no objection.

Mr. VISCLOSKY. I would yield a portion of my time to the chairman of the committee.

Mr. HOBSON. Mr. Chairman, I support the amendment that is being offered by Mr. GORDON.

Mr. VISCLOSKY. I appreciate the chairman's observation.

Mr. GORDON. Mr. Chairman, despite the high cost of energy and existing laws enforcing conservation, Federal agencies still do not give energy efficiency a priority and continually fall short of meeting their requirements.

Our estimates are that the Federal Government wasted almost half a billion dollars in the last 2 years by not meeting its requirements—or roughly equivalent to 8,200 barrels of oil every day—a total of 6 million barrels over the last 2 years.

This happens because the laws already on the books are not taken seriously enough. The National Energy Conservation Policy Act—NECPA, last year's Energy Bill—EPACT, and a related Executive order all clearly state that agencies shall meet aggressive but reasonable energy efficiency goals and standards and to prepare reports to the Department of Energy, the Office of Management and Budget, and the Congress and on the agencies' performance. Yet the Federal regulations that govern new building construction are 17 years out of date and the reports reach the Congress months or years after the data is available.

The amendment I am offering today would increase the incentive for agencies receiving appropriations under the Agriculture appropriations bill to comply with the law by tying Federal buildings performance to appropriations.

This amendment simply states that none of the funds made available by this act shall be used in contravention of Federal buildings performance requirements. Therefore, agencies must adhere to existing law when constructing, leasing or refurbishing any building with money appropriated under this act.

These relatively simple steps in designing new buildings in conformance with current law, measuring building performance, and procurement of energy efficient products will contribute to substantial energy savings in the Federal sector—lessons that have already been learned outside the Federal Government.

Increased energy conservation in the Federal sector means cleaner air, cleaner water, and in a time of soaring energy costs, keeping money in taxpayers' pockets.

How can we expect consumers and industry to make sacrifices and commit to energy conservation when the Federal Government fails to make it a priority for itself?

Mr. Chairman, I urge adoption of the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. VISCLOSKY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KING of Iowa:

Page 47, after line 2, insert the following:

SEC. 503. None of the funds made available in this Act may be used for the Corps of Engineers to implement the Spring Rise, also known as the bimodal spring pulse releases, on the Missouri River.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment that I bring before the House today deals with the Missouri River and the flows on the Missouri River that are controlled by the Corps of Engineers in a series of dams that start at Gavins Point Dam in southeast South Dakota and move clear on up into Montana.

It has been a struggle along this river for the last several years because there has been a drought upstream for the last 7 to 8 years. And the struggle over the water is something that many people, at least west of Mississippi, are familiar with.

This is centered upon an endangered species, an endangered species called the pallid sturgeon. Fish and Wildlife and a number of environmental groups working in conjunction with the Corps of Engineers have come up with this grand experiment. It is this experiment that the idea that the natural spawning of the pallid sturgeon could be enhanced if they created a manmade flood, a ''spring rise'' as they call it.

Now, there is not a basis in science for this that we identify, and we have had some hearings on it. It is the belief that if you have the water come up in the spring, that it somehow triggers a spawning cue, but in fact, rather than emptying the dams out upstream and starving the reservoirs up there of water and flushing out the river and flooding our farmers in especially southwest Iowa and down into Missouri, we have also had those similar circumstances that have taken place repeatedly naturally because of the tributaries that produce this spring rise.

So there is not a basis in science for it, and my amendment removes any funding to be used to create a spring rise until such time as there would be a sound science to establish that.

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

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

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

This amendment reduces the funding for the O and M account. This account is already a backlog of critical activities to ensure the safety and operation of existing programs. The amendment places our water resources infrastructure at further risk, and I oppose the amendment and encourage my colleagues to vote ''no'' on this amendment.

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

Mr. KING of Iowa. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I make the point that this is of critical economic interest to the Missouri River bottoms all the way from Sioux City, Iowa, clear on down to St. Louis, particularly the people on the Missouri side. When we have a manmade flood, there is not crop insurance that will protect for a manmade flood. And yet we have a government-induced manmade flood that is being created as an environmental experiment, and that environmental experiment is just that, an experiment. And so I seek to protect our producers.

The reason that the project was put in place is so that we could have flood protection, navigation and open up the economy.

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

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

I misspoke a little earlier on this amendment. And I will issue a statement correcting the first part that I misspoke before.

This activity is part of a biological opinion under the Endangered Species Act. It is not appropriate to legislate this activity on the energy and water development bill.

I would really prefer that my colleague would withdraw the amendment. Failing that, I would oppose the amendment and ask my colleagues to vote ''no.''

This is not the appropriate forum for this piece of legislation. I understand the gentleman's concern.

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

Mr. KING of Iowa. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Iowa has 2 minutes remaining.

Mr. KING of Iowa. Mr. Chairman, I yield myself the balance of my time.

I want to thank the chairman for his work on this overall bill and his interest on a broad variety of issues all across this country and his cooperation that I have enjoyed and appreciated the years I have served in this Congress.

I am sensitive to the chairman's judgment on this issue because he has to look at the Nation as a whole, and I have to represent my district. And that is our issue that is here. It is not really even a philosophical disagreement. I take the opportunity to present this species. I happen to have probably the only one in Washington, D.C., a pallid sturgeon in captivity. Actually, it is legal in my possession. I want to pass this down to the chairman for his observation at a convenient point if I could.

I want to make a closing point that when we let ideas that are not sound science dictate the economy in this country, especially when we have the billions of dollars invested for those reasons in the Missouri drainage area as I said, that is for flood control and also for barge freight and then for the economy on up the river. And the last reason is the one that they are using to date, the belief that we can flood the river and flood the backwaters, and that is the spawning areas. And then we can have another flood and go out and round them back up again, even though those circumstances have been established there in nature, and it does not pay for us then to make a false flood to try to emulate what has already happened in nature, believing that something different is going to happen, the spawning has not taken place.

I would point out that we do have hatcheries up and down the river. I visited one of those hatcheries, which is where this sample species came from, and in those hatcheries, we were able to take 250,000 eggs and fertilize those eggs and have a 95 percent success rate of releasing live and healthy pallid sturgeons into the river. And we are very close to producing the second generation. We have made a lot of progress. And I think we are going to be able to save this species, and we can save the endangered species which is the river bottom farmer if we use good judgment.

Mr. GRAVES. Mr. Chairman, I rise in strong support of Mr. KING's amendment.

As many of you know, earlier this month the Army Corps of Engineers decided to move forward with a spring rise on the Missouri River. I continue to remain strongly opposed to this policy because it significantly raises the chances of something adverse happening to the over 1 million Missourians that live along the river's flood plain.

Mr. Chairman, the spring rise is a huge gamble. We are gambling with the livelihoods of all the farmers, landowners, homeowners, and merchants along the river. All for what? To maybe trigger the spawning patterns of the pallid sturgeon. This is a risky science experiment to me, and I will continue to fight against this and future spring rises.

It's the farmer that we need to protect. I wish to remind this body how important farmers are to us three times a day when we eat. A spring rise substantially increases the chances of down river flooding and we cannot risk that potential damage to our agricultural community. Farmers play a critical role in America and to the countless countries that rely on them to feed their populations. We must protect our farmers and their livelihoods before we consider this unfounded experiment.

Mr. Chairman, I rise in support of this amendment and encourage its passage.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was rejected.

AMENDMENT OFFERED BY MR. STUPAK

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STUPAK:

Page 47, after line 2, insert the following:

SEC. 503. None of the funds made available in this Act may be used to implement a policy, proposed on pages V–5 and V–6 of the US Army Corps of Engineers Civil Works Direct Program: Program Development Guidance for Fiscal Year 2007 (Circular No. 11–2–187), to use or consider the amount of tonnage of goods that pass through a harbor to determine if a harbor is high-use.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. STUPAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

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

Mr. Chairman, beginning in fiscal year 2005, the United States Army Corps of Engineers and the Office of Management and Budget began implementing new guidelines for including in their budget for operation and maintenance dredging of commercial harbors. Unfortunately, this new policy significantly limits dredging of harbors in rural communities including several communities in my northern Michigan district.

In fiscal year 2006, the corps excluded harbors that moved less than a million tons of cargo each year. For fiscal year 2007, the corps is using a similar tonnage base standard, requiring that dredging projects cost less than $2 per ton of product moved annually.

By using a standard based on tonnage, harbors that do not move a large amount of tonnage but are still important to the economic success of rural areas are excluded from the President's budget. As a result, a number of routine Army Corps harbor dredging projects across the country will not be carried out.

In fiscal year 2006, there were 293 harbors in the United States classified as low use. These harbors were not included in the corps budget, even though they have been in previous years, simply because of this unfair budget standard; 293 communities are impacted by this devastating new policy. An example of how this policy affects communities in my district, Ontonagan, Michigan, residents were taken by surprise when last year, for the first time in many years, the harbor was not included in the President's budget. Not dredging this harbor will have significant effect on the future of our paper company, Smurfit-Stone Container Corporation, which relies on the harbor for coal and limestone deliveries. White pine power, a revitalized coal plant that depends on the harbor for coal deliveries for power generation in an area that is underserved with electricity will also be jeopardized.

In addition, annual dredging helps prevent flooding in Ontonagon, helping to prevent the devastating private property loss and damage.

While this port does not meet the corps' new standard, dredging plays an essential role in preserving the economy, electric generation and protecting this community; 293 communities in the United States have similar concerns.

This policy is not just detrimental to these rural communities. In setting this policy, the corps also disregards the fact that approximately two-thirds of all shipping in the United States either starts or finishes at small ports. By ignoring the needs of these communities, the corps is also significantly harming the Nation's economy.

The House is on record that the corps' neglect of our rural harbors is unwise and unreasonable. During consideration of the Water Resources Development Act last July, my amendment to require the corps to fund harbor dredging projects based on standards used in fiscal year 2004 was included in the WRDA bill. While the WRDA bill is unfortunately being held up in the Senate, this policy continues to threaten the economies of those cities that depend on these ports.

Therefore, if I may enter into a brief colloquy with the chairman, does the chairman of the subcommittee share

my concerns that the corps' new dredging policy is misguided and harms our rural economies?

Mr. Chairman, I yield to the gentleman from Ohio.

Mr. HOBSON. Yes, generally, I do.

Mr. STUPAK. Reclaiming my time, with that regard I will be withdrawing my amendment. I would also thank both the chairman, Mr. HOBSON, and the ranking member, Mr. VISCLOSKY, for their support on this issue. Hopefully, we will be able to pass a WRDA bill and go to conference and have it pass this year so the language that we are looking for will be included. I look forward to working with the committee and these gentlemen on this issue.

Mr. Chairman, I yield to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman yielding. The gentleman from Michigan is correct to bring this issue up. The regulations that determine dredging in the Great Lakes need to be updated and reflect the true economic value that they produce.

The Great Lakes are the fourth sea coast of this Nation and home to the U.S. Flag fleet and the Canadian Flag fleet. In addition, dozens of international vessels regularly travel through the Great Lakes, visiting port communities along the way. These vessels team up to haul upwards of 125 million tons of cargo during a typical 10-month shipping season. That is almost a half of ton for every person in the United States of America. I truly thank the gentleman for highlighting this inequity and certainly assure him that we will continue to work closely with the chairman to rectify this problem.

Mr. STUPAK. Mr. Chairman, I ask unanimous consent to withdraw my amendment based upon the colloquy and comments here today.

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

There was no objection.

AMENDMENT OFFERED BY MR. BISHOP OF NEW YORK

Mr. BISHOP of New York. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BISHOP of New York:

At the end of the bill, before the short title, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used by the Federal Energy Regulatory Commission to review the application for the Broadwater Energy proposal, dockets CP06–54–000, CP06–55–000, and CP06–56–000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. BISHOP of New York. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, first, let me start by thanking my colleague and friend from Connecticut, Ms. DELAURO, for co-sponsoring this amendment and for her leadership in the effort to protect the splendor of Long Island Sound.

Our amendment limits the use of any funds appropriated in this bill for use by the Federal Energy Regulatory Commission to review the pending application for the placement of a floating storage and regasification unit known as Broadwater in the middle of Long Island Sound, an area that was designated by the Environmental Protection Agency as an estuary of national significance.

□ 1800

To be clear, the amendment does not block any other pending application before the FERC relating to the placement of onshore and offshore liquefied natural gas projects around the country. Rather, it is intended to protect the splendor of Long Island Sound as we expand our energy independence.

Like my colleagues on both sides of the aisle, I believe that it is in the best interest of our Nation to develop new and innovative technologies, expand refining capacity and increase the supply of natural gas. However, we must strike a responsible balance between expanding the supply of energy and protecting the environment.

Long Island Sound has benefited from hundreds of millions of dollars invested by the Federal Government, the States of New York and Connecticut, as well as local towns and municipalities fighting to curb hypoxia, brown tide and other destructive pollutants which decimated our fishing and shell fishing industries and set back the regional economies.

Today, Long Island Sound generates $5 billion annually for the regional economy from commercial and pleasure boating, commercial and sport fishing and other forms of tourism. It should be easy to understand why it is imperative to preserve this flourishing economy and the splendor of its environment for the benefit of over 10 million people who live within the Long Island Sound watershed alone.

Placing a floating terminal in this location threatens to jeopardize its precious ecosystem, the regional economy and the delicate balance between environmental preservation and energy independence that we have worked so hard to achieve.

Mr. Chairman, my amendment is not intended to weaken the case for expanding our supply of natural gas. My amendment is about making sure that we don't lose sight of our environmental goals or allow preservation and conservation to take a back seat in the rush to formulate a more effective and less expensive energy policy.

I ask my colleagues on both sides of the aisle to support this amendment and work with me to make sure that we satisfy our energy needs while preserving the integrity of our natural resources.

Let me close by thanking Chairman HOBSON for his continued support for Brookhaven National Laboratory, which is in my district. Thanks to his continued support and leadership, along with the ranking member, the scientific research funded in this bill will go a long way to advance our Nation's technological edge and competitiveness.

I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN (Mr. MCHUGH). The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. I thank the gentleman.

Mr. Chairman, I rise in the strongest possible opposition to this amendment. The Energy Policy Act that we voted on in a bipartisan fashion last summer on this very floor changed the way that we have to permit our liquefied natural gas facilities and has given the Federal Energy Regulatory Commission the authority, working with the States, to have the say in where to put these LNG facilities.

This particular facility is a facility that would be located in the Northeast, offshore, in a remote area. It is the only proposal of its type that is currently before the Federal Energy Regulatory Commission. If we adopt this amendment, it would preclude the FERC from even reviewing the application.

Now, the Northeast part of the United States needs energy. This particular facility, if permitted and if operated and if operated to maximum capacity, could supply up to 25 percent of the entire needs of the Northeastern United States in terms of their natural gas usage.

To adopt this amendment right now simply says to that part of the country, We don't want any more energy.

Mr. MARKEY of Massachusetts offered an amendment in committee to the bill, the energy bill that is now the law that says LNG facilities have to be located in remote areas. This facility would be located offshore in a remote area. If we are going to say no to this, we just might as well say we don't want any more facilities in the Northeast. I don't know how they are going to get energy, but if they can't get it from LNG and they can't get it from pipelines and they can't it from drilling and they can't get it from any other area, how are they going to get it?

I strongly oppose this amendment. Let's at least let the FERC review the application. If they decide that it shouldn't be permitted, so be it. But let's at least let them look at the application.

Mr. BISHOP of New York. May I inquire as to how much time I have left?

The Acting CHAIRMAN. The gentleman from New York has 2 minutes remaining.

Mr. BISHOP of New York. If I may quickly respond to my friend from Texas. He characterizes the Long Island Sound as a remote area. That is incorrect. There are approximately 10 million people who live within a 50-mile radius of the Long Island Sound. I don't think that would fall within any reasonable description of a remote area.

Secondly, the Energy Policy Act which my friend from Texas cites strips local government of the right to have a say in whether or not we site facilities of this type within areas. This is an effort on our part to assert some local control. Every elected official on both sides of the aisle that has responsibility for this region opposes this facility, as does the vast majority of the population.

With that, I would like to yield the balance of my time to my friend from Connecticut, Congresswoman DELAURO.

The Acting CHAIRMAN. The gentlewoman from Connecticut is recognized for 1 minute.

Ms. DELAURO. I thank the gentleman and applaud his leadership.

Remote areas, 11 miles off the coast of Connecticut, 9 miles off the coast of New York. The LNG Broadwater facility, actually, the proposal, is a vessel roughly the size of the Queen Mary. One week after passing the interior bill which dedicated $1.8 million to cleaning up the Long Island Sound, we are now going to place this vessel in the Long Island Sound. Also, a 25-mile pipeline through the middle of what is prime ground for lobstering and for fishing. Further, the entrance to the sound might need to be temporarily closed when the LNG shipments arrive every few days, disrupting all other commerce that uses that passage.

We are going to ask the Coast Guard to enforce the zone. They are already stretched thin, but they are going to have to patrol the LNG site, which will pose a new security risk.

I will conclude by saying to you that we voted to protect the Long Island Sound and, without this amendment, who knows what other estuaries of national significance will be at risk of becoming our next industrial zone.

Support the Bishop amendment.

The Acting CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HOBSON. May I inquire how much time I have remaining?

The Acting CHAIRMAN. The gentleman from Ohio has 3 minutes remaining.

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

I want to thank the gentleman from New York (Mr. BISHOP) for his nice comments, but, unfortunately, I have to oppose his amendment at this time.

This amendment, the problem that I have, and I understand your concern, but this would preclude FERC from going forward with its review of the Broadwater Liquefied Natural Gas project on Long Island. This proposed project is the only floating storage and regasification unit that is pending before the commission. This amendment undos the Natural Gas Act for orderly review and decision-making process for energy infrastructure and limits energy development efforts. Further, the amendment restricts the ability of any company to use a fairly novel technological approach to siting LNG away from populated areas.

I understand that 9 miles to you is not very far and 11 miles is not far to you. But I think that is what we have this system for, is to allow the system to be fairly looked at and make a determination if they agree. Frankly, all FERC authorizations are still subject to judicial review.

I understand the concerns that people have here. There is always the NIMB effect in everything as we look around, and I understand that. But I think the best course of action is allow FERC to consider the application and consider public comments, issue the orders that are best in the public interest, and if people disagree with that, there are still courses open to them. But to start this sort of process in this bill, I think, is inappropriate.

I would have to oppose the amendment at this time.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BISHOP).

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

Mr. BISHOP of New York. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

Mr. HOBSON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATHAM) having assumed the chair, Mr. MCHUGH, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, had come to no resolution thereon.

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. 5037. An act to amend title's 38 and 18, United States Code, to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5429, AMERICAN-MADE ENERGY AND GOOD JOBS ACT

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109–480) on the resolution (H. Res. 835) providing for consideration of the bill (H.R. 5429) to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5441, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109–481) on the resolution (H. Res. 836) providing for consideration of the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 832 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5427.

□ 1812

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the

further consideration of the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, with Mr. MCHUGH (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment by the gentleman from New York (Mr. BISHOP) had been postponed and the bill had been read through page 47, line 2.

AMENDMENT OFFERED BY MR. LYNCH

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LYNCH:

Page 47, after line 2, insert the following:

SEC. 503. (a) The Secretary of Energy, in cooperation with appropriate public and private entities, shall develop a plan to respond to potential disruptions in worldwide oil and natural gas production. Such plan shall include—

(1) identifying and assessing all threats to current oil and natural gas supplies that would result in a disruption of greater than 5 percent of the current oil and gas supply;

(2) formulating contingencies for acquiring, diverting, or reallocating available oil and gas supplies to mitigate disruptions to United States security and economic stability; and

(3) formulating a plan for allocating available resources in the event that rationing becomes necessary.

(b)(1) Within 90 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Energy and Natural Resources and the House of Representatives Committee on Energy and Commerce a report containing the assessment and prioritized recommendations required by subsection (a) and an estimate of the cost to implement such recommendations.

(2) The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. LYNCH) and a Member opposed each will control 5 minutes.

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

The Acting CHAIRMAN. The gentleman reserves a point of order.

The Chair recognizes the gentleman from Massachusetts.

Mr. LYNCH. Thank you, Mr. Chairman.

Mr. Chairman, my amendment simply asks that the Energy Department develop a plan to respond to potential disruptions in worldwide oil and natural gas production and distribution.

Throughout the last year, we have witnessed a 38 percent spike in the price of crude oil and concurrently a sharp rise in the average cost of gasoline to American families, reaching over $3 a gallon. In recent weeks, crude oil prices have risen to over $70 a barrel.

Among the chief factors that have been cited in the cause of the recent spike has been increased worldwide consumption and demand as countries such as China and India have experienced significant economic growth. China alone over the past 4 years is responsible for 40 percent of new demand around the globe.

However, it is the United States that remains the world's leading oil consumer, consuming over 20 million barrels a day, while producing only about 7 million barrels a day. Notably, our high oil consumption, coupled with the weakened reserve position, means that the United States for the most part will continue to rely on world markets for its crude oil supply. Currently, 70 percent of U.S. oil consumption is projected to be satisfied by imports of crude oil and petroleum products by the year 2025.

□ 1815

Regrettably, our growing dependence on foreign oil not only poses a substantial risk to our economic security but may also serve to compromise the effectiveness of American foreign policy, as high domestic demand leaves the United States susceptible to the threat of hostile oil-related political reactions by foreign governments in oil-producing countries.

Iran, for example, is the second largest producer within OPEC and has repeatedly issued thinly veiled supply interruption threats in response to our efforts to curb that country's uranium enrichment program. In Venezuela, President Hugo Chavez, whose country is the United States' fifth largest source of crude imports, has asserted the possibility of retaliatory actions stemming from his opposition to U.S. policy.

It is clear that our overall economy is severely impacted by the spikes in crude oil and the prices of gasoline. The growing uncertainty of the oil reserves available to the United States is also greatly called into question. As long as we as a Nation continue our addiction to foreign oil, we will be beholden to the actions of these rogue states.

Last week, in a Government Reform Subcommittee, we heard the Under Secretary of Energy say that in the event of any disruption of any of these major players around the globe that supply us with oil and natural gas, we would have to immediately go to the U.S. Strategic Petroleum Reserve to satisfy any shortage. That is not a good long-term solution.

We have had threats in the past. We had Arab oil embargoes in this country back in 1973, and we had a plan in place to deal with that shortage. Right now, according to the Secretary of the Energy Department, we have no surplus reserves. We have no untapped reserves in the event of a shortage.

This amendment would call on the Energy Department to develop such a plan to deal with these contingencies, to deal with reallocations and to deal with the crisis that would develop in the event that any of these countries discontinued their supply of oil to the United States.

Mr. Chairman, I realize that you can only do so much in any one bill, and I thank the chairman and the ranking member for all their good work on this bill, but this is something that needs to happen, and I just ask the chairman and the ranking member to work with me to force the Department of Energy to develop this plan.

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

POINT OF ORDER

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

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

The amendment gives affirmative direction, in effect, and, therefore, is legislation on an appropriations bill.

I ask for a ruling of the Chair.

The Acting CHAIRMAN (Mr. MCHUGH). The gentleman makes a point of order against the amendment.

Does any Member wish to be heard on the point of order?

Mr. LYNCH. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. The gentleman asks unanimous consent to withdraw his amendment.

Hearing no objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. ENGEL

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ENGEL:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used in contravention of section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. ENGEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

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

I will be brief and submit most of my statement for the record, but essentially this is the same language that was adopted yesterday on the agriculture appropriations bill.

Basically, it is a reminder to the agencies that Congress has created and that Congress continues to fund that they need to follow the laws that Congress enacts. A law was enacted in 1992 which stated that, by 1999, 75 percent of the new vehicles acquired must be alternative-fuel vehicles. We aren't even close to 75 percent.

So this is something that I believe that all Departments should do. The Department of Energy purchased 1,724 cars last year, of which 927 were gasoline powered, meaning that 47 percent were alternative. That is nowhere near the 75 percent.

Again, I will submit most of this for the RECORD, but my amendment would mandate they essentially follow congressional law and get the purchase of alternative-fuel vehicles up to 75 percent.

Mr. Chairman, President Bush was right to say we are addicted to oil. But now we in Congress need to take action. We need to take this action because it is in the interest of our national security.

We need bold action to end this addiction. We need ethanol—not as an additive but as a full fledged alternative.

I believe we need to get a more flexible fuel vehicle on the road. And, I believe we should use the purchasing power of the Federal Government to pursue this.

Now some may not like the Federal Government interfering in markets. To this I would respond, this is about national security and that is the Federal Government's responsibility. And with the war on terror, we must look at all options—not just putting our military overseas but what we can do right here at home.

Some might not like the Federal Government interfering with consumer's choices. To this I would respond that the U.S. Government is the largest consumer of goods and services on the planet. And to meet our responsibility to protect the American people, we have to take this step toward weaning ourselves from foreign oil.

Furthermore, Congress has already spoken on this issue, however the Administrations—both Democratic and Republican Administrations—have failed to comply.

Let's take this first step and use the Federal Government's purchasing power to make alternative fuels a reality.

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

Mr. HOBSON. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. I will accept the time and will just say that I accept the gentleman's amendment and, therefore, yield back any time that I may have.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ENGEL).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. DEAL of Georgia.

Amendment by Mr. MARKEY of Massachusetts.

Amendment by Ms. DELAURO of Connecticut.

Amendment by Mr. ANDREWS of New Jersey.

Amendment by Ms. BERKLEY of Nevada.

Amendment by Mr. MARKEY of Massachusetts.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. DEAL OF GEORGIA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. DEAL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 216, noes—201, answered ''present'' 6, not voting 9, as follows:

[Roll No. 196]

AYES—216

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boehner
Bono
Boren
Boswell
Boustany
Bradley (NH)
Brady (PA)
Burgess
Butterfield
Buyer
Calvert
Capito
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Clay
Cleaver
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Crowley
Culberson
Cummings
Davis (CA)
Davis (IL)
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Dingell
Drake
Duncan
Emanuel
English (PA)
Eshoo
Fattah
Ford
Foxx
Frank (MA)
Franks (AZ)
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Gonzalez
Gordon
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Hart
Hastings (WA)
Hayworth
Hensarling
Higgins
Hinchey
Hoekstra
Holden
Honda
Hooley
Hoyer
Hyde
Inglis (SC)
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kingston
Kirk
Kline
Kolbe
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHenry
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, Gary
Miller, George
Moore (WI)
Murphy
Myrick
Neugebauer
Norwood
Oberstar
Obey
Olver
Pascrell
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reichert
Renzi
Rogers (MI)
Rohrabacher
Rothman
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sanders
Schakowsky
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Sullivan
Tancredo
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Upton
Van Hollen
Velázquez
Wamp
Watson
Watt
Waxman
Weiner
Westmoreland
Wicker
Wilson (SC)
Woolsey
Wu
Young (AK)

NOES—201

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Bean
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (UT)
Blunt
Boehlert
Bonilla
Bonner
Boozman
Boucher
Boyd
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capps
Carter
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cramer
Crenshaw
Cubin
Cuellar
Davis (AL)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Dreier
Edwards
Ehlers
Emerson
Engel
Etheridge
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Frelinghuysen
Gallegly
Gibbons
Gilchrest
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Harman
Harris
Hastings (FL)
Hefley
Herger
Herseth
Hinojosa
Hobson
Holt
Hostettler
Hulshof
Hunter
Inslee
Istook
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Kaptur
Keller
Kelly
King (NY)
Knollenberg
Kuhl (NY)
LaHood
LaTourette
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Matsui
McCarthy
McCotter
McCrery
McHugh
McIntyre
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pastor
Paul
Pearce
Pombo
Pomeroy
Porter
Putnam
Radanovich
Rahall
Regula
Rehberg
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ryun (KS)

Sabo
Sánchez, Linda T.
Saxton
Schiff
Schmidt
Schwartz (PA)
Sensenbrenner
Shaw
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Stearns
Stupak
Sweeney
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Young (FL)

ANSWERED ''PRESENT''—6

Davis (KY)
DeGette
Filner
Hayes
Jenkins
Kucinich

NOT VOTING—9

Evans
Fitzpatrick (PA)
Gerlach
Kennedy (MN)
Kennedy (RI)
Linder
Skelton
Snyder
Wynn

□ 1853

Mr. CAMP, Ms. LINDA T. SÁNCHEZ of California, Mr. NEAL of Massachusetts, Mrs. KELLY, Mr. BERMAN, Mr. CLYBURN and Mrs. CAPPS changed their vote from ''aye'' to ''no.''

Ms. VELÁZQUEZ, Ms. SOLIS, Mr. ENGLISH of Pennsylvania, Mr. TANCREDO, Ms. LEE, Mr. ISRAEL, Mr. MCDERMOTT, Mr. GARRETT of New Jersey, Ms. WOOLSEY, Messrs. PRICE of North Carolina, DELAHUNT, CLEAVER, ROTHMAN, CALVERT, BRADLEY of New Hampshire, SIMPSON, CLAY, RANGEL, BARTLETT of Maryland, MEEKS of New York, KIND, BISHOP of New York, PLATTS, DENT, Ms. MOORE of Wisconsin, Mr. OBEY, Ms. HART, Ms. BALDWIN, Messrs. BEAUPREZ, SHAYS, KING of Iowa, REICHERT, HONDA, RAMSTAD, SMITH of Texas, OBERSTAR, and Miss MCMORRIS changed their vote from ''no'' to ''aye.''

Ms. FOXX changed her vote from ''present'' to ''aye.''

Mr. HAYES changed his vote from ''no'' to ''present.''

Mr. JENKINS changed his vote from ''aye'' to ''present.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, on rollcall No. 196, The Deal Amendment to H.R. 5427, I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MR. MARKEY

The Acting CHAIRMAN (Mr. CONAWAY). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 128, noes 295, not voting 9, as follows:

[Roll No. 197]

AYES—128

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brown (OH)
Capps
Capuano
Cardin
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Duncan
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Gibbons
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jones (NC)
Kelly
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Millender-McDonald
Miller, George
Moore (WI)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Petri
Pomeroy
Porter
Rangel
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schwartz (PA)
Sensenbrenner
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Spratt
Stark
Tanner
Terry
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Waxman
Wexler
Woolsey

NOES—295

Ackerman
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pastor
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schiff
Schmidt
Schwarz (MI)
Scott (GA)
Scott (VA)
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—9

Evans
Fitzpatrick (PA)
Gerlach
Kennedy (MN)
Kennedy (RI)
Linder
Skelton
Snyder
Wynn

□ 1901

Mr. RUSH changed his vote from ''aye'' to ''no.''

Mr. DUNCAN changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FITZPATRICK of Pennsylvania. Mr. CHAIRMAN, on Rollcall No. 197, the Markey Amendment to HR 5427, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MS. DELAURO

The Acting CHAIRMAN (Mr. MCHUGH). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 217, noes 204, not voting 11, as follows:

[Roll No. 198]

AYES—217

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

NOES—204

Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Boyd
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Jenkins
Johnson, Sam
Jones (NC)
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Evans
Fitzpatrick (PA)
Gerlach
Issa
Istook
Kennedy (MN)
Kennedy (RI)
Linder
Skelton
Snyder
Wynn

□ 1908

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, on rollcall No. 198, the DeLauro Amendment to H.R. 5427, I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MR. ANDREWS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 195, not voting 10, as follows:

[Roll No. 199]

AYES—227

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Filner
Flake
Ford
Fortenberry
Frank (MA)
Franks (AZ)
Garrett (NJ)
Gibbons
Gilchrest
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Hastings (FL)
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Ramstad
Rangel
Reyes
Rogers (MI)
Rohrabacher
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shadegg
Sherman
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)

Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wilson (NM)
Woolsey
Wu

NOES—195

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
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, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Ferguson
Foley
Forbes
Fossella
Foxx
Frelinghuysen
Gallegly
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Kaptur
Keller
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Mack
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Osborne
Otter
Oxley
Pastor
Pearce
Pence
Peterson (PA)
Pickering
Poe
Pombo
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roybal-Allard
Royce
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
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
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Evans
Fitzpatrick (PA)
Gerlach
Kennedy (MN)
Kennedy (RI)
Linder
Nunes
Skelton
Snyder
Wynn

□ 1916

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, on rollcall No. 199, the Andrews Amendment to H.R. 5427, I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MS. BERKLEY

The Acting CHAIRMAN (Mr. MCHUGH). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Nevada (Ms. BERKLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 147, noes 271, not voting 14, as follows:

[Roll No. 200]

AYES—147

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (NY)
Bishop (UT)
Blumenauer
Boren
Boyd
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Chandler
Chocola
Cleaver
Conyers
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Emanuel
Engel
Eshoo
Farr
Filner
Flake
Frank (MA)
Gibbons
Gonzalez
Green, Al
Grijalva
Harman
Hart
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson, E. B.
Jones (NC)
Jones (OH)
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lofgren, Zoe
Lowey
Maloney
Markey
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McKeon
McNulty
Meehan
Melancon
Michaud
Millender-McDonald
Miller, George
Moore (KS)
Moore (WI)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Porter
Rahall
Rangel
Reyes
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Sherman
Slaughter
Smith (WA)
Solis
Souder
Stark
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—271

Aderholt
Akin
Alexander
Allen
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Capito
Cardin
Carter
Case
Castle
Chabot
Clay
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (FL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Delahunt
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Fattah
Feeney
Ferguson
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutierrez
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Kaptur
Keller
Kelly
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McMorris
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pastor
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schmidt
Schwarz (MI)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Bono
Cannon
Cantor
Evans
Fitzpatrick (PA)
Gerlach
Kennedy (MN)
Kennedy (RI)
Linder
McKinney
Ney
Skelton
Snyder
Wynn

□ 1922

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. BONO. Mr. Chairman, on rollcall No. 200 I was unavoidably detained. Had I been present, I would have voted "no."

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, on rollcall No. 200, the Berkley Amendment to H.R. 5427, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. MARKEY

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 161, noes 255, not voting 16, as follows:

[Roll No. 201]

AYES—161

Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Bradley (NH)
Brown (OH)
Brown-Waite, Ginny
Butterfield
Capps
Cardin
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gordon
Grijalva
Gutierrez
Gutknecht
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jones (OH)
Kaptur
Kelly
Kildee
Kilpatrick (MI)
Kind
Kline
LaHood
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (WI)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Platts
Pomeroy
Price (NC)
Ramstad
Rangel
Rohrabacher
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Solis
Stark
Strickland
Stupak
Tancredo
Tanner
Taylor (MS)
Thompson (CA)
Tierney
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Wexler
Woolsey

NOES—255

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardoza
Carter
Castle
Chabot
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Costa
Costello
Cramer
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Feeney
Ferguson
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
King (IA)
King (NY)
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lipinski
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pastor
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (NM)
Upton
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—16

Baird
Brown, Corrine
Buyer
Crenshaw
Evans
Fitzpatrick (PA)
Gerlach
Johnson, E. B.
Kennedy (MN)
Kennedy (RI)
Kingston
Linder
Skelton
Snyder
Weiner
Wynn

□ 1929

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, on rollcall No. 201, the Markey amendment to H.R. 5427, I was unavoidably detained. Had I been present, I would have voted "aye."

□ 1930

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

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Chairman, I seek this time in order to enter into a colloquy with Chairman HOBSON. The colloquy is regarding the construction of mooring facilities on the Tennessee-Tombigbee Waterway in Columbus, Mississippi.

A new $800 million steel plant, SeverCorr, is bringing over 500 jobs to Lowndes County. Given that the average wages for hourly workers will approach $70,000 annually, each one of these jobs is likely to be transformational for the families involved.

The SeverCorr project is the largest private construction project in the United States this year. A large amount of SeverCorr's raw materials and finished product will be shipped utilizing the Tennessee-Tombigbee Waterway beginning in June 2007. The company expects to use approximately 50 or 60 additional barges each month. However, there are no mooring facilities along this portion of the Tennessee-Tombigbee.

Presently, if an operator needs to moor a barge temporarily or overnight, the operator may tie the barge to one of several trees along the bank. This situation will clearly present a significant threat to navigation safety once the steel plant begins operation. Absence of a mooring facility could also present operational challenges to the smooth and safe transport of materials and inhibit this critically important economic activity.

I understand that the bill continues a moratorium on new projects by the Corps of Engineers. However, I hope the chairman will work with me to identify ways the committee can help support the important economic development taking place in my district along the Tennessee-Tombigbee.

Mr. HOBSON. I thank the gentleman for bringing this issue to my attention. I appreciate the important safety and economic justifications for construction of the mooring facility in Columbus. I understand the time limitations

related to the plant's opening next year.

The gentleman is correct. This bill does contain a moratorium on new starts. However, in the event new starts are taken up in conference, this project will be a priority.

Mr. WICKER. I thank the chairman.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. I thank my friend for the time.

Mr. Chairman, as you know, Lake Isabella Dam in my district as of April is under a significant capacity restriction due to major concerns about the level of seepage at the base of the dam. The Army Corps of Engineers has rated Isabella Dam its top dam safety concern in the Nation. But even with that designation, the corps has informed me it would take as many as 6 years to create a permanent solution. The dam protects a half a million people as well as valuable agricultural and oil fields.

I appreciate the fact that the chairman has provided report language urging the corps to expedite the process, but I would like to discuss with the chairman what that means.

Mr. HOBSON. I thank the gentleman for bringing this issue to my attention. I share your concern about dam safety and expediting the process to take corrective action at Isabella Dam.

The corps requires additional studies to identify the exact nature of the problem and to begin fixing, but the time frame could be shortened both through additional funding and expedited procedures. I pledge to work with you to identify ways to provide both funding and procedural expediency and will also talk to the corps.

Mr. THOMAS. I thank the gentleman and look forward to working with him to find additional funding for this critical dam safety issue. If the corps has rated this their top dam safety concern, their behavior should reflect that in expressed concern. And I look forward to working with the chairman in conference to produce that, and I thank the gentleman for yielding.

Mr. HOBSON. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Ohio has 1 minute remaining.

Mr. HOBSON. Mr. Chairman, I yield to the gentleman from North Carolina (Mr. MCHENRY) for a colloquy.

Mr. MCHENRY. Mr. Chairman, I certainly appreciate your leadership and the hard work of your staff and the work they put into making this appropriations bill possible. I certainly appreciate that.

I would like to discuss an important issue in my district as well in western North Carolina. In recent years, my district has seen literally thousands of furniture and textile industry jobs leave due to unfair trade practices. Right now we have an industry interested in moving to our area, but the location they prefer will require some landscaping, including moving roughly 2,000 feet of a small unnamed stream. This will require approval of the Army Corps of Engineers.

As you are well aware, the corps approval process can take many months and experience significant delays. In my opinion, projects that provide economic development and jobs to economically distressed areas should be expedited and take priority over other permits.

Mr. HOBSON. I am aware of this situation and will certainly encourage the corps to move this project through the permitting process in an expedited manner to ensure that time is not an obstacle for economic development.

Mr. MCHENRY. I thank the chairman and look forward to working with you and your staff as this project moves forward through the permitting process. And I appreciate your willingness to help and assist through this.

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

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield to the gentleman from Florida.

Mr. MACK. Mr. Chairman, I rise today to engage the esteemed chairman of the subcommittee in a colloquy concerning language and funding for the health of Florida's ecosystem.

Mr. Chairman, south Florida has experienced numerous challenging issues related to Lake Okeechobee, the quantity and quality of the water coming through the Caloosahatchee River and the Everglades. This unique ecosystem and the economy surrounding it deserve the necessary resources to ensure the continuing and lasting health of our region.

Mr. Chairman, I believe it is critical that several projects be funded to maintain the health on the region's ecosystem. The first of these projects includes the modified water project to remove the unnatural barrier of US–41. The completion of this project would restore most of the natural flow of the Everglades from Lake Okeechobee.

Second, the use of ASRs, aquifer storage and recovery systems, in the water management of the lake is a critical and innovative need that will help bridge the gap between short- and long-term goals.

Third, recent reports have raised serious concerns about the integrity of the dike surrounding Lake Okeechobee. The Federal Government must not allow the critical dike to fail.

Finally, it is imperative that the United States Senate follow the lead of the House and finally pass the WRDA legislation. WRDA has several billion dollars of these important projects. The United States Government made a commitment to restore the Everglades. This House has worked to keep our commitment, and it is time for the United States Senate to act. Thankfully, with the leadership of the gentleman from Ohio, I am sure the Energy and Water Subcommittee on Appropriations will continue to be steadfast in its support of restoring south Florida's ecosystem.

Mr. HOBSON. I thank the gentleman. I want you to know I understand these problems, having spent some time in Florida as I have grandchildren there.

We funded the waters. I think I talked to you also about the river and I want to do something about that. I pledge the support of this committee to make the necessary resources available to help with vital issues.

Mr. MACK. I thank the gentleman for those remarks and his leadership on this issue. Obviously, he understands that the issues are vital to the well-being of my home State and a place where he likes to visit. I look forward to continuing to work with him.

AMENDMENT OFFERED BY MR. TIAHRT

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TIAHRT:

At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available in this Act may be used to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kansas (Mr. TIAHRT) and a Member opposed each will control 5 minutes.

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

The Acting CHAIRMAN. The gentleman reserves a point of order.

The Chair recognizes the gentleman from Kansas.

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

Mr. Chairman, my amendment is very simple. It just says we will not promulgate any regulations without considering the effect such regulations have on the competitiveness of American businesses.

Mr. Chairman, I am pleased that the President highlighted competitiveness in his State of the Union address this year. The President understands the need for helping make America more competitive. The Energy and Water Appropriations Bill, thanks to Chairman HOBSON of Ohio, fully funds the President's American Competitiveness Initiative within the Department of Energy at $4.1 billion. Hopefully, that money will be well spent to lay the groundwork for a strong U.S. position in the future economy.

This funding will help America provide leadership in the area of science and energy research. Our teachers, engineers and scientists need resources to help them stay on the forefront of new discoveries and practical application of new technologies.

The President understands the importance of training more scientists and engineers to conduct needed research for our future economy. China currently graduates more English speaking engineers every year than we do right here in America. They are planning for the next economy.

But beyond Federal funding, the importance of science, energy and teacher training initiatives, it is vitally important that our Federal agencies create rules in a way that do not restrict the businesses from being competitive. Federal spending, while it is important, is not the primary answer to making America more competitive. It is the private sector that creates jobs, not the government. We need to make sure that the rules and regulations are written in ways that will not harm our competitiveness.

Unnecessary burdensome regulations restrict American businesses from doing what they do best, and that is creating jobs. Other barriers beyond regulations include skyrocketing health care costs that are driven by government regulations, excess civil litigation costs that our laws allow, punitive tax policy, unenforced trade policy, a need to focus education in technical areas, and the directed research and development funds similar to what we have here in this bill.

Energy policy is another area. We must remove the barriers to lower energy costs. America currently has 103 civilian nuclear reactors that are responsible for generating 20 percent of our electrical needs. We could use more nuclear energy for our future electricity needs to reduce the demand on fossil fuels, but there are a number of obstacles in the way to these new plants from them being ordered, licensed and built.

No nuclear power plants have been built since 1978. The last one took 30 years. We have to simplify the regulations. It is important to do that in order to make America more competitive. We need to continue assisting, not hindering, commercial interests by pursuing more nuclear power plants. The more affordable we can make electricity, the more American businesses are going to benefit by having lower energy costs.

In an era when energy prices have soared, Congress needs to do everything possible to reduce the barriers in the marketplace to provide affordable energy. The more reliable and affordable sources of energy we can create in America, the more help businesses will have in creating and keeping our jobs.

Now, Mr. Chairman, I realize that the House rules view this amendment as legislating in an appropriations bill, but fighting for a strong economy is a good thing. It is good for America, and it is good for American jobs.

□ 1945

Mr. Chairman, out of respect for this process, I respectfully ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN (Mr. MCHUGH). Is there objection to the request of the gentleman from Kansas?

There was no objection.

AMENDMENT OFFERED BY MR. INSLEE

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. INSLEE:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act shall be used by the Federal Energy Regulatory Commission to enforce any claim for a termination payment (as defined in any jurisdictional contract) asserted by any regulated entity the Commission has found to have violated the terms of its market-based rate authority by engaging in manipulation of market rules or exercise of market power in the Western Interconnection during the period January 1, 2000, to June 20, 2001.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, we have a very commonsense amendment that would simply say that we will not be using funds in FERC to allow FERC to rule in favor of Enron against civil utilities and several companies around the country who signed contracts with Enron.

We know what happened in Enron. They were unable to provide electricity. As a result, there was a termination of contract.

We want to make sure that FERC would not issue a ruling while discussions are going on with the parties that would require these utilities and companies to pay Enron. So it is quite a simple amendment.

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

Mr. HOBSON. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

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

Let me say this to the gentleman, I am sympathetic to the amendment, and we will probably take the amendment. I want to tell you, though, that we have some problem with what we are doing in this bill when we begin to get into this sort of regulatory adjudication process. I do not think this is the right way to go.

I understand the frustrations with Enron. I do, I think most people do, but I think we really need to let the agencies do their job. But I want you to understand we are going to take the amendment. It may need a little tinkering with as we go through the process.

Mr. Chairman, I yield back my time.

Mr. INSLEE. Mr. Chairman, we will certainly be pleased to work with the Chair if there is any tinkering necessary.

I would yield 1 minute to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, I would like to thank the chairman as well for being patient and considerate on this amendment. We know it is not perfect. We are willing to work on the issue.

I have a couple of businesses in Montana, through no fault of their own, that signed a contract with Enron. It became very apparent early that Enron was not going to be able to fulfill their responsibilities under this contract. Unfortunately, they are innocent bystanders that got included in the bankruptcy court. Ultimately, it ended up in the jurisdiction of FERC. This amendment allows an opportunity to buy them some time to come up with some kind of a mediated solution.

So I recognize it is not perfect. I want to again thank the chairman for his patience and consideration. I thank Mr. INSLEE for introducing the amendment and hope that we can pass this amendment.

Mr. INSLEE. Mr. Chairman, I yield 30 seconds to the gentleman from Washington (Mr. LARSEN), who has done a great job on this issue for years.

Mr. LARSEN of Washington. Mr. Chairman, I wish to quickly say thank you to the chairman of the subcommittee for agreeing to accept the amendment.

There is a great amount of frustration in Washington State, all over Washington State. I represent an area that is the largest public utility district. I represent an area that has the only aluminum plant still standing because all the other aluminum plants had to go out of business because of some manipulation that took place on the market with Enron.

We just want some time, some space for the parties to work this out, and this amendment will do that, and I appreciate the chairman's willingness to let us move forward.

Mr. INSLEE. I want to thank the Chair for his accommodation of this issue. I do not want these termination clauses to yield an unjust result. This will give us time to move forward.

Mr. Chairman, I rise today to offer an amendment to the fiscal year Energy and Water appropriations bill which would stop

Enron from once again cheating northwest consumers. I have worked with my colleagues and with Snohomish Public Utility District, SnoPUD, to ensure that the Federal Energy Regulatory Commission plays fair in the case between Enron Power Marketing Inc. and SnoPUD. For too long, Enron has been harassing utilities for termination fees through the FERC administrative litigation system.

The Enron Corporation has already wronged consumers through its manipulation of the energy market during the energy crisis of 2001. It wasn't bad enough that Enron already collected an astonishing $1.8 billion through their market-manipulation schemes, including millions from SnoPUD. Today, Enron is trying to bilk another $122 million from Washington State consumers.

Enron argues that they deserve a fee for the termination of their contract for electricity that they never delivered to Snohomish Public Utility District, SnoPUD. Snohomish PUD's contention is that because the power was never delivered, and because these contracts with Enron were entered into when the company was illegally manipulating the electricity market to inflate rates, these contracts are invalid.

Mr. Chairman, my amendment to the fiscal year 2007 Energy and Water Appropriations Act would prohibit the FERC from enforcing any decision that deems a termination payment is due to Enron from SnoPUD during fiscal year 2007. It's Congress's responsibility to ensure protection for consumers like those being served by Snohomish PUD from companies like the Enron Corporation. With this amendment, Congress will be deciding to stand with Enron, or stand with ratepayers.

Mr. Chairman, this amendment neither clarifies nor modifies any provision of the Federal Power Act. Nor does it ratify any action previously taken by FERC. The amendment would merely prevent entities that engaged in fraudulent and deceptive trading practices during the western states energy crisis, as determined by FERC, from profiting by their misconduct by collecting termination fees.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. HEFLEY

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HEFLEY:

Page 47, after line 2, insert the following new section:

SEC. 503. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. HEFLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

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

This amendment is similar to others that I have offered over the past 4 years. It would cut total spending in the bill by 1 percent, one penny on the dollar, or $300,170,000.

Now, I do not need to go into great explanation about this because everybody knows exactly what it is, and we also know pretty much the result.

I would also like to say Mr. HOBSON's argument would be that he has already done a good deal of cutting in here, and indeed, he has, and I commend him for it. He is extremely conscientious when it comes to the spending of government money, but I would point out that we just started the appropriations process, but if we had passed the Hefley amendments that I have offered on the few bills that we have had so far we would have saved $747,350,000. Three-quarters of $1 billion we would have saved already.

We have just started the appropriations process. So it is not insignificant, even though it is only a penny on the dollar, and for these reasons, I offer this amendment and urge its support.

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

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

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

I think I said this to Mr. HEFLEY maybe last year. He follows in some great footsteps in offering this amendment, in my opinion, because part of my district used to be represented by Clarence Miller from Ohio, and Clarence Miller I think had the distinction of either 1 percent or 10 percent, Clarence, when he was here doing this. He is still alive and very active, but I reluctantly think that we have already got too many problems in this bill on trying to fund things adequately. So I would oppose this amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman and join him in his objection. I have a great deal of respect for the gentleman and my great friend from Colorado, but this is a very carefully worked bill, very carefully crafted bill, and decisions have been made that are discrete on a project-by-project basis, and I do not think it is correct policy to simply then have an across-the-board cut regardless of what the amount is and would join my chairman in opposition to the amendment.

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

Mr. HEFLEY. Mr. Chairman, I understand those arguments, but if you don't have the money, we need to stop spending or at least cut down the spending. This is 1 percent. I would encourage support of the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

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

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

Mr. HOBSON. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, I thank the chairman from Ohio for yielding to me.

I wanted to speak tonight, Mr. Chairman, about the Atlantic Intercoastal Waterway, which stretches 161 miles from the South Carolina border to the Florida border going through the 1st District of Georgia; and if one measures the number of miles by the coastline, it is probably five or six times that.

I live by the Intercoastal Waterway. I have a boat. My friends have boats. My constituents have boats. The water is filling in, and it is a big problem in terms of recreational boating.

My concern is that the Office of Management and Budget, the OMB, in their formula does not consider the economic impact of a recreational boater when deciding if a waterway should be dredged or not.

In Georgia, for example, the last time we had serious dredging of the Intercoastal Waterway was in 2002. We have asked for $2.5 million for dredging for Georgia 2 years in a row, and because of the tight constraints, the committee has not been able to do that.

It has been the same way with the Senate. They are trying to work on something, too.

Senator SAXBY CHAMBLISS and Senator JOHNNY ISAKSON and I are all in agreement that this needs to be addressed, but when the Office of Management and Budget is looking at the commercial traffic ranks of the Intercoastal Waterway, they only consider the big tonnage, the commercial shipping. They do not consider the light loading, the recreational boater.

The recreational boater is the guy who goes out there, pulls his children on skis, has a camera, has a cooler, packs a bag of baloney sandwiches, has a lot of Coca-Cola, which in another part of the country he is probably carrying Pepsi, and spends a lot of money on the local economy, a significant amount of money. One marina alone told me that their receipts will be in excess of $500,000. If the Intercoastal

Waterway was closed up, then that marina will be gone. Those five to twelve jobs that they have will be gone. The money that his clients bring into the area, buying parts for their boats and related recreational equipment in skis and fishing poles and so forth, that will be gone as well.

We need to get the Office of Management and Budget to change their funding formula so that they will consider the economic impact of the recreational boater just as high or along the same line or with the same yardstick as they do commercial boaters.

I had an amendment to that effect. I have not offered the amendment because this committee has worked so closely with us on a lot of issues. I know that the staff was not exactly appreciative if we were going to try to authorize something on an appropriation bill. It was not appropriate. So I am not offering that amendment, but I know the staff has been very sympathetic to this issue, as have you, Mr. Chairman, and I just wanted to thank you, but say that, along the line, we are not going to let this issue go.

We need to have the Office of Management and Budget change their funding formula, and I intend to pursue legislation on that, and I just wanted to thank you for all the support you have given us on some of the other dredging issues and wanted to make this point, though, on the record.

Mr. HOBSON. Mr. Chairman, if I might respond, you have got the problem correct and we are sympathetic to the problem because it is an economic development tax revenue situation that they do not seem to want to recognize. We have this both in the waterways there and renourishment programs, the dredging of some of these smaller harbors as have gone through on another situation. So I am very sympathetic to this.

So far, we have not been able to get OMB to go along, but we have a new director of OMB, used to be a Member here, used to live on the Ohio River. Maybe he will understand it better than the other OMB directors we have.

Mr. KINGSTON. Mr. Chairman, well, I had an opportunity to speak to Mr. Portman a few minutes ago and just pled the case real briefly with the promise of a follow-up phone call.

I do want to thank you for all the harbor dredging that you have helped us with, Mr. VISCLOSKY has helped us with. The staff has gone above and beyond the call of duty on that. You guys have been magnificent, but we also have this intercoastal problem with the recreational boaters that is a tremendous issue in our area.

So we want to continue to work with you, and I really appreciate everything you have done.

Mr. HOBSON. We are going to do that.

AMENDMENT OFFERED BY MR. FLAKE

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

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used for Virginia Science Museum, VA.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

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

I call attention to this earmark today because there is so little information available about its purpose. It appears inconsistent with the program that would fund it.

The committee report lists this earmark, for the Science Museum of Virginia, in the Biological and Environmental Research program.

My amendment would prevent funding for this purpose.

I know that some museums do scientific research, but the background research on this earmark turned up very little by the way of research being done by the Science Museum of Virginia.

As an aside, I would note that the museum will soon open a traveling exhibit on candy, sponsored by the Jelly Belly Candy Company. It does not sound like much research to me.

I know that the Science Museum of Virginia was created by State law, and I have a basic understanding of the mission of the museum, and the intentions are certainly worthy.

□ 2000

The museum says it is currently raising funds to restore and remodel parts of the building; to add classrooms, meeting facilities, a library, a cafeteria, and office space; for new landscaping, new parking facilities, and exhibits.

But why are Federal funds being used for these projects? It just isn't clear to me how the museum serves a Federal function when it comes to biological and environmental research.

Again, that is the program through which we are funding this museum. I am sure that the museum is funded in part by admission fees and also by State tax funds. I would think there are also private donors who fund it. Again, what is the Federal purpose being served by funding this earmark? How should we explain this one to the taxpayers of Arizona or California or Iowa or Michigan or anywhere else outside the State of Virginia?

I am afraid that fiscal discipline and transparency is such a thing of the past that we will begin to see museum exhibits about it.

I just don't see why we are doing this, why we are funding this type of museum out of a program that is supposed to be for scientific research.

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

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The Chair recognizes the gentleman from Ohio for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I rise in opposition to the amendment by the gentleman from Arizona. The Science Museum of Virginia is one of the leading science museums and education and research facilities in the country, and I do not support any provision which would seek to bar it from receiving funds.

While the gentleman's intention may have been to bar the $250,000 earmark contained in the conference report, the language of this amendment is so broad that it would prevent the Virginia Science Museum from competing for any grants or funding streams, competitive or otherwise, included in the act.

Now, along with my colleague from Virginia (Mr. TOM DAVIS), I am one of the cochairs of the Congressional Chesapeake Bay Task Force and would like to reiterate the point that the work of the Science Museum with regard to testing and monitoring of the Potomac and Occoquan Rivers, both of which are part of the Chesapeake Bay Watershed, are vital to the continuing efforts to restore the Chesapeake Bay. As the Nation's largest and most productive estuaries, it is indeed a national priority. So, too, Mr. Chairman, is the mission of the Science Museum to engage in instruction and research in the sciences to educate children.

I would hope that the gentleman would not pursue this amendment. This is an extreme amendment that unnecessarily harms the Science Museum, and I would hope the amendment is defeated.

Mr. FLAKE. Mr. Chairman, I yield such time as he may consume to the sponsor of the earmark, Mr. SCOTT, and I would just like to ask him what kind of oversight is offered. Is there a reporting requirement? How do we know the museum is actually spending the money for scientific research rather than having the traveling exhibits from the Jelly Belly Candy Company?

Mr. SCOTT of Virginia. Mr. Chairman, as I understand, the money will be spent for research in the Chesapeake Bay. This is a national priority. And I would hope that the testing and monitoring of the Potomac and Occoquan

Rivers, both of which are part of the Chesapeake Bay Watershed will continue. I mean, it is a national priority.

We spend substantial resources on the Chesapeake Bay, and this research will go a long way in helping to preserve the Chesapeake Bay.

Mr. FLAKE. Mr. Chairman, I simply think this is a great example of the problem with having so many earmarks, over 10,000 earmarks in any given year, in all appropriation bills. As the minority leader mentioned yesterday, we simply don't have the staff or the resources to police these earmarks to know if they are going for the intended purpose and for oversight.

When we try to figure out which of the hundreds of earmarks to actually bring up here, we will often try to find out about the earmark. Sometimes the only information we have is from the press release that the Member who requested the earmark put out. The Federal agencies have nothing. Perhaps we can go to a Web site for the recipient of the earmark.

But in terms of oversight, there is virtually nothing. We are just approving $100,000 here, $200,000 here, $5 million there, until it adds up to hundreds of millions of dollars with virtually no oversight; nobody to check back. Then, when we try to actually conduct proper oversight of Federal agencies, it is almost a laughing matter because we have already stipulated that they spend funds for a museum. In one case last year, it was money for a museum in the Defense appropriations bill, and there are several museums in this piece of legislation.

I would submit that we have got to get a handle on this. We have to change the process. That is why we are here today, because I have exhausted every other avenue privately. This is the only place we can actually exercise any oversight, right here, in 5 minutes, to look at this earmark and look at the millions of dollars that are spent elsewhere.

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

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

Unfortunately, Mr. DAVIS had a prior commitment and couldn't be here tonight, because we didn't know what time these were going to come up to defend this. We review these within the committee and we looked at his request, and I am here to say that he met those tests.

But as far as the oversight on these things, there are project officers within the agencies. We want to fund science research wherever we can, and there are things like inspectors general who go out and look at these projects and make sure they are done right. If people don't like them and they are not done right, then they report back, and we take appropriate action. So Mr. DAVIS got a small earmark for this.

I might say my frustration is that, earlier this evening, I tried to cut $25 million, to keep $25 million out of this bill that went to little grants that we have no control over, and I wasn't able to do that. The will of this House was to fund that program for $25 million.

So I share some of the gentleman's frustrations. I don't particularly share it about this one, but I share it about a $25 million deal out there, which is probably larger than some of the cuts you are trying to do tonight. So I am maybe more frustrated than you are at the moment.

Mr. Chairman, do I have any time left?

The Acting CHAIRMAN. The gentleman has 2 minutes remaining.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the ranking member.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the chairman yielding and would associate myself with his remarks and add my voice and objection to the amendment being offered.

The fact is our committee does a great job at oversight. And as the chairman mentioned in his opening statement, we held a series of hearings dedicated to oversight. As he points out, you do have offices of inspectors general, and we do have a very competent staff, and we do exercise a great deal of care.

So I do join the chairman and appreciate his yielding.

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

Mr. FLAKE. Mr. Chairman, can I yield to the ranking minority member and ask: Has there been any hearings on this project, the Virginia Science Museum?

Mr. VISCLOSKY. I have made my statement to the House.

Mr. FLAKE. Okay. Does anyone know? Have there been any hearings, or has this ever been authorized?

All right. Thank you.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I appreciate the opportunity to talk about the good work being done by the Virginia Science Museum at Belmont Bay in Prince William County.

The Belmont Bay Science Center accomplishes a large number of valuable services, including the long-term water quality monitoring program that promotes the environmental health of the Occoquan and Potomac Rivers. These, as we all know, flow into the Chesapeake Bay.

Specifically, this program monitors chemical and biological conditions in these rivers. While my colleague is from Arizona, I am sure he is aware of the dire environmental concerns that affect the Potomac and Chesapeake Bay, especially in terms of high levels of nitrogen stemming from sewage treatment plants and agricultural run-off. Thus, monitoring is a critical importance.

The center also serves to teach Northern Virginia residents about the Potomac and Occoquan Rivers, as well as the Chesapeake Bay, and the attending environmental issues.

As a co-chair of the Chesapeake Bay Task Force, I have joined with other concerned colleagues to work to restore health to the Bay and its tributaries. This request for the Virginia Science Museum is part and parcel of those efforts.

The Bay watershed includes Pennsylvania, Virginia, Maryland, and the District of Columbia. It is therefore an interstate—or federal—concern.

I again thank my colleague for the opportunity to advertise the virtues of the Virginia Science Museum—virtues that would have otherwise been obscured by the stark black and white print of the committee report.

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

The Acting CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

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

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

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

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used for Research and Environmental Center at Mystic Aquarium, CT.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

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

This is an earmark for the Mystic Aquarium and Institute for Exploration. These are divisions of the Sea Research Foundation, which is a nonprofit institution. According to the Foundation, its mission is to inspire people everywhere to care about and protect our oceans by exploring and sharing their biological, ecological and cultural treasures.

According to its Web site, the Mystic Aquarium is a nonprofit organization whose donations and revenue from admissions go to the development and execution of educational programs, marine research, marine animal rescue and deep sea expeditions.

This is a good thing. I am sure it is a great museum. Corporate membership in the aquarium includes

Foxwoods Resort Casino, American Laboratory Trading, CL&P, Coca-Cola, the Kraft Corporation, Hubbell Manufacturing, Monsanto and Pfizer, to name a few. Donations from these entities pay for some wonderful things. The aquarium is a recognized leader in aquatic animals and archeological exhibits and also a recognized leader in oceanic research.

Let me say again, Mr. Chairman, these are very good things. This is wonderful that they are doing these things. But with all the groundbreaking research and programs at the aquarium, why is it then that the taxpayer should fund $400,000 for this research and environmental center at the Mystic Aquarium? Where is the Federal nexus?

With so many private partners and local funding sources, why do we involve ourselves? There are aquariums all over the country. If we decided that we were going to give an earmark for every one, how would we fund it? How do we pick and choose between this one and that one or this one and that one?

I would submit that we simply can't, and we shouldn't. We ought to have a process that doesn't allow individual members to say, I think I need that money for my project in my district. When we do that, we simply get away from what we are all about here. We have a process, authorization, appropriation, oversight, and we seem to have ignored the end of each of that, the authorization and the oversight, and we just do the appropriations.

When we do that, we get ourselves in trouble. We embarrass ourselves with some of the earmarks that we do.

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

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Chairman, I thank the gentleman for yielding, and I rise in opposition to the amendment.

I thank my friend from Arizona for saying nice things about the Mystic Aquarium. I appreciate that. It is a great aquarium. It is a nonprofit. It is an educational facility. It is a facility that has been in operation for over 20 years.

Earlier he asked the question as to whether there had been any prior authorizations. In actual fact, the activities of the aquarium have attracted funding in fiscal years 2006, 2005 and 2004.

The moneys that we are talking about here tonight are not just moneys that are going to purchase fish food and clean the tanks. The moneys that we are talking about here tonight are to develop a research and environmental education center as a part of this research center.

Most of our colleagues have heard of Dr. Bob Ballard. Dr. Bob Ballard is the foremost ocean explorer in the world today. He is collocated at the Mystic Aquarium. His institute for exploration is collocated in the facility. His name is on the application.

The question could be asked: Well, okay, we have private sponsors. We have State and local sponsors, but what should be the responsibility of the Federal Government when it comes to marine science, marine research and ocean exploration? Well, one Federal dollar in this program creates a minimum of $10 from other sources. So one Federal dollar can be leveraged 10 to 20 times for these types of activities.

Why would the American taxpayer care about that? Well, I tell you why they care about it. Because we intimately involve young people with these activities. Two-thirds of the Nation's fourth through ninth graders are scoring below proficiency levels in science.

□ 2015

The National Science Foundation indicates students are pursuing graduate degrees in declining numbers. The activities of this aquarium and the activities of Dr. Bob Ballard turn kids on to science. That is a good thing. That is something we should support.

I urge my colleague to withdraw his amendment.

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

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

I would simply say again there have been no hearings on this project. There will be no oversight hearings to see if the money is spent properly, and it is an earmark, so it is not authorized. So we have circumvented the process again. When we do that, when we circumvent the process and we do not have direct oversight, we diminish our ability to offer credible oversight.

Again, when we tell the Federal agencies, the Department of Defense, for example, you ought to be spending more money on body armor, they come back and tell us, hey, we cannot because you stipulated that we spend a million dollars in our defense budget for a museum in New York.

It is like that in bill after bill after bill. And those who say these earmarks do not cost any money, if it is not spent here it will be spent somewhere else, don't tell the full story. We are often earmarking accounts that we have not earmarked in the past. Those accounts are for maintenance, say the FAA to maintain runways and towers. Well, they will come back to us next year and say you earmarked our accounts for maintenance, so you have to backfill this account. So we have to appropriate more. So these do cost.

If we just got rid of these earmarks, we could lower our allocation in this committee and let us spend it on defense or give it back to the taxpayers. Let's do something else. So the notion that we heard a lot of yesterday that this will not save any money to knock out earmarks is simply wrong.

If the Appropriations Committee would say they are not going to do earmarks this year, they could lower their allocation by the total amount of earmarks. In the bill yesterday, it was about $500 million.

This is the only forum we have to stand up for 5 minutes on some of the amendments that we choose to highlight to say this process has gone awry and we need to change it.

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

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. SIMMONS).

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

My recollection of the appropriations process is that, if an appropriation takes place, it carries with it the authority to expend those funds. So if you look at previous appropriations for this purpose, I believe that those appropriations reflect the authority to spend that money.

The issue now becomes oversight. I quite frankly think that Members of this body who live in their districts usually have a pretty good idea of where these dollars are going. Speaking for myself, I probably am in and out of the Mystic Aquarium at least half a dozen times a year, sometimes more frequently. I am intimately involved with the activities of this facility.

Dr. Robert Ballard, who used to be located in Woods Hole, Massachusetts, came to Connecticut and came to Mystic because of the resources there so he could pursue his research. He was sponsored by the State of Connecticut and the local municipality.

People know what is going on here. People know of some of the incredible research that is taking place. People know because their kids and because the Boys Clubs and Girls Clubs are benefiting from these activities that are happening here.

And Members know. I believe when a Member submits an earmark and follows it through the process, that tells you a lot about the earmark.

I would put my name against this project any day of the week. I think that as somebody who knows my district, knows the people in my district, knows the reputation of this facility, knows of the impeccable reputation of Dr. Bob Ballard, that this is a good expenditure of taxpayer dollars, and I will stand up for it any day of the week.

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

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

At what point do we admit we are out of control with earmarks? Would it have been at 5,000 earmarks a year? 6,000? 8,000? 9,000? 10,000? We are well above that. We have grown in the past decade. I think it has been an 872 percent increase in the number of earmarks. The dollar value has increased substantially as well.

Yesterday, we had the ranking minority member concede we have no idea, and it is ''grotesquely out of control'' were his words. We have that concession on that side.

On this side we are saying that as well. We do not have a way to police these earmarks or to provide oversight. At what point do we say we need to sit back and go through the regular authorization appropriation process in Congress?

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

Mr. HOBSON. Mr. Chairman, I yield myself the balance of my time.

The subcommittee does do oversight of appropriations. There were 313 days of hearings, 161 volumes. We heard testimony from 3,000 witnesses. There are 39 reports. We spend an awful lot of time on oversight, and somehow earmarks have become the thing of the day. But I have to tell you I spend a lot of time on billions of dollars of overruns and cost allowances on administration projects such as Hanford and other things. We spend time on these. Each of these goes through a process at the end and they are looked at and they are done.

I understand the concern about the numbers of earmarks. We have cut ours back. But my committee is divided up into subcommittees and we are out doing oversight. We are trying to rectify some of the problems. I urge a ''no'' vote.

The Acting CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

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

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used for Southwest Gas Corporation GEDAC heat pump Development, NV.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

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

This earmark provides close to $2 million in Federal funding for a publicly traded natural gas corporation to do research and development on an air conditioning system that uses natural gas instead of electricity, a so-called GEDAC.

I am not disputing the potential benefits of GEDAC technology for consumers and natural gas companies. Homeowners are demanding year-round comfort in their homes, particularly in Arizona, wanting to stay cool on hot days and keep warm on cool days at an affordable cost.

GEDAC use in the Southwestern United States has the potential to save significant electrical power and reduce water usage. The gas industry has long sought to sell more natural gas for cooling during the summer months. However, I cannot see the role of the Federal Government in sponsoring corporate research and development that would seek to give one industry a leg up over another. How can we pick winners and losers?

The Southwest Gas Corporation boasts more than a million customers, many of whom are in my State. They want more customers, as they should. This earmark seeks to subsidize natural gas technology with Federal money at the expense of other industry sectors.

According to the most recent quarterly report, Southwest Gas Corporation reported more than $3 billion in assets and after-tax income of over $48 million for last year. Beyond that, the defense authorization that was recently reported out of committee includes more than $6 million for GEDAC demonstration projects.

Not only are the American taxpayers supposed to help develop the technology to expand the gas company's market share, but we are footing the bill for road testing it as well. We have to be careful, I believe, when we have earmarks for nonprofit corporations and others. I think we have to be doubly careful when we are actually funding a for-profit corporation and just handing them a check and saying do some research. How do we choose that company over another?

I happen to know the people at Southwest Gas. They are fine people and have a fine company, but why are we saying we are going to give them an earmark and not others?

Another problem here, the earmark we have chosen to highlight here is $2 million in Federal funding. This is in Nevada. We found out only after offering the amendment there is an additional earmark for this same company. It is on another page and it simply doesn't say Southwest Gas. I think it is for another $3 million. So there is some $4.8 million that is being spent to subsidize a private company. I would submit that is not our role.

We get in the business of doing this, spending the taxpayers' money this way, and also picking winners and losers in the economy. It is something that we should not be doing.

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

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

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

I understand some of the gentleman's concerns and what he stated about what we are doing with the private sector, but I want to relate a little story about a similar earmark from a couple of years ago. I want to tell you how it worked out.

One of the sponsors of this project is not here because he is leaving the Congress and he has a dinner, so I am going to fill in for him and tell a little story about how this does work, and it is an analogy of what might be happening here, also.

Some years ago, one of the DOE people turned down a product. They did not want to pursue the technology. So we did an earmark to this company. I think we did it a couple of years. The people came to us and said we cannot get into DOE. We have great technology here. The company I think was 3M, a big company. They said we cannot get in the door. So we gave them a little earmark.

They pursued the technology and kept talking to DOE. The next thing we hear, we hear DOE saying, guess what, there is this great technology we have just discovered. They had to go through the process we are now talking about for DOE to now look at this process. So they got into it and they said, wow, this really helps on transmission lines in the western part of the United States. We do not have to restring all of these lines. I think it increases three or four times the price and capacity of the lines. This is something that would not have happened if we had not gotten into it.

The same way here, the heat pump is something we need further development of. The one thing I would say on this, it attracts corporate dollars. Also, they cannot hide this. They have to share this since it is public dollars. Anything that they develop has to be developed with their competitors, which is good for the economy and good for all of us because we would get it and somebody cannot hold us up for it.

I understand the gentleman's concern, but I think in this case, as in the one with 3M, hopefully this will work out to be good for the taxpayers of the country.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I rise in strong opposition to the Flake amendment.

The project that he is targeting, the gas engine driven air conditioning heat pump development program, is a multi-year partnership between the Oak Ridge National Laboratories and private industry, including, but not exclusively, Southwest Gas in my State of Nevada, to develop a rooftop heating and cooling system for residential and small commercial buildings using natural gas.

Mr. FLAKE is misinformed. The funding goes to the Oak Ridge National Research Laboratory, not to Southwest Gas. Rather than relying on electricity generated at a power plant to run heating and air conditioning, this technology would use natural gas to produce heating and air conditioning directly, saving precious energy and water, which is particularly important in the drought-stricken Southwest.

This project, in its second year, is an example of what government, working with private industry to find new and more efficient ways to generate power, can do.

I would remind the gentleman from Arizona that our Nation is in an energy crisis. We need to be funding more projects like this, not fewer. The gentleman is obviously sincere in his desire to reduce Federal spending. I wish to echo the comments of many of my colleagues who have said that they would prefer the Congress make these types of funding decisions rather than leaving it to the bureaucrats in Washington.

I urge my colleagues to oppose this amendment.

□ 2030

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

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

We are told that the only decision is to either spend it ourselves or leave it to those amorphous bureaucrats in Washington. How about leaving it to the market? That is where things like this are developed. Why are we choosing one? And I would have to dispute the characterization of this money going to Oak Ridge Laboratory.

If this money went straight to Oak Ridge Laboratory, I believe it would say that in the earmark. All we have to go on is what we have here, and that is part of this process, why it is so bad. We have not had any hearings on this subject. There is no other documentation than the committee report; and the committee report, like I said, we only found out later that there were actually two earmarks because one of them did not say the company, but the company says to Southwest Gas.

Is the gentlewoman saying that the money is not going to Southwest Gas, that none of the earmarked funds go directly to Southwest Gas?

Ms. BERKLEY. If the gentleman would yield, it is the gentlewoman's understanding that the funds you are trying to remove from this very worthy project, which is in its second year, goes to Oak Ridge.

Mr. FLAKE. Mr. Chairman, I would say to the gentlewoman that all we have to go on is the language in the committee report.

Ms. BERKLEY. Well, I didn't write that language.

Mr. FLAKE. That is part of what is wrong with this process. We have no oversight. The Federal agencies don't know what is going on. We heard this story about an earmark that worked. We always hear those when we are doing these earmarks. We never hear about the massive failures that go on as well or the massive waste that goes on.

We have no idea how, if that money had not been spent by us, by Congress or the bureaucrats, how, if companies would have been able to keep more of their tax dollars, they might have done something even better or even faster. We just don't hear that.

So it is simply a false argument to say that the font of all knowledge is here in Congress, and we can outguess the market. We can do better than that simply by saying I know my district, and I am going to put that money there. That is a good company. I like them.

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

Mr. HOBSON. Mr. Chairman, I yield myself the balance of my time.

I wish I got as much interest from the gentleman and other people on the massive overrun on Hanford, which is $6 billion, and I don't hear a peep out of anybody. I go around, and I scream about it. It is $6 billion. I heard all kinds of people are against a couple hundred million cut we did en masse. I need help in keeping that.

Those are the kinds of oversights we need, also. I have not had a massive number of people coming to me telling me of all the failures of the earmarks that he is talking about. I do get some good positives, and if we find out one that is bad we will go after them. We try to monitor them. There are project officers.

I oppose the amendment.

Mr. KOLBE. Mr. Chairman, I rise today in opposition to the Flake amendment regarding the GEDAC Packaged Gas Engine-Driven Heat Pump Development. I appreciate the attention that my fellow Arizonan has brought to the issue of so-called "earmarks." I share his passion for limited, responsible government. We have seen instances in which inappropriate or even corrupt projects have been funded in appropriation, authorization and tax bills and we must ensure that all of the bills we pass—appropriations bills, authorization bills and tax bills—fund only projects that can stand up to scrutiny.

However, the GEDAC Heat Pump project is a project that deserves our support and will help us to find solutions to our country's energy and water needs. Specifically, this project will allow for the continued development of natural gas-based heat pump technology that saving both energy and water resources. When completed, this will be the first small packaged system available in the United States. The technology is broadly applicable throughout the country, and it provides a number of benefits, including greater energy efficiency and water savings. The technology will not only save energy but will save water, which is important to Arizona. If successful, it could displace central station power generation which uses approximately a gallon of water per kilowatt generated. It is in line with the President's efforts to address climate change by developing technologies that having significantly reduced greenhouse gas emissions. It also is in line with the President's efforts to utilize domestic energy resources.

None of the money in this particular project goes to private industry. Every dime of it goes to the Department of Energy's Oak Ridge National Laboratory (ORNL). ORNL has a sophisticated facility for testing that private industry cannot afford to replicate every time it has a new idea.

Mr. Chairman, I understand the gentleman's concern that we fund only those projects that can withstand serious scrutiny. But this project stands up to scrutiny and deserves our support. I urge a no vote on the Flake amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

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

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used for Center for End-of-Life Electronics, WV.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will each control 5 minutes.

The Chair recognizes the gentleman from Arizona.

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

When I first saw this earmark, this is for Center for End-of-Life Electronics in West Virginia, I thought that it might have something to do with improving treatment technology for terminally ill patients. It is not.

This earmark is about the end of life for electronics, that is, computers, televisions, cell phones, et cetera. This

earmark intends to help a single organization that is in the business of recovering the components of electric devices that can be recycled or that could be environmentally hazardous.

My amendment would simply prevent funding for this purpose. As with many of the earmarks I pointed out recently, there is simply no explanation or justification in the bill or the committee report. My staff, trying to find out where this earmark came from or what it is to do, had to finally look at a press release that mentions other funding secured for this organization. So I assume it is for the same purpose. We simply do not know.

Again, no hearings, no authorization, no method of oversight here. Evidently, the program has received $3 million in the past. Now it needs another $600,000.

I would ask the gentleman from Ohio, Mr. HOBSON, what oversight has been exercised over this program up until this point, if he knows. Public institutions and private groups in Davisville, West Virginia, have partnered and established A Center for End-of-Life Electronics to seek solutions for electronic waste.

What Federal role does this particular center fill? How should we explain this one to the taxpayers of Missouri or Connecticut or Arizona or any other State outside of West Virginia? I welcome the justification for a Federal function in this case. But then I ask, why are we picking winners and losers throughout the earmarking process?

Again, we are choosing one organization. If this recycling operation and others like it or any organization or business wants to exceed and excel, we should let them compete freely in the marketplace. Let's keep Congress out of it.

I am sure there are many other electronics recycling operations throughout the country, but we are favoring just one of them with this earmark. I don't think that the Congress ought to be making calls like this. I am certainly not capable.

I know my district pretty well, but I don't think and I wouldn't presume to say that a center in my district is the best in the world in end-of-life electronics. That is simply a call that we shouldn't be making. Rather than seeking to salvage electronic components, Congress should be intent on salvaging the process by which we spend tax dollars.

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

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the chairman's yielding.

First of all, I would express my opposition to the amendment being offered by the gentleman from Arizona. We have an authorized activity and the subcommittee has earmarked this project.

I have a philosophical difference with the approach that the Member has taken, as a Member of the House of Representatives, because we are a coequal branch of the United States Government, and the last time I looked at the budget of this country was in excess of some trillions of dollars.

The gentleman mentioned catastrophic failures. I would mention that the administration spent a great deal of money in their budget request on about 10,000 trailers in response to a great natural crisis. Those trailers are sitting out in the middle of Arkansas.

The chairman of the committee talked about Hanford. That was not an earmark, but it was requested by the administration. If this committee and all of the members of this committee did not continue as we do every day to exercise oversight and deliberate activity and judgment, they would still be spending more of the taxpayers' hard-earned moneys than is necessary.

There is under construction in the State of California, and I don't mean to single them out, but the gentleman mentioned catastrophic failures, the National Ignition Facility that some years ago was on time and under budget. It was an administration request.

We are not defunct of all wisdom. The administration is not. There is a balance to be struck; and in a budget in excess of some trillions of dollars I do believe this subcommittee, under this chairman and the Members on it, have made wise and reasoned and specific decisions.

I am adamantly opposed to the amendment offered by the gentleman.

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

Mr. Chairman, I am a little upset that there is no oversight, because we have tried to do more oversight than I think has been done in a number of years.

Let me tell you how these things work in DOE.

Each project is assigned a project manager who is responsible to work it out in a contract and the scope of the project and results. I am informed that this particular account also must have matching funds for a project to be awarded or to be made. So there is some oversight for the people who are putting the money into it, too.

These projects must be executed according to accounting standards, as in all DOE government awards. These projects are well-known by their sponsors. If we hear of a problem or one of the DOE people comes back to us who is in charge of the project and says this is out of whack, it is not being done right, then we try to take corrective action, too.

The assertion that there is no oversight is not correct. In the past, I think there was less oversight than there is today. But I think we have attempted to justify that. We have reorganized our committee in such a way that we are doing more oversight. We will continue to do so.

I think the gentleman may have encouraged us to do some more oversight as a result of some of these things, and hopefully that will prove out to be good. I would urge a ''no'' vote on this amendment.

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

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

Let's get back to this specific earmark. I would like to know, like I said, all we know is what we gleaned from the press release, because there is no other information available at all. But the press release indicated that there was just the latest traunch of funding that had already gone to this project.

Would the ranking minority member happen to know if any oversight has been conducted on funds that have already been provided to this project?

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

Mr. FLAKE. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, I would be happy to respond with a question of my own, because the gentleman is very fixated on the lack of oversight on the subcommittee, which I take umbrage at.

But I would also suggest that in an earlier remark you made on the floor that almost 70 percent of the spending of the Federal Government today, and I share the gentleman's concern making sure we have fiscal responsibility.

Mr. FLAKE. Mr. Chairman, reclaiming my time, I take it I am not going to get an answer to this. All we know is from a press release, and we know that this is simply the latest traunch in other funding that has been provided.

What I hear, and I guess the author is not here of the amendment or, I am sorry, the author of the earmark, the sponsor of the earmark, that no oversight has been conducted.

Do we feel comfortable going ahead and appropriating more when no oversight has been conducted at all on what has already been expended?

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

Mr. FLAKE. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Would the gentleman answer a question?

Mr. FLAKE. Yes.

Mr. VISCLOSKY. Are you concerned about earmarks that take place in other mandatory legislation and the fact whether or not there is specific oversight on an annual basis or, say, tax provisions in this country?

Mr. FLAKE. I am very concerned about the lack of oversight on an annual basis for, say, tax provisions in this country.

Mr. VISCLOSKY. That is where 77 percent of the spending has taken place.

Mr. FLAKE. Ninety-six percent of the earmarks that we passed last year were in conference reports that were just spending construction to the agencies. The agencies have very little knowledge that the funding is even there, yes.

The problem is, if you want little oversight on your earmark, if you want it to continue without scrutiny, it pays to be vague about your earmark, vague about its goals, vague about any benchmarks that there might be. Because as soon as you spell it out and leave a paper trail, you are subject to an amendment. If you don't, it might be ruled out of order.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

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

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used for Missouri Forest Foundation.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

□ 2045

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

Mr. Chairman, this is $750,000 for the Missouri Forest Foundation. This foundation has been funded for at least 3 years, and is funded through the Energy Efficiency and Renewable Energy Program earmark section of the bill. The section of the bill includes more than $50 million in congressionally directed research earmarks. According to CRS, earmarks in the appropriations for the Renewable Energy program have tripled in the past 3 years.

According to the Office of the President and the American Association for the Advancement of Science, this level of earmarking hampers the program from being able to achieve its research goals. Let me say that again: According to the Office of the President and the American Association for the Advancement of Science, this level of earmarking hampers the program from being able to achieve its research goals.

It was these kinds of earmarks in the fiscal year 2006 appropriations that the National Renewable Energy Laboratory said caused a $28 million shortfall and forced them to lay off 32 positions. While these positions were ultimately restored, this shows the downside of earmarks and how they can wreak havoc on the administrative agencies.

The Missouri Forest Foundation, an education and research foundation of the forest industry, supports the research and implementation of a program that would utilize wood biomass to produce energy. The task force mission is to develop a program where wood products from Missouri are fully utilized, solving forest health problems and current energy issues.

Bioenergy ranks second to hydropower in renewable U.S. primary energy production and accounts for 3 percent of the primary energy production in the United States. While I support a diverse energy sector, I cannot see the benefit of earmarking a program to the point of ineffectiveness.

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

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN (Mr. MCHUGH). The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume just to make one point: In this bill this year, there can be no complaint that we are impeding upon the imperial Presidency's funding levels, because somehow if the President's people fund it, it makes it okay. I don't agree with that. We put headroom in the bill this year that they cannot make that claim anymore.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Missouri (Mrs. EMERSON).

The Acting CHAIRMAN. Without objection, the gentlewoman from Missouri will control 4 minutes.

There was no objection.

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

Mr. Chairman, allow me to stand up for this provision in which my friend Mr. HOBSON and our subcommittee and staff have worked so hard to assemble.

We talk big about energy independence, Mr. Chairman, but here we are discussing Mr. FLAKE's amendment today because some of us talk the talk but we don't walk the walk. The Missouri Forest Foundation would get $750,000 from a $30 billion budget to help solve the crisis of our time, American reliance on foreign oil.

I believe that most of our colleagues would agree that this investment would pay off by finding a viable source of cellulosic ethanol in wood waste from mostly unmanageable parts of our forests.

As a source of green energy, cellulosic ethanol is limited only by our ability to harvest small trees from overgrown, unmanaged forests and generate cellulosic ethanol on a profitable scale. This project would remove many of those barriers to our energy market, and in the meantime, we will add value to our forests, 14 million acres of them in Missouri alone, and will create another value-added product to help our rural economist.

We talk a lot and we have been talking a lot lately in this body about the future of alternative fuels. This project is how we also walk the walk, and I believe it is unconscionable to turn our backs on any project to put something besides oil in the tanks of American cars and trucks, especially when it is one that is as promising as this.

Yet there is also, Mr. Chairman, a larger issue at work here: Who do you trust with these tax dollars? Some Members put their trust in the Office of Management and Budget to choose what is best for their districts, and some Members, well, they choose to put their trust in their districts back home. I trust my district, and I trust the men and women behind this project. Together we worked on this proposal. It was my idea, and we brought it to the Congress.

So now, at this point, Congress can say yes or no. But as others have said before me, I am standing up for my district, and I say it is worthwhile and we should invest in it.

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

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

Mr. Chairman, before yielding 1 minute to the gentleman from Texas, let me just say that we are again faced with a false choice here. The notion is, should we spend it, or should the administration spend it? Perhaps it shouldn't be spent at all.

I would submit, if we are spending $700,000 or so for the end-of-life electronics project in West Virginia, we are spending too much money, the government is as a whole, whether it is us or whether it is the administration.

So the choice isn't, should we spend it or should they? Maybe we should just have a smaller budget.

Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I thank the gentleman for yielding.

I will be the first to admit that I know little or nothing about this particular earmark, but here is what I do know: We need to step back and focus on the larger picture of where we are as a nation. In just a handful of years, the national debt has gone from $5.5 trillion to $8 trillion. Now, some will tell

us it is because the American people are undertaxed. We happen to be awash in tax revenues. They were up 14 percent last year.

I think the problem that we have is we have a spending problem. We look at the long-term trends in Social Security, Medicare and Medicaid, we simply cannot keep with the pace in spending. We have 10,000 Federal programs spread across 600 agencies. How much government is enough?

This may be a great earmark. I don't know. It could be the greatest earmark known to mankind. But when do we finally say, enough is enough? It reminds me of what President Reagan once said, ''the closest thing to eternal life on Earth is a Federal program,'' and every earmark can give birth to a Federal program.

We are spending $22,000 per American family. When do we stop?

Mr. Chairman, I think the challenge we have is, if we say yes to everybody's project today, we end up saying no to our children's future tomorrow. So when we are a nation that has this type of debt, when we have the recent announcement that Social Security is going to go broke a year earlier than thought, Medicare 2 years earlier, when do we stop and say, enough is enough? When do we say no to somebody's project today so we can say yes to our children tomorrow?

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

Mr. FLAKE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, again, I thank the gentleman from Texas for his comments. It couldn't be more true. At what point, where do we say, let's stop? We have grown earmarks in the past decade 872 percent. When is it enough? Do we earmark every account in the Federal Government? Do we look at those agencies and say, we know better than you do?

What about the maintenance accounts that they have? What about other things that they come back to us the next year and say, you shorted us? You earmarked this account. Now we still have to maintain this runway or this tower or perform this maintenance, and then we have to up the funding again.

I will say again, my colleague in the Senate described earmarks as ''the gateway drug to spending addiction.'' Once we start with earmarks, we just can't stop spending in other areas.

I would submit that if you look at the Federal budget growth over the past several years, a lot of it is due to earmarks, simply because you get earmarks and they leverage higher spending everywhere else.

You look at how few votes there are against these appropriation bills in the end when you know more people are opposed to much more in the provisions. It is because they have earmarks, and they have to support it.

The Acting CHAIRMAN. The gentleman's time has expired.

The gentlewoman from Missouri has 2½ minutes remaining.

Mrs. EMERSON. Mr. Chairman, I yield 1½ minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I thank the gentlewoman for yielding.

Again, we are here debating these things and whether some of these things ought to be funded at all. There are programs that are not requested in the President's budget which some of us feel are appropriate. Some of them would be things like money to reimburse States for criminal costs associated with illegal immigration. The President hasn't requested that in his budget, but many of us feel it is appropriate that it ought to be put in there. I believe even the gentleman from Arizona believes that that is an appropriate thing.

Now, of course, if we would put that in there, that would be an earmark, because it would be Congress directing the spending rather than the administration making that request.

Earlier the gentleman mentioned the NREL laboratory and the fact that they had to lay off something like 32 people. What wasn't said is that this committee gave them unlimited reprogramming authority, that if that was going to happen, they could have reprogrammed the money. But they didn't do that. They chose not to use it. They chose to lay the people off. And then, magically, when the President was going to come out there for a press conference, guess what? They found the money to rehire those individuals. At the same time, the Secretary goes to, I believe it was Australia, and announces a new program down there without any funding authority whatsoever.

So to suggest that things done by the administration are appropriate but things done by Congress are inappropriate and, as the gentleman and I have talked many times, the fact is you are not going to reduce spending by eliminating these things. You are going to do it by getting a budget resolution which is lower so that that money isn't available.

But I guarantee you if you cut out this money, or any of these other earmarked projects, the money is going to be spent on something else. That is the reality, and that is what we have to address.

Mrs. EMERSON. Mr. Chairman, I yield one-half minute to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentlewoman yielding. I certainly associate myself with her remarks and am opposed to the amendment.

I would respond to an earlier remark made by the gentleman from Texas when he complained about the deficits. There are two sides to balancing the budget. There is the expenditure side, and I do think the debate taking place here is very healthy. I would hope that the gentleman would also have the same debate initiated as far as the 70 percent of the spending taking place. And that is mandatory spending. And those tax provisions, once they are a precedent to the Tax Code, inure to the benefit, the last time I look, of people that pay taxes, which are not units of the government, but private citizens and private corporations.

Mrs. EMERSON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I think everybody in Congress understands our need to get away from the addiction we have to oil, and anything we can do to develop alternative sources of energy is critical to our national and our economic security.

I want to say, too, the appropriations process is local control at its highest level, and we have to keep this authority within the Congress and not abdicate our responsibility to represent our own districts.

I urge a ''no'' vote on the Flake amendment.

The Acting CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

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

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used for Juniata Ultra Low Emission Locomotive Demonstration, PA.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

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

Mr. Chairman, this will be my final amendment, at the risk of hearing cheers from the gentleman from Idaho.

Mr. Chairman, this is $1 million for the Juniata locomotive shop. I believe that it goes to a locomotive shop owned by Norfolk Southern. I can't know for sure, because there is no description of the earmark anywhere in the bill.

Let me read a quote from Norfolk Southern Chairman David Goode in 2005: ''Thinking back to the beginning of my rail career in the late 1960s and early 1970s, rail systems were failing

badly. There were strongly held beliefs that we were headed for a failed and nationalized system. In that context, you began to realize the strength of an industry that rebuilt itself, albeit with a lot of government policy help, although essentially no government money.''

But now it seems that we are giving them money as well.

Again, here is a situation where we know so little about this earmark, and this seems to be the only forum where we can find out about it. When we come and debate it on the floor, we might get a little window into the process and see what this is about: Has this been authorized? What is the process of oversight? That is what we are here for.

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

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I rise today in strong opposition to my colleague's amendment, which seeks to eliminate an important research and development program that would take place in the Juniata locomotive shop, which is in Altoona, Pennsylvania. Yes, that is my district. I am proud to stand up and take claim for this earmark.

□ 2100

But I am also proud to stand up and say this has been authorized. This has gone through the authorization program, and it has gone through the appropriations committees.

In the 2005 Energy Bill that we passed, the Diesel Emission Reduction Act of 2005, we are pushing, we are prodding, we are forcing our companies in this country to reduce emissions. And when we are encouraging and when we are prodding and forcing people to do that, companies to do that, I think that we have an obligation to assist in getting those things developed and doing the public and private assistance that comes together to reduce emissions, especially in our aging diesel fleet in the rail industry.

In 2006, the rail industry will embark on a new program to produce cleaner locomotives that utilize conventional truck engines to charge large stacks of batteries that power locomotives. In this account also there is a 50/50 match on this legislation. But what this earmark does, it is a 90/10. Norfolk Southern is providing 90 percent of the funding to do this important research and develop this initiative, and the taxpayers are putting in 10 percent.

This new hybrid locomotive will reduce harmful emissions, increase fuel efficiency and take locomotive research and development in a new direction.

The freight rail industry consumed over 4 billion gallons of diesel fuel in 2005 and freight rail traffic has grown at unprecedented levels in the past 3 years. Finding new technologies to save fuel in the movement of freight will benefit everybody.

Additionally, it is important to note that any technology gains from this project and research development will be open to the public. So this a 10 percent investment by the public, and everybody will benefit. General Electric will benefit. The other rail companies will benefit by this research and development.

Further, Mr. Chairman, this is about more than just reducing energy use. It is about improving our environment.

I prefer working cooperatively with the private sector to reduce harmful emissions of nitrous oxide, hydrocarbons, and particulate matter. This program seeks to accomplish this as well.

Last year, America's freight rail industry spent nearly $1 billion on new locomotive purchases. This money helped buy newer, more fuel efficient equipment.

While the newer locomotives are 40 percent more fuel efficient than just a decade ago, we need to take the next step in moving emissions reductions to extremely low levels, something we cannot accomplish with conventional locomotive engines.

This program will encourage industry to work on a prototype hybrid ultra-low emissions locomotive that will reduce nitrous oxide emissions by 80 to 90 percent, which is the primary component of smog, reduce diesel fuel consumption by 40 percent and lower particulate matter by 80 percent.

In a time when increasing fuel efficiency and reducing dependence on foreign sources of energy are vital to ensuring our Nation's energy independence, we should be encouraging public-private partnerships that seek to further these goals.

We need to build on our Nation's advantages, one of which is the best freight rail system in the world, which helps us compete globally. By making this mode even more fuel efficient, it will be reducing costs of transportation to our Nation's consumers and making the air we breath even cleaner.

Mr. Chairman, I would encourage my colleague from Arizona to withdraw the amendment, but, if not, I hope my colleagues will support me and vote down this amendment. This initiative, if enacted, it will, by 2008, will have hybrid locomotives as well as hybrid cars moving us into the future.

Mr. HOBSON. Mr. Chairman, might I ask how much time is remaining?

The Acting CHAIRMAN (Mr. MCHUGH). The gentleman from Ohio (Mr. HOBSON) has 1 minute remaining.

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

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

Mr. Chairman, let me just make the point that why would we assist only the locomotive sector? What about construction vehicles, highway vehicles? Again, we are picking and choosing, just based on our decisions. We are not the font of all knowledge.

And if we decide that we are just going to direct every bit of spending and that we are not going to have oversight because we have directed it and therefore we need no oversight, and all we have in terms of oversight is this 5 minutes that we have really never exercised before to question an earmark when it comes to the House floor, Mr. Chairman, I would submit that we have a broken process here. It is simply wrong. We cannot be doing this.

Again, let me just simply say, when do we concede that we are out of control? It was 5,000. We are up to over 10,000 earmarks a year. When it is too much?

In 1987, President Reagan vetoed the highway bill because there were 152 earmarks. The last highway bill we passed last year had over 6,000. Other bills have had similar increases in earmarks. And yet we say it is not enough.

If we know our own districts and we know how to direct spending, then why not direct it all? Why not earmark every account?

Again, we have demonstrated again and again, some of the authors of these amendments have not even shown up to defend them. We do not even know if there is any oversight for previous earmarks or for the ones that are here now. Yet we just blindly just say, all right, if a Member wants it, let's approve it.

I would simply submit that we have got to stop that. We have got to stop that. We are out of control. We have a fiscal train wreck coming up when it comes to entitlement spending and discretionary spending.

And this notion again that cutting those earmarks is not going to save money because it will simply be spent by the government agency is simply not true. All the committee had to do was the 302 allocations, and then they can simply say let's designate that for war funding. We know we are going to spend that money. You can reallocate before you report the bill out of committee.

So this notion that, okay, we are here, we might as well spend it or the administration will, that is simply a false choice. We are here as legislators. Again, as I said yesterday, we are not potted plants. I think taxpayers expect us to make hard choices, and we are not making them.

We are basically saying, if you can justify a project in your district, if you

think it is a good idea, then we ought to fund it, by golly, and there ought to be very little oversight, because you know what is best for your district.

That is not the best way to go. We are not the font of all knowledge. We cannot outguess the market. We try and try and we will come up with an example of where this earmark led to this discovery or that, and we ignore that when we take money from the taxpayers and spend it on a teapot museum or on the Punxsutawney Weather Museum in Pennsylvania or on the Rock and Roll Hall of Fame or on the Baseball Hall of Fame, then we are taking money we should not take from the taxpayers at all.

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

Mr. HOBSON. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Chairman, going to the Rock and Roll Hall of Fame, it is a beautiful place.

Mr. Chairman, I did not request this earmark; Mr. SHUSTER did. I think he has adequately defended it. I would rise, as the chairman of the Railroad Subcommittee, to tell the gentleman, in 2004, the EPA identified 495 counties across America, maybe some in your district, that are not in attainment.

The purpose of this program, as Mr. SHUSTER laid out, is to reduce emissions and increase fuel efficiency; And he went through what it is going to flock out of the air. I would tell the gentleman, because I listened carefully to his discussion of the previous appropriations bill and this one, this is authorized. We did it in the Energy Act, $200 million a year for the next 5 years, $49 million is provided for these programs in the President's budget this year.

I know the gentleman is busy. But if he ever has a free moment and you want to come to the Railroad Subcommittee, we did in fact conduct oversight hearings on programs like this, talking about the new technologies, talking about the public-private partnerships that are going to get us into the next century.

Mr. Chairman, I will tell the gentleman, because of programs like this we are now able to move a ton of cargo from New York to Boston on one gallon of diesel fuel; and thanks to Mr. SHUSTER's innovations and foresight in earmarking this program, we are going to do it without polluting the air.

So I hope the gentleman reconsiders this amendment. It is authorized, and we have had oversight.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

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

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

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

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

Mr. MICA. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, the reason I am standing here is to engage the chairman of the Energy and Water Development Appropriations Subcommittee in a colloquy.

First of all, I want to just take a second to commend Chairman HOBSON and the ranking member and the Appropriations Subcommittee staff for their outstanding work in the difficulty in bringing some of these measures before the floor, for their hard work.

Mr. Chairman, my Florida district includes the coastline along Flagler County, which has been dramatically devastated by recent hurricanes and damaging storms. The beach has steadily eroded; and sections of our historic and scenic national highway A1A have been washed away by the storms. Because some of the road has fallen into the Atlantic Ocean, the Florida Department of Transportation has installed a temporary seawall in those areas.

Initially, we had some problems in reaching a local consensus on the best way to restore the beach and secure this scenic and coastal highway. However, with hurricane season approaching, if this vital highway falls, our only emergency route in this area could be lost.

Earlier this month, I brought together our local leaders and decision-makers to discuss the problem and identify solutions. A consensus has been reached that we must complete a feasibility study and cooperate with the Corps of Engineers so the critical restoration work can be expedited. State and local officials will also be working together with Federal officials to explore cost-effective alternative restoration technologies.

I would like to, finally, ask the chairman if he would continue to work with me on this very important project for my district and also in conference to provide the critical resources to protect and restore the coastal areas and devastated beaches in Flagler County, Florida.

Mr. HOBSON. I have seen the pictures that you have given me, and I certainly understand the problem there in Florida. We will try to work with you every way we can. Because I have seen it. It has fallen in, and it has got to be fixed.

Mr. MICA. Mr. Chairman, I thank the gentleman and the subcommittee.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Chairman, first, I would like to take this opportunity to praise Chairman HOBSON and the ranking member, Mr. VISCLOSKY, for putting together this well-balanced bill. I applaud the chairman for his efforts in bringing this measure to the floor.

I rise, though, to ask a question of you, Mr. Chairman, because I am concerned with the provision added to the bill during the committee markup. The bill as currently written provides $10 million for the Department of Energy's Clean Cities Program. This program is devoted to the advancement and usage of alternative fuels.

In my home State of New Hampshire, the Granite State Clean Cities Coalition has done wonderful things, including the construction of a biodiesel filling station for off-road vehicles, support for the development of 10 public on-road biodiesel fueling stations, and the creation of natural gas refueling stations for the University of New Hampshire's bus fleet.

At a time when gasoline is well above $3 a gallon, I believe now more than ever we need to support programs that promote the use of alternative fuels and vehicles. However, during the committee markup, a provision was added that would set aside $8 million of the Clean Cities $10 million for E–85 ethanol infrastructure.

While I fully support the development of new E–85 stations, however, the Clean Cities Program has always been fuel neutral, awarding funds through a competitive process based on the merit of each project. I fear that allocating 80 percent of the program's funds for only one type of alternative fuel alters the competitive intent of that program.

Mr. Chairman, I would respectfully ask to be able to work with you during the committee of conference to try and rectify this issue. I thank you for yielding.

Mr. HOBSON. We will work with you. But I want you to understand that this was part of an amendment we accepted because we do want to encourage more E–85 use, and we were getting some complaints that there was not enough money out there.

But I understand what it has done to this program. In conference we will try to work to see if we can get some more money on the program.

Mr. Chairman, may I ask how much time remains?

The Acting CHAIRMAN. The gentleman has 1 minute remaining.

Mr. HOBSON. I would like to yield back on that and strike the last word if I might.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Let me take just a moment to say that this has been a very spirited debate out here this evening.

But I think at the end of the day we have got a good bill. I would encourage support for the committee's positions.

Mr. Chairman, I think we have cut back the number of earmarks this year in an amount of over $200 million. We have stayed within our 302(b) amount, and we have tried to take on the administration where we think appropriate, because I do not think everything they do is correct.

□ 2115

On the other hand, I do not think everything we do is correct, and we try to take that on where we can.

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

Mr. HOBSON. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. I appreciate the chairman yielding, and I appreciate your leadership on this bill.

This is a finely crafted piece of legislation and, again, I congratulate the Chair and all the members of the committee and the staff, and I would encourage the membership to strongly support this legislation. It has been a pleasure to work with the gentleman from Ohio.

Mr. HOBSON. Thank you. I appreciate working with you, too, sir.

Mr. Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PRICE of Georgia) having assumed the chair, Mr. MCHUGH, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record vote on the postponed question will be taken later today.

RESPECT FOR AMERICA'S FALLEN HEROES ACT

Mr. BUYER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 5037) to amend titles 38 and 18, United States Code, to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Respect for America's Fallen Heroes Act''.

SEC. 2. PROHIBITION ON CERTAIN DEMONSTRATIONS AT CEMETERIES UNDER THE CONTROL OF THE NATIONAL CEMETERY ADMINISTRATION AND AT ARLINGTON NATIONAL CEMETERY.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 2413. Prohibition on certain demonstrations at cemeteries under control of the National Cemetery Administration and at Arlington National Cemetery

''(a) PROHIBITION.—No person may carry out—

''(1) a demonstration on the property of a cemetery under the control of the National Cemetery Administration or on the property of Arlington National Cemetery unless the demonstration has been approved by the cemetery superintendent or the director of the property on which the cemetery is located; or

''(2) with respect to such a cemetery, a demonstration during the period beginning 60 minutes before and ending 60 minutes after a funeral, memorial service, or ceremony is held, any part of which demonstration—

''(A)(i) takes place within 150 feet of a road, pathway, or other route of ingress to or egress from such cemetery property; and

''(ii) includes, as part of such demonstration, any individual willfully making or assisting in the making of any noise or diversion that disturbs or tends to disturb the peace or good order of the funeral, memorial service, or ceremony; or

''(B) is within 300 feet of such cemetery and impedes the access to or egress from such cemetery.

''(b) DEMONSTRATION.—For purposes of this section, the term 'demonstration' includes the following:

''(1) Any picketing or similar conduct.

''(2) Any oration, speech, use of sound amplification equipment or device, or similar conduct that is not part of a funeral, memorial service, or ceremony.

''(3) The display of any placard, banner, flag, or similar device, unless such a display is part of a funeral, memorial service, or ceremony.

''(4) The distribution of any handbill, pamphlet, leaflet, or other written or printed matter other than a program distributed as part of a funeral, memorial service, or ceremony.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2413. Prohibition on certain demonstrations at cemeteries under control of National Cemetery Administration and at Arlington National Cemetery.''.

(b) CONSTRUCTION.—Nothing in section 2413 of title 38, United States Code (as amended by subsection (a)), shall be construed as limiting the authority of the Secretary of Veterans Affairs, with respect to property under control of the National Cemetery Administration, or the Secretary of the Army, with respect to Arlington National Cemetery, to issue or enforce regulations that prohibit or restrict conduct that is not specifically covered by section 2413 of such title (as so added).

SEC. 3. PENALTY FOR VIOLATION OF PROHIBITION ON UNAPPROVED DEMONSTRATIONS AT CEMETERIES UNDER THE CONTROL OF THE NATIONAL CEMETERY ADMINISTRATION AND AT ARLINGTON NATIONAL CEMETERY.

(a) PENALTY.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 1387. Demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery

''Whoever violates section 2413 of title 38 shall be fined under this title, imprisoned for not more than one year, or both.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1387. Demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery.''.

SEC. 4. SENSE OF CONGRESS ON STATE RESTRICTION OF DEMONSTRATIONS NEAR MILITARY FUNERALS.

It is the sense of Congress that each State should enact legislation to restrict demonstrations near any military funeral.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUYER) and the gentleman from Texas (Mr. REYES) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

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

Mr. Speaker, I rise this evening in great anticipation that we will pass H.R. 5037, as amended, and send the Respect for America's Fallen Heroes Act to the President for his signature by Memorial Day.

Each family of the United States military now attends to their loved ones funeral with a wrenching worry that it will be met possibly with a protest or a demonstration. With the approach of our Nation's annual day of remembrance, it is altogether fitting that we approve this bill to protect the sanctity of our military funerals at our national cemeteries and Arlington National Cemetery.

H.R. 5037, as amended, reflects a compromise agreement with the Senate that would prohibit demonstrations taking place within 150 feet of a road, pathway or other routes of ingress or egress from the national cemeteries and Arlington National Cemetery 60 minutes before and 60 minutes after the military funeral.

On May 9 the House voted 408–3 to pass H.R. 5037, thus demonstrating overwhelming bipartisan support for protecting military funerals. This bill does not unconstitutionally draw distinctions on what demonstrations are and are not allowed based on the content of the speech. It would not interfere with the VA Secretary's existing ability to regulate on VA property other conduct that is not specifically referenced in this legislation.

Penalties associated with the violations of this legislation are fair and

proportionate. A violation would be a class A misdemeanor under title 18 of the United States Code and result in fines of up to $100,000 and imprisonment of not more than one year or both. The penalty balances proportionality with the need for deterrence that has been demonstrated in outrageous disruptions that we as a Nation can no longer tolerate.

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

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

Mr. Speaker, I would like to first of all thank our chairman, Mr. BUYER, as well as Senator CRAIG and Senator AKAKA for their speedy work in finalizing this legislation before the Memorial Day recess. I would also like to thank my good friend and colleague, Mr. ROGERS, for co-sponsoring this legislation and being a really moving force behind this effort.

Mr. Speaker, as we gather to mourn our honored dead, passage of H.R. 5037, the Respect for America's Fallen Heroes Act, will send a clear message to those who have lost a loved one in service to our Nation that their right to grieve in peace will be respected.

Organized protests have disrupted the sanctity of funerals conducted throughout the United States for our military men and women killed while serving in our current military operations in Iraq and Afghanistan. Servicemembers who have made the ultimate sacrifice deserve to be buried with honor and dignity. The families of these courageous men and women deserve funerals that allow them to say goodbye to their loved ones and to mourn their loss in peace.

H.R. 5037 is narrowly tailored to protect military families at this sacred time from verbal attacks while also protecting our freedom of speech. Furthermore, provisions in this legislation are in line with judicial precedents specific to time, to place and manner of demonstrations.

The Senate amendments to this bill limit the area in which demonstrations are restricted to within 150 feet of methods of ingress and egress from cemetery property or within 300 feet of such cemetery in a manner that impedes the access to or egress from the cemetery. The Senate version of the bill is more narrowly drafted to ensure free speech is protected, but it still fulfills the original intent of the House passed bill.

In my congressional district of El Paso, Texas, our community has mourned the loss of 20 servicemembers who have given their lives while serving in our current missions in Iraq and Afghanistan. As a Vietnam combat veteran myself and member of the House Veterans' Affairs and House Armed Services Committees, I want to assure the families of our deceased servicemembers that this Congress will ensure our Nation's heroes are given the dignified burial that they deserve.

Mr. Speaker, next Monday, our Nation will come together to remember and to honor our servicemembers who have made the ultimate sacrifice while in service to our country.

I want to commend the House and the Senate leadership for moving this bipartisan legislation so quickly so that it can be signed into law before Memorial Day. I ask all of my colleagues to join us in honoring our fallen servicemembers by voting in favor of H.R. 5037.

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

Mr. BUYER. Mr. Speaker, I yield 7 minutes to the gentleman from Michigan (Mr. ROGERS), a fellow comrade of mine, a former Army captain.

Mr. ROGERS of Michigan. Mr. Speaker, I want to thank my good friend and colleague, a former veteran and great servant to his country, Mr. REYES, for your help and your impetus and your leadership on this particular bill. We could not have done it without you and your leadership. Thank you, sir.

To Chairman BUYER, thank you very much for your time and counsel and your hard work and dedicating your staff to making this happen here this evening.

To Senators FRIST and CRAIG, thank you very, very much for your quick action, your good work, your wise counsel and actually improving the bill a tad bit as they send it back to this Chamber.

The majority leader and the Speaker deserve our thanks as well for understanding the importance of this. We do not do things fast around here, and I think our Founding Fathers thought this was a pretty good idea. But this is one that we came together on a bipartisan effort and realized this we must quickly rise up to stand with the families who are grieving with the loss of great American patriots.

I just want to tell quickly, Mr. Speaker, the story of why this happened and why we got here, at least one example of many examples.

I visited a young family down at Brook Army Medical Center in Texas. Three great American soldiers who were from Michigan, a National Guard unit, were attacked by an IED and were recovering from some very severe wounds. You go down and you get to meet their families, and they are bonding together to support their loved ones who are literally fighting for their lives every single day.

Unfortunately, of course, at that time, SGT Joshua Youmans succumbed to his wounds and died. Prior to that, just a week before, after he had come back, he got to hold in his hands for the first time his daughter before he passed away. His wife was the most courageous woman I have ever met during that whole time. So we gather up to go to the celebration of the life of SGT Joshua Youmans, a time to celebrate his service, his sacrifice, the family's grieving, a community's thanks and appreciation for service given to their country.

When you pull up, you see this pretty hateful stuff. On the outside of the church were protestors who were taunting and harassing the family, this young widow, her young daughter McKenzie, their family, trying to walk in and give some dignity and respect and celebration to a life of a great American who signed up on his own to defend this Nation because he believed and a family's celebration of their love for him and the joys that they experienced in his short time on this Earth.

What a contrast it was. When she got up to give the eulogy for her husband, protesters outside yelling hateful chants, harassing, saying, ''Thank God for the death of SGT Joshua Youmans,'' flags wrapped around their feet as they paraded and shouted.

Through all of that, this very courageous woman who had just lost the love of her life gets up to eulogize her husband. One side of the church is packed with the National Guard unit, some of the toughest, greatest Americans you will ever have the privilege to meet. Without a dry eye in the house, she proceeded to tell of her love for her husband and how proud she was that she was an Army wife and how she could not wait to look in the eyes of her daughter and tell her about the great patriot, a great American, a great hero, her father, the one she would never get to know.

We knew that day that we must do better by those families. They deserve the right to bury their loved ones in peace and with dignity. This is really America's time to stand up and say to every member of the United States military, to every family who worries every single day, this is America's time to put their arms around those families and protect them and give them the right that they deserve to peacefully and with dignity pay their last respects to great American heroes.

I want to thank all of the folks who have worked so hard on this, even my staff member Andy Keiser, who dedicated an immense amount of time to make this happen. This happens shortly before Monday. What Monday is, is that day where we stand up and say, we remember and we are thankful for all the sacrifices for all of those who came before us to make this country great and have given their lives in defense of our Nation.

This bill is important for so many reasons. It protects the families here. It certainly protects the first amendment here as well. But it also sends a very clear signal to the men and women risking their lives today that we will not forsake you. We will stand

by you. And we will give you your last rights, God forbid it should happen. And we will stand with the families of America who have lost so much and deserve our love, our respect and America's dignity.

Thank you all for participating in this. And again, I just want to thank you, Mr. REYES, for your hard work, your dedication and your passion for this issue and your passion for America's soldiers. Thanks for doing it.

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

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

Mr. Speaker, we have had regrettably over 2,400 causalities; 2,400-plus stories like the one my colleague from Michigan just related; over 2,400 courageous stories of Americans that have paid the ultimate sacrifice so that people can have the right to freedom of speech.

It is very ironic that we have to pass this kind of legislation. But it is also very necessary so that communities around our great Nation can mourn their dead.

□ 2130

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BACA), who has been a true leader on veterans issues and especially from the Congressional Hispanic Caucus.

Mr. BACA. Mr. Speaker, I stand in support of H.R. 5037.

First of all, I want to thank the chairman, Mr. BUYER, for his support and his leadership and his vision in protecting and speaking on behalf of our veterans. I think it is important that we have someone who has served in the military who will stand up for a lot of our veterans. As you see in Congress today, we do not have a lot of individuals who have served in the military or are willing to stand up with it.

The other individual I would like to thank is SYLVESTRE REYES, because he truly has served as a veteran, has served in the committee and stands up for important legislation that talks about the Fallen Heroes Act. Right now, that is important for a lot of us.

I want to thank both of you for standing up and your leadership on behalf of all veterans of America, because we owe it to our veterans.

Many of our veterans who serve our country serve with honor and dignity. They believe in this country. They believe in standing up for the freedoms we enjoy today. A lot of them do not know what is going to happen to them, but they serve with honor and dignity because they believe in the freedoms that we enjoy today and the freedoms that we will enjoy tomorrow.

But if a fallen hero falls, we have the responsibility as Americans to make sure that we protect them and that they have the right to bury their families with honor and with dignity. As Americans, we have that responsibility because, ultimately, they give the sacrifice for us so that we can enjoy those freedoms, those freedoms that we take for granted every day of our life, whether to buy a home, go to school, go to college, enjoy the freedom of speech, enjoy whatever we need. We have the same responsibility to those individuals who have fallen.

To the parents and the relatives, to a wife or anyone else who is there, I think this bill is the right thing to do because we need to respect with honor and dignity those who are willing to sacrifice for us. Too often, we forget.

As we look at the flag right behind you, Mr. Speaker, it is a flag that we honor. It is a flag that many individuals have stood for. It is our veterans who have done that, and when they receive that flag, and many of them receive that flag, it should be done with honor and dignity, without any disruption of anyone picketing, and too often we forget that.

Mr. Speaker, I stand in support of this important legislation on behalf of all veterans who are willing to serve now and will serve us in the future. We owe it to them, and I appreciate what Mr. REYES has done and Mr. BUYER has done.

Mr. REYES. Mr. Speaker, I do not have any additional requests for time, and I yield back the balance of my time.

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

H.R. 5037, as amended, is well-considered legislation that carefully follows the United States Supreme Court and the Federal Circuit Court of Appeals precedents.

We have worked also cooperatively with the White House on this bill, and I would like to specifically thank Alex Mistri for his hard work. I thank the chief sponsors of the bill, Mr. ROGERS of Michigan and SYLVESTRE REYES of Texas, my comrade in arms, and JOE BACA, a veteran, JEFF MILLER of Florida, as well as our colleagues in the United States Senate, namely, Senators GRAHAM and CHAMBLISS, Senator FRIST, Senator VITTER, JIM INHOFE, LARRY CRAIG, the ranking member DANIEL AKAKA, for working with all of us to ensure that families contending with this most painful of tragedies does not face the sights and sounds of hateful disruption.

I also want to take this moment to thank Chairman JAMES SENSENBRENNER and the ranking member, JOHN CONYERS, of the House Judiciary Committee and Chairman STEVE CHABOT and Ranking Member JERRY NADLER on the Subcommittee on the Constitution for their cooperation and assistance on the bill's drafting and the constitutional considerations.

I agree with the comment earlier of Mr. ROGERS of Michigan that the Founders created this bicameral legislature to make things very difficult and challenging. When you look back, the Committee on Veterans' Affairs, we conducted our hearing back on April 6. We brought this legislation, after careful consideration, to the floor on May 9. It was sent over to the Senate. They worked their magic. They improved the bill. We bring it back and adopt it; and, hopefully, the President signs this into law Memorial Day. That is good work. That is the bipartisan cooperation that we have, and it is necessary to move veterans legislation.

I also want to take this moment to thank the National Commander Jeff Brown of the Patriot Guard Riders. These are individuals that saw an injustice and said that we will not permit people to dance on sacred ground and we will not wait for the government to act. We will defend these families and set the standards of dignity in our country with regard to military funerals.

I thank them. They have over 33,000 riders on motorcycles. When one of our soldiers falls, they grab the guidon and the American flag and they take on a mission, and the mission is to protect these military families.

Well, it is also now our responsibility to help these Patriot Riders to set forth a law so that they will not interfere with our VA national cemeteries and Arlington National Cemetery. This is the right thing to do.

So I ask my colleagues to support this legislation to preserve the sanctity of our patriots' funerals at our national cemeteries and Arlington and to ensure that the only sound echoing over a grieving family are the bugler's notes, calling upon us to remember a life well-lived and a Nation well-served.

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

The SPEAKER pro tempore (Mr. PRICE of Georgia). The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 5037.

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

A motion to reconsider was laid on the table.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 832 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5427.

□ 2137

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the further consideration of the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, with Mr. MCHUGH (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) had been postponed and the bill had been read through page 47, line 2.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. BISHOP of New York.

Amendment by Mr. HEFLEY of Colorado.

Amendment relating to Virginia by Mr. FLAKE of Arizona.

Amendment relating to Pennsylvania by Mr. FLAKE of Arizona.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. BISHOP OF NEW YORK

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. BISHOP) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 164, noes 258, answered ''present'' 1, not voting 9, as follows:

[Roll No. 202]

AYES—164

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Delahunt
DeLauro
Doggett
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Frelinghuysen
Gerlach
Green, Al
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Herseth
Higgins
Hinchey
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kelly
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Solis
Stark
Sweeney
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—258

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
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
Costa
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lipinski
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Rush
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (NM)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

McCarthy

NOT VOTING—9

Evans
Istook
Jones (NC)
Kennedy (MN)
Kennedy (RI)
Linder
Skelton
Snyder
Strickland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 2202

Mr. CUELLAR and Mr. REYES changed their vote from ''aye'' to ''no.''

Messrs. BRADY of Pennsylvania, FARR, LOBIONDO, FERGUSON, SMITH of New Jersey, CRAMER, DELAHUNT and RAMSTAD changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HEFLEY

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 87, noes 338, not voting 7, as follows:

[Roll No. 203]

AYES—87

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Bass
Bean
Beauprez
Blackburn
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Campbell (CA)
Cannon
Chabot
Chocola
Coble
Cooper
Davis (TN)
Davis, Jo Ann

Deal (GA)
Diaz-Balart, M.
Duncan
Everett
Feeney
Flake
Foley
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gohmert
Graves
Green (WI)
Gutknecht
Harris
Hefley
Hensarling
Herger
Higgins
Hostettler
Inglis (SC)
Issa
Jenkins
Johnson, Sam
Jones (NC)
Keller
King (IA)
Lewis (KY)
Mack
Manzullo
Marchant
Matheson
McHenry
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Poe
Price (GA)
Radanovich
Ramstad
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shimkus
Stearns
Sullivan
Tancredo
Taylor (MS)
Terry
Tiberi
Westmoreland
Wilson (SC)

NOES—338

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrow
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Forbes
Ford
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herseth
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick (MI)
Kind
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)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stark
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Evans
Kennedy (MN)
Kennedy (RI)
Linder
Skelton
Snyder
Strickland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 2209

Mr. BURTON of Indiana changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment relating to Virginia offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 64, noes 359, not voting 9, as follows:

[Roll No. 204]

AYES—64

Barrett (SC)
Bartlett (MD)
Bass
Bean
Beauprez
Bishop (UT)
Blackburn
Blumenauer
Bradley (NH)
Cannon
Chabot
Chocola
Coble
Cooper
Deal (GA)
Feeney
Flake
Foley
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Green (WI)
Gutknecht
Harris
Hayworth
Hefley
Hensarling
Inglis (SC)
Istook
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
King (IA)
Kline
Lungren, Daniel E.
Matheson
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Otter
Paul
Pence
Petri
Pitts
Poe
Ramstad
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Shimkus
Stearns
Sullivan
Tancredo
Terry
Tiberi
Westmoreland

NOES—359

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Forbes
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall

Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stark
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Evans
Ford
Gohmert
Kennedy (MN)
Kennedy (RI)
Linder
Skelton
Snyder
Strickland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 2216

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The Acting CHAIRMAN (Mr. MCHUGH). The pending business is the demand for a recorded vote on the amendment relating to Pennsylvania offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 46, noes 372, not voting 14, as follows:

[Roll No. 205]

AYES—46

Barrett (SC)
Bartlett (MD)
Bass
Bean
Beauprez
Blackburn
Blumenauer
Bradley (NH)
Chabot
Chocola
Coble
Cooper
Cubin
Feeney
Flake
Ford
Foxx
Frank (MA)
Franks (AZ)
Garrett (NJ)
Gibbons
Green (WI)
Gutknecht
Hayworth
Hefley
Hensarling
Inglis (SC)
Jindal
Jones (NC)
King (IA)
Kline
Lungren, Daniel E.
Matheson
Musgrave
Myrick
Neugebauer
Otter
Paul
Pence
Ramstad
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Stearns

NOES—372

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
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
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
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
Nadler
Napolitano
Neal (MA)
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Chandler
Davis (FL)
Evans
Kennedy (MN)
Kennedy (RI)
Kirk
Knollenberg
Linder
McDermott
Sabo
Skelton
Snyder
Stark
Strickland

□ 2222

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The Clerk will read the last two lines.

The Clerk read as follows:

This Act may be cited as the ''Energy and Water Development Appropriations Act, 2007''.

Mr. HOBSON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PRICE of Georgia) having assumed the chair, Mr. MCHUGH, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under

consideration the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 832, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 404, nays 20, not voting 8, as follows:

[Roll No. 206]

YEAS—404

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berman
Berry
Biggert
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
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
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
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
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)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stark
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—20

Ackerman
Barrett (SC)
Berkley
Cooper
Flake
Franks (AZ)
Gibbons
Green (WI)
Hefley
Israel
Jones (NC)
Kucinich
Matheson
Norwood
Petri
Porter
Sensenbrenner
Stearns
Tancredo
Wilson (SC)

NOT VOTING—8

Evans
Kennedy (MN)
Kennedy (RI)
Linder
Paul
Skelton
Snyder
Strickland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 2240

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5427, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5427, the Clerk be authorized to make technical corrections and conforming changes to the bill.

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

There was no objection.

WELCOMING THE HONORABLE EHUD OLMERT, PRIME MINISTER OF ISRAEL

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

Mr. MCHENRY. Mr. Speaker, it is our distinct honor to have had with us today Israeli Prime Minister Ehud Olmert, a valued friend and trusted ally in the war against Islamic extremism.

The Prime Minister's visit focused on three principal issues in the Middle East and around the world: The challenge posted by the Hamas-led Palestinian Authority; his plan to take steps to secure Israel if no peace-partner emerges from the Palestinian Authority; and the nuclear threat from Iran.

Our friend and ally in the Middle East, Israel, has elected a strong leader in Ehud Olmert, and it was clear today that he will have the strength and fortitude to carry forward his plan to have a safe and secure Israel. He gave a wonderful and strong speech.

Mr. Speaker, I am proud to be a supporter of Israel, proud to have had the opportunity to listen to the Prime Minister today, and I am pleased that the leadership of this House and this Congress decided to welcome such a valued friend to this distinguished body.

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.

□ 2245

ILLEGAL IMMIGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

Mr. MCHENRY. Mr. Speaker, today I rise to comment upon a very large issue on our national landscape, and that is illegal immigration. One of the underreported and often unreported issues is the ham-handed approach the government bureaucracy has when dealing with those that try to come to this country legally.

I have a constituent, Mete Adan, in my district, born in Turkey, who has spent the past 16 years, Mr. Speaker, trying to become a U.S. citizen the right way, the legal way.

He is a legal immigrant to this country. And my office has worked with him since September of 2005 helping him cut through the bureaucratic red tape and the outdated immigration process.

Due to the inefficiency of our current system, which, Mr. Speaker, I must say processes over 7 million immigration applications per year using paper printouts. While you have Amazon.com processing millions of orders a day and transacting money, our bureaucracy is processing 7 million applications each year using paper.

So Mete's case has been a 2½ year debacle within this bureaucracy, marked by mistakes, errors and blunders. Cases like this are happening all across our Nation. That is why we need a new system, a new technology, to deal with those that are trying to come here legally.

Mete said, ''I am still waiting. And these guys are coming up from Mexico to get citizenship and do not deserve it: He said. They do not even speak English. Now, Mr. Speaker, this gentleman studied medicine in his own country and has come here in and worked legally. Legally. He has worked legally as a computer programer. This gentleman is very highly trained and a good potential citizen for our country.

And let me tell you, Mr. Speaker, the USCIS, the Citizenship and Immigration Services, are the ones that are mishandling this. It is also the same bureaucracy that the Senate wants to saddle with processing 10 to 20 million illegal aliens for a guest worker visa. It is simply not possible. They process as I said, 7 million applications each other using paper printouts. When they do use computers, it is Windows 95, technology that is over 10 years out of date.

So, Mr. Speaker, I ask that we have a reasonable immigration enforcement policy, and that we also fix this outdated dysfunctional bureaucracy, so that we can process those that are trying to come here legally. And beyond that, perhaps at some future date, not now though, at the some future date, look at a reasonable fashion to bringing people here in a more reasonable way.

So, Mr. Speaker, I want to commend my constituent, and hopefully a new American citizen, Mete Adan. I appreciate his diligence in trying to do this the legal and right way. He is a testament to all of those legal immigrants that want to come and participate in the American dream. It is a strong story that we should all be proud of, of someone who wants to be American and hungers for freedom and the values of our society.

He is someone we should welcome to the United States. We should not have an amnesty program. We should have not a guest worker program. We should not have any of the other steps that the Senate is talking about in these current days.

Mr. Speaker, we should have a reasonable proposal and a reasonable way for people to come here and immigrate and be a part of our society. But say no to amnesty, to have border security and to do it the right way, while encouraging those that are doing it the right way, like Mete Adan.

AMBASSADOR EVANS REPLACEMENT

Mr. PALLONE. Mr. Speaker, I ask unanimous consent to claim Mr. MILLER's time.

The SPEAKER pro tempore. Without objection the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

There was no objection.

Mr. PALLONE. Mr. Speaker, I rise tonight because the White House has finally made an announcement of what many of us already knew, that Ambassador John Evans of Armenia is officially being replaced.

Ambassador Evans has given exemplary service to his country, and was a well-respected ambassador in a region of strategic importance to the United States. However, as it turns out, Evans was forced to vacate his post for publicly affirming the Armenian genocide.

Reports highly suggest that because Evans declared that ''the Armenian genocide was the first genocide of the 20th Century,'' he is being unjustly penalized for speaking the truth.

However, by employing the proper term last year, the Ambassador was only building on previous statements by our leaders in Government, as well as the repeated declarations of numerous world-renowned scholars. Ambassador Evans did nothing more than succinctly repeat the conclusions enunciated by many before him.

Mr. Speaker, it is my fear that the Government of Turkey may have played a role in this unfortunate event. I strongly believe that they have expressed concern to the White House over Evans' remarks last year. In fact, immediately following his remarks, Evans issued a correction, all too seemingly at the behest of the administration.

And we must not allow a third party to interfere in U.S. diplomacy and refrain from declaring the truth in order to promote relations with Turkey. To this day, the Republic of Turkey refuses to acknowledge the fact that this massive crime against humanity took place under its control in the name of Turkish nationalism.

Unfortunately some 90 years later, the U.S. State Department continues to support Turkey's denials despite all evidence to the contrary. It is simply unacceptable for this administration to penalize Evans for his comments.

What he did was courageous and should be viewed as such, not punished. Ambassador Evans simply articulated the same message as that of the administration. However the only difference was his assigning a word to define the actions taken against Armenians.

Ambassador Evans is in fact an expert on the subject. He has studied the history of Armenia and based on his substantial studies he was willing to go on the record and define the systematic extermination of 1½ million Armenian men, women and children as genocide.

Mr. Speaker, in early March I wrote a letter to the State Department because I was outraged to see that Ambassador Evans was withdrawn from Armenia. Based on news reports the State Department recalled the Ambassador as retaliation for his statements.

Over 2 months have passed since I expressed my disappointment and I have yet to receive a response from the State Department. I specifically asked Secretary Rice for an explanation as to why Ambassador Evans was removed from his post. Not only was my inquiry ignored, but other Member's inquiries have also gone unanswered.

Now the White House has made an official announcement, but still has not given an explanation. Mr. Speaker, I hope that the newly-appointed U.S. Ambassador to Armenia, Richard Hoagland, will not play the word games of the White House and comply with Turkey's campaign of genocide denial.

Mr. Speaker, the New York Times did an editorial on May 16 this year detailing the dangers to Turkey and to the world of that country's continued denial of the Armenian genocide. I just want to read the last paragraph of that insignificant editorial. It says, ''the preponderance of serious scholarship outside Turkey accepts that more than a million Armenians perished between 1914 and 1915 in a regime-sponsored campaign. Turkey's continued refusal to countenance even a discussion of the

issue stands as a major obstacle to restoring relations with neighboring Armenia and to claiming Turkey's rightful place in Europe and the west. It is time for the Turks to realize that the greater danger to them is denying history.''

GAS PRICES AND ENERGY INDEPENDENCE

Mr. ETHERIDGE. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Illinois.

The SPEAKER pro tempore. Without objection, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

There was no objection.

Mr. ETHERIDGE. Mr. Speaker, as the Memorial Day Weekend approaches, with the unofficial kickoff of the summer driving season, I rise this evening to say a few words about the energy crisis in this country.

Specifically, I urge this Congress to take immediate action to crack down on price gouging of gasoline and develop alternative fuels to free Americans from the grip of foreign oil. Over the past several weeks and months, gas prices have skyrocketed across the country.

Middle class families who were already feeling economic pressure of the rising cost of health care and college expenses are getting squeezed tighter still due to the higher price of gasoline.

According to the AAA fuel gauge report, my North Carolina neighbors are paying nearly $3 a gallon for gas. I know I paid that much when I stopped and got gas on Monday and filled my car up. Now, as a former full-time small businessman for almost 20 years, I take no back seat to anyone in support of free enterprise market capitalism.

But the gasoline price gouging of American citizens must stop. Unfortunately, the administration has chosen to turn a blind eye to this urgent problem. Just yesterday, the head of the Federal Trade Commission argued against a new Federal law against price gouging by the oil companies and suggested that they be allowed to continue to reap the profits of American consumer's pain at the pump.

I am proud that my colleagues and I have introduced the Federal Response to Energy Emergency or FREE Act. I am pleased this House has passed this important legislation. I hope the administration will end its opposition and the Senate will put this into law shortly.

Over the long term, Mr. Speaker, Congress must exercise visionary leadership to pass policies that are innovative to secure America's energy independence.

Last month I hosted a summit on biofuels in my Congressional district to explore policy options to grow our way out of this energy dependence we have. This event featured local, State and national experts on energy, biofuel producers and State government officials.

We examined the current state of the biofuel development and explored how North Carolina as the third largest agricultural producing state can become a leader in biofuel production.

What we found is that we have the technology to make our own fuel from the products we grow in our fields today. For example, soybeans are the largest crop in my State of North Carolina, making up about 25 percent of the total acreage in our State.

We have the answers to our fuel crisis growing in our fields across America. In addition to the biofuels summit, I recently discussed this topic with the Second District Youth Advisory Committee, a group of young people. And let me tell you that these young people get it. They inherently understand that the U.S. reliance on imported fossil fuels is unsustainable and leaves us vulnerable to developments far from our borders and not under our control.

Mr. Speaker, as a Member of the House Agricultural Committee and co-chair of the House Democratic Rural Working Group, I know firsthand that rural Americans feel this pain when they go to the pumps. But rural America will benefit from legislation my colleagues and I have introduced to encourage biofuel production and the usage of it in the United States.

Specifically this legislation will, one, increase production of American-made biofuels. Double the percentage of renewable fuels sold in America in 6 years, make sure that biodiesel and cellulosic sources are the key parts of that increase, and extends tax credits for ethanol and biodiesel through 2015, and increases tax benefits to small ethanol producers.

Mr. Speaker, in addition, the bill will expand the market for and the distribution of biofuels, invest in research and development to improve the use of renewable energy. And, finally, the bill will encourage local domestic ownership through Federal incentives to small ethanol and biofuel plants so that independent locally-owned facilities that produce biofuels can grow and thrive, improving our rural communities and creating jobs.

Mr. Speaker, I hope when Congress returns from the Memorial Day district work period that this House will pass this legislation to invest in America's energy independence.

I hope the administration will put the power of the Federal Government to work for the American people suffering at the gas pump, rather than the big oil CEOs enjoying record profits at their expense.

□ 2300

FOSTERING OUR FUTURE ACT OF 2006

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, this week I introduced the Fostering our Future Act of 2006, along with my colleague, the distinguished gentlewoman from Pennsylvania (Ms. HART).

This is a bill to help our Nation's foster youth by strengthening dependency courts and requiring accountability.

Foster care is a critical safety net for half a million abused and neglected American children. It is, however, a system in need of support and reform. 20 percent of all foster kids will be forced to wait over 5 years for a safe, permanent family. Even worse, almost 20,000 older youth age out of the system without the assistance of a permanent family every year.

Frequent foster home transfers create turbulence and insecurity that heighten the emotional, behavioral and educational challenges faced by these youth. The doubling of the foster care population since the early 1980s compounds this problem by creating enormous caseloads and taxing the capacity of foster homes.

The end result is that foster kids through no fault of their own are more likely to experience homelessness, unemployment and other life course problems despite their resilience and courage. Imagine what it is like to be 8 years old, neglected by your parents and then taken away from them. You are told that you must live with a family that is not your own. You would be confused by court proceedings that govern your future and frightened that you might be transferred to yet another home. You would certainly feel alienated from your peers who talk about mom and dad. Imagine what that must feel like.

These children deserve better. They should be guaranteed physical and emotional safety. They should have continuing relationships with caregivers and loved ones. They should have an informed voice in the legal decisions made about their lives. And they should enter adulthood prepared to live a happy, healthy and productive life. We have a responsibility to these children to meet these goals. Anything less is unacceptable.

Practitioners and policy experts have conducted thorough analyses and advanced proposals to overhaul the foster care system. The most prominent example, a comprehensive 2004 report by the bipartisan Pew Commission on Children in Foster Care identified several areas where the Federal Government could support these kids by strengthening the Nation's foster care systems.

The Pew Commission found that State dependency court systems were failing to sufficiently track cases and train personnel, because they do not receive Federal funds to do so. Inner-agency collaboration and performance measurement where they exist have been inconsistent both within and between States and tend to focus on bureaucratic needs rather than outcomes.

I was pleased earlier this year when under the leadership of the Ways and Means chairman of the subcommittee, Mr. HERGER, the committee passed legislation that included $100 million in new funding to improve our foster care system. These funds have been allocated to improve juvenile and family courts, help track and analyze caseloads, train judges and other court personnel and bolster collaboration between State courts and State child welfare agencies. While this is a critical first step, it is time we implement the rest of the court-related provisions recommended by the Pew Commission, and this legislation we introduced will do exactly that.

Our State foster care system struggled to retain qualified dependency attorneys who are often burdened by substantial debt. A recent survey found that one-third of practicing dependency attorneys graduated with over $75,000 in outstanding loans, and 44 percent of them currently owe more than $50,000. High turnover among dependency attorneys has led to a dearth of experienced lawyers who have a comprehensive understanding of the system and maintain valuable relationships with their young clients.

The Fostering Our Future Act that we are introducing responds to these shortcomings. It encourages Statewide interagency collaboration and data sharing. It ensures effective representation is available to children and families. It establishes a loan forgiveness program to attract and retain qualified child welfare attorneys. And most importantly, by focusing on child welfare outcomes, this legislation will keep the needs of children and families rather than the needs of bureaucracies front and center.

I commend the child welfare workers of America for the invaluable services they provide and for constantly struggling to get this issue the attention it deserves. Foster care plays a crucial role in the Nation's child welfare safety net, but it is in desperate need of change and support. I call on my colleagues to join us working for the day when all of our Nation's children are protected, nurtured and loved. And I invite you to join me in that quest by co-sponsoring the Fostering Our Future Act of 2006.

HONORING OUR VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. SCOTT) is recognized for 5 minutes.

Mr. SCOTT of Georgia. Mr. Speaker, this week as we begin to go into this weekend to celebrate Memorial Day, it is most fitting that we take a moment to say a word about our soldiers, those who have fallen, who have given their lives in battle for the protection of this country and the enhancement of freedom around the world. And so it is with great pleasure and honor that I start this recognition off recognizing the great courage and work of our soldiers.

From the Revolutionary War, as we recall, many soldiers who gave their lives to start the foundation of this country, many of those soldiers whose portraits hang in this great Capitol, several of those soldiers who walked with bloody feet through Valley Forge through the winter because we could not get them the proper boots to wear. But they went on and they fought against the odds and brought freedom and started this country; to the War of 1812; all the way through the Civil War, where brother fought against brother; the greatest contests in war that proved the metal of this country, up through the Spanish American War and World War I and World War II. From the halls of Montezuma, to the shores of Tripoli, our soldiers have been there for us. The Korean War and on down through the Vietnam War, maybe not popular, but the soldiers went where they were called and performed admirably; through Desert Storm and now in the sandy storms of Iraq.

Mr. Speaker, I was just in Iraq in January, and one of the most memorable experiences I had during that trip was I was able to meet with our soldiers. And there was one soldier that, as I was in Camp Victory in Baghdad, who grabbed me and was hugging me so hard. Tears were coming down his eyes, tears coming down mine. And he said some words to me I will never forget. He said, Congressman SCOTT, when I am hugging you, it is like I am hugging a piece of home.

I never will forget that. And 3 weeks ago, that soldier was killed. And so, oftentimes, we go about our business, and oftentimes, we take our freedoms for granted. But that is why we have Memorial Day, to say to those who have given their lives for this country, for our freedom domestic, thank you. Because there is no greater love than the one that would give his life for another. To all the men and women in uniform, to all who have served this country, we say thank you on this, the beginning of the celebration of Memorial Day.

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 half the time until midnight as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to come before the House once again. I would like to thank the Democratic Leader for allowing the 30-Something Group to come to the floor, Ms. PELOSI and also our Democratic Whip, Mr. HOYER, and Mr. CLYBURN, who is our chair of the Democratic Caucus, and Mr. LARSON, who is the vice chair.

Mr. Speaker, we were here the night before, and as you know, we come to the floor talking about issues that we would like to see brought to the floor and also talk about how we on the Democratic side would like to work in a bipartisan way to make America stronger.

Last night we talked quite a bit about energy. We talked about the difference between what we would do if we were in the majority versus what the Republican majority has not done and the cost it has brought about to all Americans. And it is very, very unfortunate that this continues to happen, and there is very little leeway that has been given to the American people as it relates to gas prices. We talked about the fiscal irresponsibility of the Republican majority that we are willing to work to pay as we go as it relates to our budget. We talked about the fact that students that are now graduating, that will be walking across the stage, a very proud moment for many Americans across the country, watching their young people pick up their diplomas, knowing that as they go to college they will pay more for college because the Federal Government or the Republican majority has decided to cut student benefits and also make it harder, make more of a reality of debt for students who are going to college because we have cut back, and we have Democratic initiatives to roll back the Republicans tuition tax on students.

When we talk about tuition tax on students, it is a tax on the parents and on the grandparents and the family that is trying to help that individual get through college, that is making sure that we have a stronger and brighter America in the future.

Of course, Mr. Speaker, we always talk about solutions, and we back it up with fact and not fiction. So we are here tonight, half of the time split before midnight, to talk about these issues quickly.

Tonight, as always, we have Ms. WASSERMAN SCHULTZ from Florida. We have Mr. DELAHUNT, who is going to join us tonight. We look forward to a fruitful dialogue with an abbreviated time.

Ms. WASSERMAN SCHULTZ, do you care to share anything because I am going to talk about the fiscal irresponsibility and how the Republican majority has allowed foreign countries to have a piece of the American apple pie? We

talked about that last night as it relates to the irresponsible spending that has taken place, unaffordable and in many, many areas and is putting America more in debt, not only in domestic debt but foreign debt, unprecedented to any other time in the history.

Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. I am glad you touched on that theme. It is a pleasure to be here once again for our 30-Something Working Group, where we try to talk about the issues from the perspective of our generation and also talk about the issues important to our generation. And for people in our generation and the point that we are at in our lives, what blows my mind and continues to baffle me since I arrived in the Congress last year was the crushing debt that we are buried under right now, and that is not reversing itself; that there are no efforts on the part of the Republican leadership to reverse course, to turn around and go in the other direction and return to the days when President Clinton was in office. We had a surplus, a budget surplus, when we had no deficit, when we had a much smaller debt in terms of our debt to foreign countries. Of course, we had debt to foreign nations but not nearly what we have today.

We have more debt combined under this President than the 42 other Presidents that we have had previously. And normally we have charts that we can highlight.

Mr. MEEK of Florida. We have had 224 years, Mr. Speaker, of leadership that has only has been able to borrow $1.01 trillion from foreign nations. The Republican majority along with the President has in 4 years, from 2001 to 2005, has been able to borrow $1.05 trillion in just 4 years. Ms. WASSERMAN SCHULTZ, since we do not have our chart, I just wanted to give those facts.

Ms. WASSERMAN SCHULTZ. Absolutely. The three things I just want to hit on that are on all in that same theme: Last week, we passed a budget led by the Republican leadership here that just continues down that same path of irresponsible priorities; $6 billion cut to Homeland Security over 5 years; $488 million in 2007 alone. Cut the Army National Guard by 17,000 troops. The National Guard, which, if we all recall, the President just talked about deploying to the border, to our Mexican-American border to assist States in border security. On top of that, we are also deploying them to Iraq and Afghanistan. How thin can we spread them? And then on top of that, we are cutting the number of troops we give them.

It cut funding for equipment for firefighters and police; $6 billion cut to veterans' services over 5 years. It tripled health care fees for veterans for TRICARE.

Let's fast forward to the tax reconciliation bill, which is the tax cuts that we made permanent under the Republican leadership's insistence. Let's talk about what that tax cut meant for real people. The tax bill that was signed this week by the President had Americans who made $20,000 a year, they get $2, $2 in their tax break. And when I stand at a town hall meeting and ask folks to raise their hands, Mr. MEEK, to let me know, who is it among you who have actually received money in your pocket from the tax breaks that President Bush and the Republican leadership have handed out over the last number of years, in a room full of several hundred people, maybe I get two or three hands. Maybe.

□ 2315

Now, if these tax cuts are targeted like Democrats would design to working families and to people who really needed that money and would actually put it back into the economy so that could revitalize the economy, like buying big ticket items like refrigerators and televisions and other things that would inject cash into the economy instead of investing it, which is what the wealthiest among us would do, then I could understand letting us make those tax cuts permanent all day long, but unfortunately, we do not have any of those tax cuts.

We have tax cuts that puts $2 back in the pockets of people who make $20,000, and Americans who make $40,000, they get a whopping $16, but Americans who make more than $1 million get a thousand times that. They get $42,000. They get to go out and buy a Hummer. They can buy a Hummer. That is how much money someone who makes $1 million gets back, a Hummer, a Mercedes, a Suburban, a gas guzzler, and you cannot buy one of those with $2.

Then let us add insult to injury, and last week there were comments made in this Chamber on this floor that people who make $40,000 a year do not pay taxes. I mean, come on. Do you know anyone that does not pay taxes that makes $40,000?

Mr. DELAHUNT. Of course not. I think we all know that is an inaccurate statement, but I think what is interesting or even more interesting——

Ms. WASSERMAN SCHULTZ. It is just out of touch. That is my point.

Mr. DELAHUNT. Is how are we affording these tax cuts? Who is paying? Where is the money coming from? You remember that movie about follow the money?

I think what is particularly disturbing is the reality that we are borrowing money to subsidize tax cuts that are skewed in favor, disproportionately, for 1 percent of the American people, and when you examine the record, and I understand we do not have any charts this evening, but when you examine the record, you discover that we are borrowing money from foreign countries to provide the funding for the tax cut, and that includes the People's Republic of China, mainland China.

Now, I know that there are many in this institution that are very concerned about the emergence of China as an aggressive competitor in terms of the global economy. Some would even suggest that China is a potential adversary, and yet, here we are, borrowing money from the People's Republic of China so that we can confer a disproportionate benefit on the top 1 percent of the American people.

If you give me just another moment, I think I have a chart here and I know that it is difficult to see, but let me hold it up and let me refer to it.

Public debt held by China quadruples under Bush. In the year 2000, American Treasury notes and bills in the possession of the Central Bank of China amounted to $62 billion. That figure today is in excess of $270 billion, four times more in the course of 5 years, four times.

Now, I think you would have to conclude that our relationship with China, both commercially, politically and in every aspect of that relationship, we are losing leverage.

Mr. RYAN of Ohio. Mr. Speaker, I think you make a great point and we have all these issues and China's rising and China's making investments and China's building their infrastructure and China's doing a lot of things that they have to do. Okay. That is their world and they can do what they have to do to be competitive, and you know what, God bless them.

Mr. DELAHUNT. Just a minute. They are holding Treasury notes, and the American taxpayer is sending money to China for the interest payments on those American negotiable instruments, on those Treasury bills. We are supporting education in China.

Mr. RYAN of Ohio. And I understand that, and my point is——

Mr. DELAHUNT. Not here in the United States but in China.

Mr. RYAN of Ohio. And I understand that and I think that that is true. China has their world. We are feeding them, we are feeding them, and we are not taking care of what we need to take care of here in the United States of America. We have only certain controls over what they do in China, and if they want to focus on manufacturing and this, that and the other, hey, that is their business, God bless them.

But when we are aiding them by paying interest on money that they loaned us, then we are contributing to the downfall of the middle class of the United States of America and, at the same time, not making the investments in what we need to invest in in the United States of America.

For example, the Democratic proposal, the Innovation Agenda for the Democrats is to make sure that we

have research and development tax credits, making sure that we have broadband access for every single house in the United States of America in the next 5 years. We have a plan on becoming energy independent. There it is, becoming energy independent, getting off of the addiction to foreign oil. We need to stop and move in another direction.

We cannot control everything that China does, but we have all kinds of control of what we can do here in the United States of America, and if we do not start focusing on making America stronger, whether it is with innovation, energy independence, healthier citizens, more productive citizens, investment in education, these are the things that we need to do in the near future to help us compete in the long term against China, against India and against a lot of other countries like Ireland that want to compete against the United States of America.

Mr. MEEK of Florida. Mr. Speaker, very quickly, I believe we have until 34 after the hour. So let me just quickly, since you are talking about the debt and what this Republican Congress has done, we actually have a new chart here tonight.

As you know, Japan has bought $682.8 billion of our debt. China, we are just talking about China, Red China, $249.8 billion of our debt.

Mr. DELAHUNT. That China debt has to be updated because China is escalating.

Mr. MEEK of Florida. Okay, great. UK, $223.2 billion; the Caribbean, $115.3 billion; Taiwan, $71.3 billion; and you have OPEC Nations that are oil Nations, $67.8 billion; Germany, $65.7 billion of our debt; Korea, $66.5 billion of our debt; Canada, $53.8 billion of our debt.

But let me just give you this silhouette here. This is the United States of America. It does not belong to those countries, and guess what, the American people have not delivered it to the countries. The policy of the Republican majority has delivered that debt and that ownership of the American economic pie in a record-breaking way, Mr. Speaker, in the last 4 years, $1.05 trillion of foreign debt borrowed by this country and by this administration and by this Congress.

So it is very, very important, if we are going to have a paradigm shift, that we talk about those pay-as-we-go amendments. Time after time, if we say we are going to buy it, we are going to pay for it; we are going to find a way to pay for it. We just will not put it on the credit card.

Ms. WASSERMAN SCHULTZ. We are acknowledging, we are calling on the carpet the Republican leadership for plunging us into the most debt we have ever been in and piling it up in record time to boot.

We are borrowing and spiraling downward into tremendous debt to other nations, and then, on top of that, we are giving away our oil drilling rights that we are normally paid royalties for by the oil and gas industry. Last year, we passed two bills that basically give away those rights for free. We give them to the oil industry, and subsequently, several months later, they make more profits than any corporation in American history.

What would we do in the alternative? Finally, finally, there is leadership that is willing to step forward and adopt and propose an Innovation Agenda that would pledge to make us energy independent within 10 years. Our energizing American plan that was put together by the Democratic House working group that gets more specific than our Innovation Agenda. It talks about how we would increase production of American-made biofuels, using our cellulosic sources such as switch grass, producing ethanol through corn and possibly even through sugar cane, investing in research and development to improve the use of renewable energy. These are the commitments that Democrats would make.

So, Mr. Speaker, when people on the other side of the aisle throw out that Democrats do not have an agenda, well, here is a piece of it, Mr. RYAN just had a piece of it. There are three stacks of notebook, none of which are full of empty paper, Mr. Speaker, that outline our homeland security proposal, our domestic security proposals, our energy plan.

These are the things that we would address from day one when we are in charge of this Chamber. We would eliminate the corruption. We would make sure that this Chamber is run in a bipartisan way, as Leader PELOSI indicated just last week. We would adopt democracy once again in the United States House of Representatives which, quite honestly, is something I have not seen since the first day I got here, and it is really depressing.

Mr. RYAN of Ohio. The Republican agenda today is to say the Democrats do not have an agenda. That is their agenda. That is all they have got. They have got no plan on energy, no plan on health care, no plan on education, no plan on reducing college tuition costs. They have got no plan on immigration. They have got no plans.

Ms. WASSERMAN SCHULTZ. It is like I could just close my eyes, and listening to the Republicans, point fingers and call names at us, I could just close my eyes and it is like I am listening to my twin 7-year-olds fight with each other: Yes, they are; no, they don't; yes, they are; no, they don't. That is all they are——

Mr. DELAHUNT. I hate to interrupt. I thank my friend from Florida. They have a plan which is to increase the debt that the American people owe to foreigners.

You know, those numbers that we were talking about in terms of China, that $270 billion, let us just pick a number and try to help me calculate what the interest payments are to the Chinese Government every year, 4, 5 percent? Can we agree on 5 percent, because that is easy?

Well, what we are doing is we have a plan that is a consequence of their fiscal policy and their tax policy that sends in interest payments every year to China, $25 billion a year. Now, when you stop and think about the $25 billion that goes to China from the United States taxpayers every year, what could we do with that $25 billion?

Ms. WASSERMAN SCHULTZ indicated there was a plan by Democrats regarding energy, ethanol, the use of farm products, biomass. I bet we could fund that program. I bet we could do more with that $25 billion rather than send it to the Chinese, not to reduce principal but simply to pay the interest.

Ms. WASSERMAN SCHULTZ. We could do something crazy like collect the royalties from the oil industry and invest it on alternative energy sources like those. We could fund this plan backwards and forwards with the money we did not make them pay us.

□ 2330

That is what is so outrageous

Mr. RYAN of Ohio. This is a poorly run business right now. Our government right now is a poorly run business that wastes money. And in Iraq, they lost $9 billion that nobody knows where it is. Royalties on the oil companies that we are just not getting because they get a lot of campaign contributions. Subsidies to the health care industry. And $16 billion, as Ms. WASSERMAN SCHULTZ said, to the energy companies and the oil companies.

I mean, we are hemorrhaging here, and we are giving the millionaires $42,000, and we are giving the oil companies $16 billion. We don't have it to give you. I'd love to give it to you. It would be great if we could give everybody everything.

Ms. WASSERMAN SCHULTZ. But then we are cutting 17,000 troops out of the National Guard.

Mr. RYAN of Ohio. Bingo.

Mr. DELAHUNT. And in addition to China, Mr. Speaker, the OPEC countries, they hold debt, American debt, in excess of $75 billion. Now, 5 percent of $75 billion, you know, is probably $4 billion, something like that. Those are just interest payments, Mr. Speaker, that we are sending to the OPEC countries. I mean, this makes no sense at all. It erodes the strength, the economic strength and the position of the United States of America in the international community.

The President often talked several years ago about creating an ownership society. What he failed to tell us was that America was being sold piecemeal to the Chinese, to OPEC and to the Japanese. I mean, we no longer own

our wealth. It is foreign governments, foreign nations that are our competitors and our potential adversaries, according to some, that are buying America's wealth.

Mr. MEEK of Florida. Ms. WASSERMAN SCHULTZ, do you want to close real quick?

Ms. WASSERMAN SCHULTZ. I want to close with an observation that what has been frustrating to me is that there is no outrage on that side. Everything we are laying out is factual. We are not making it up. So why does the Republican head only appear to go one way, up and down? Yes, sir, Mr. Speaker. I am happy to do whatever you say. Sure, Mr. President. No problem. It would be nice if they had some joints that made their heads go in this direction and their voices could be lifted up against what is going on here. But, sadly, that doesn't happen.

Mr. RYAN of Ohio. And giving subsidies is like giving a drug addict more drugs. Giving subsidies to the oil companies. www.housedemocrats.gov. We are getting old school here, with the legal pad.

Mr. DELAHUNT. Going back to my era, aren't you?

Mr. RYAN of Ohio. www.housedemocrats.gov/30something. www.housedemocrats.gov/30something.

IMMIGRATION

The SPEAKER pro tempore (Mr. MARCHANT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for the remaining time until midnight as the designee of the majority leader.

Mr. KING of Iowa. Mr. Speaker, I do appreciate the honor to address you tonight, and the subject matter I wish to take up, along with my colleague from California, will be the subject of illegal immigration. We are continually discussing this issue because it is a big issue. It is complicated. It is very, very detailed, and it has many, many ramifications for the short term, mid term and long term.

As we speak, at least today and likely tomorrow, there will be more debate over in the United States Senate about this very subject matter. And as we watch them make decisions over there, many of us in this Chamber and across the country get quite apprehensive as we review the decisions that are made there, which are recommendations to us here, because many times those decisions are made, I think, without considering and maybe even without access to the facts at hand.

As nearly as I can bring it up to date with the amendments that have been passed and the way the bill sets today, the cap that they have put on for a guest worker plan is 200,000 a year. That would be a flat number that would presumably increase, and it would go 200,000 each year.

There are a number of other categories there. As we know, we have visa categories all the way from A to V. And so with all these categories that we have, there are many different ways to legally come into the United States. So I would like to send a message out there to the people who have come into this country illegally or the people outside of America that are interested in coming to the United States to live and work and play. And that is that you can go to the Web page of the U.S. Consul, and on there, you can click your way through to find out how to come the United States legally.

That is the right way to do it. That is the way we welcome people here. That is the policy we have here in the United States of America, the country that has the most liberal immigration policy on the face of the earth. Any way you measure it, we have welcomed more people into this country legally. We have welcomed them here, and they have had the opportunity to pull themselves up by their bootstraps and contribute to this country. That is the right way to do things.

We have this debate going on in this country, and the debate, Mr. Speaker, is about illegal immigration and what to do with 10 or 12 or 20 or more million illegals in this country. There seems to be a lack of will in the United States Senate to enforce the law. In fact, it seems as though, if all the illegals in America lined up and said, I think I want to go home, a bunch of the folks in the United States Senate would say, please, don't comply with the law; we don't want that to happen.

Well, I will say that I want everyone to comply with the law in the United States. The law says, if you come into the United States illegally, the penalty you are facing is 6 months in jail and deportation. Those two penalties go along with that violation. If you make that violation and you are walking the streets of America today, that means you are here illegally. If you came into this country illegally and you are not lawfully present here and you don't have proof of how you might have come here in a lawful fashion, then you are guilty of a criminal misdemeanor punishable by 6 months in jail and deportation. So many of the people that were marching in the streets claiming they were not criminals, yes, in fact, many of them were that day and are today criminals.

One of the issues we need to deal with are people who overstay their visas. At least 20 percent of the people that are here illegally come into the United States legally, as did the September 11th bombers. Some of them came here legally and then violated their visas and found themselves unlawfully present in the United States. That is part of it that we are not doing much enforcement of.

The balance of this, though, the vast majority, the mass quantity of humanity is pouring across our southern border at the rate of 11,000 a day, 77,000 a week, 4 million a year. That is a huge haystack of humanity. Some of that humanity is pretty good humanity, though they have still broken our laws. And then there is some of that humanity is not very good humanity, and in that group is the criminal element and the drug dealers and the terrorists, the needles within that 4-million-person haystack of humanity that must be sorted out.

It is not possible to sort them out with a haystack of 4 million strong. We have to cut down on the flow of humanity coming across our border.

I went down to the border about a week and a half ago and spent 4 days on the ground. I have sat through hearings in the Immigration Subcommittee, and I have done that for 3½ years, sometimes two and three and even four different hearings a week. And in that period of time, you pick up a lot of information about the immigration subject matter.

In reality, I had one of the more pessimistic views of how much illegal immigration was coming across our southern border, how many illegal drugs were coming across our southern border, how bad it is down there and how much crime comes along with it. So I went down there and spent those 4 days on the border, and I am prepared to go back to the border very soon. But it made me more pessimistic. It opened up my eyes more on how bad it actually is down there on the border.

The crime that was there in front of my nose almost every time I turned around with the interdiction of about 180 pounds of marijuana on one afternoon, and later in the afternoon, I went to a port of entry. And there on the Mexican side of the border there, I don't know if it was a drug deal that went sour there, but there was an interdiction. They brought one of the Mexican nationals that had been stabbed in the liver, and they brought him across the border in a Mexican ambulance, and we air-lifted him out to Tucson and saved his life. You and me, as taxpayers, we paid for that, and we pay for that on a daily basis.

Down there, at just that one port of entry, they get four of those a quarter, generally gunshot victims and, not as often, a knifing. So about 16 a year just at one small port of entry, with only about 180 vehicles going through it a year, which gives you an idea of how bad it is at the rest of the border, Mr. Speaker.

So I am for sealing this border, and I am for shutting off the jobs magnet, and I am for eliminating the birthright to citizenship. But shutting off this border is not going to happen with the 11,000 people a day, 4 million a year pouring across that southern border.

So what I have done, Mr. Speaker, is I have designed a concrete wall to go

down on the border. I would put it 60 feet on the north side of the actual borderline, so we could have a barrier fence right on the line, and then I would put the border fence, the border wall back about 60 feet, and we can top it with concertina wire, and I am going to demonstrate just exactly how I want to go about building that.

This cardboard box, Mr. Speaker, represents the desert in Arizona, New Mexico, Southern California or Texas. Some will argue that is not all desert down there, and it is not. But looking at this on the end, one can see that this is just a trench cut through the floor of the desert. Most of that is flat ground down there. Yes, there are rocks, and there is tough terrain in many of those places, but there are hundreds and hundreds of miles that lay out smooth and flat and without a lot of rocks in it and this ought to work pretty good.

We have a company that can build a machine, and that won't even be one of their biggest challenges, that can set in and drop in a trencher and slipform a concrete footing all in one operation. This is what I have designed.

This would represent that footing, and it would drop in the ground 5 feet deep. Here is a slot we would put precast panels in, and I will demonstrate that in a minute. But this concrete footing would be poured in right behind the trencher in a slipform fashion. And as you pull that in, an operation you might visualize like this, and as you establish this footing in place, it would sit here in the desert. The earth would go up to just about the top of this.

This would be about 12 inches thick, this portion of the footing here. You would have concrete in the ground at least 5 feet. It would look like this from the side, and then you would just simply go to work, picking off your truck that has delivered precast concrete panels. These panels would be 13 feet, 6 inches long. You would pick them up with a crane and drop them in something like this. You pick up the next one and drop it in something like that. And you just continue. Once the footing is poured, it doesn't take a lot of time and it doesn't take particularly a lot of skill to install the precast panels, Mr. Speaker. They look like that, and the last section like that.

Now, you can see what I have here is a concrete wall that is 12 feet high and it goes down underground a good 5 feet. It has 6-inch thick concrete panels on top. It will have a roll of concertina wire on top, at least one, maybe two. We can put really any kind of fixtures on top here that we like and affix them to this concrete. If we want to do infrared or a camera setup, if we want to do vibration and motion sensors along this wall, we can do all of that.

But I think, for the most part, once we get the wire on top, they aren't going to want to test this wall, Mr. Speaker. They are just going to look at that and say, well, now they have built a wall I can't get over very easily, so I am going to go try to find something else.

But we need to put this in place where we have the most human traffic as fast as we can. It needs to be something that will stand up to the weather, something that doesn't rust out, something that is cheaper than the steel. If you buy that new steel, the steel prices have gotten too high. This concrete is substantially cheaper than the steel. And the construction of it is fairly easy. If you can slipform a footing, as I have demonstrated, it is very easy to set up these concrete panels.

A little company like I used to own before I came to this Congress and my son operates today could set a mile of this in a day pretty easily. You could move along pretty well. And there wouldn't be just one crew out there along that desert, and you wouldn't do 2,000 miles all in the same operation, Mr. Speaker. But this is a simple demonstration of what can be done with a rational approach.

We are spending $8 billion on 2,000 miles. That is $4 million a mile. Now, if you pay me $4 million for a mile of that desert down there and say, guard that mile, Mr. KING, I would say, for $4 million, you would not get a cockroach across that border. We can put a barrier in place so that humanity doesn't get across the border, and that will stop the lion's share, at least 90 percent of the human traffic going across.

There are $60 billion worth of illegal drugs pouring across the border and much of it in the form of 50-pound backpacks that get tossed through the fence. They climb through and put the pack on their back and walk 20 miles through the desert to a pickup location.

□ 2345

You cannot stop that with a vehicle barrier or with a fence. You can only stop it with a wall.

Sure, they can dig under the fence, but we are going to be checking this and monitoring and patrolling it, and you will not have them tunneling underneath it in the desert where they have no place to hide the dirt pile. That will only happen in the urban areas where they can come up inside of a building and hide their dirt pile.

So this works very well for the vast stretches of the desert. Many of those areas they are not crossing very intensively at this point. They will. As we close this wall in, they will.

Somebody who knows something about the southern border and has been articulate in his response and firm in his stance, and this is a time for courage and conviction. This is a time to stand up for the Constitution, the rule of law and for the future of America and stand up for Americans who respect that rule of law.

Mr. Speaker, I yield to Mr. ROHRABACHER from California.

Mr. ROHRABACHER. I want to thank you for the leadership you have been providing here. There have only been a few of us speaking up on this issue over the years. You have been a voice for reason and a patriotic voice, and there is nothing wrong with patriotism and believing in the United States of America and wanting to protect our people.

You have demonstrated today that we can control the border. There are between 15 and 20 million illegal aliens in our country. This is a dramatic threat to the well-being and security of our people. The education, the health care, the criminal justice system that is there to protect us, all are in the process of breaking down. You can see it in the Southwest in particular, but if we do not correct the situation, it will quickly spread to the rest of the country, and many of our friends in other States can see it happening in their States.

The wages of working Americans have been bid down, and less fortunate Americans have been knocked right out of their meager jobs as a result of this massive influx of illegals into our country. It is hurting the American people.

Just as alarming is the potential threat of 15 to 20 million illegals residing in our country. What potential threat? Well, one out of four of the prisoners of California's prisons are illegal, illegal immigrants. They have been convicted for murder, rape, and armed robbery. They are members of gangs. They deal in drugs and violence. And they should not even be here in this country. Our jails are bursting at the seams, and the criminal justice system is breaking down in California.

But, since 9/11, we are supposed to have been more committed to protecting America against threats like this. If not, at least against threats like terrorists. But for the last 3 years since 9/11, millions of people have crossed our border because we do not have the precautions that the gentleman from Iowa (Mr. KING) has demonstrated we could have. Millions of people have crossed the border, and crossed the border from Canada, as well as come into our country with visas and have overstayed their visas.

How many people who have crossed the border illegally are al Qaeda terrorists? We do not even know. But we know that al Qaeda has pledged to take as long as it takes to come here and kill Americans by the thousands. Yet our government, this administration, yes, and the last administration before it, has done nothing to protect the United States of America from this obvious threat of having thousands, tens of thousands, hundreds of thousands, millions of people coming into our country, and we do not know who they

are. If even 1 percent mean to do us harm, we are in great jeopardy.

Well, let us note that the people crossing the border, and with this many people crossing the border it does represent a monstrous threat. But it is not just crossing the border. That is about 20 percent of the illegals in our country are here why, because they have overstayed their visa.

I held a hearing in my subcommittee, the Oversight Investigation Subcommittee which I am the chairman of, and we found about 4 million illegals in this country out of the 20 million have come here with visas and overstayed their visas. That has to be dealt with.

Again, there has been nothing done to try to change the system to prevent people from crossing the border or to fix the visa system, both of which are elements of our society that need fixing and have been neglected. In many cases, we have an administration making decisions not to do things that will solve the problem.

Well, what we have here is, of course, people streaming into the country. Well, the border alone is not the issue. Weak borders do not cause them to flow here. There are weak borders into other countries, but people are not flowing into those countries.

The reason why we need this kind of protection is because our government is offering jobs and benefits to those illegals who can manage to get to our country. If on this side of the fence we tell people on that side of the fence if they can get across, we are going to provide them with jobs and a treasure house of benefits, this fence has got to be a lot stronger than anyone can imagine.

The real solution is this fence, coupled with a cutoff of the jobs and benefits that we give to illegals which attract them over these barriers. If we do not do that, it is not going to work. When the President says he is going to send so many thousand troops down to the border, I guess National Guard troops, whatever benefit that will have will be totally overwhelmed if the President continues a policy that will permit these people to have jobs and benefits here.

Why would they not come here for jobs and benefits when they are poor? Most of these people are good people, but we cannot afford to have millions upon millions of good people coming here, much less the threat of al Qaeda and the terrorists I just talked about.

One of the reasons why so many people are here today is also because, in 1986, our government granted amnesty to those 3 million people who were illegally in the country at that time. If we grant another amnesty, and amnesty is nothing more than legalizing the status of someone who is here illegally, if we do that, we will have another massive flood. It has resulted in 15 to 20 million illegals.

If we have another legalization of status, I don't care what kind of fence we build, what we are going to have is 40 million illegals here within a decade or two.

This problem, to be solved, has to get rid of the magnet, and that is the jobs and benefits that we give to people throughout the world. And any legalizing of status will make the situation worse.

What has happened, what we have had, of course, is American government turning a blind eye to those people coming across the border, a blind eye to people giving them jobs, and even a blind eye to the regulations that would keep them from draining the scarce resources we have in our country away from our own people to provide education, health care, food, and housing to illegals rather than that money going to our own people.

Our government is supposed to be watching out for our people, and the government officials have turned a blind eye to this, and now they act surprised that so many people have come here.

The American people now know that this is a threat to their well-being. The American people are aware that something has to happen. But why isn't something happening? Why is there so much confusion in Washington?

That is because powerful forces are at work in Washington to prevent our government, the people who make decisions, the people who work with Mr. KING and myself, the people who work in the executive branch, we have powerful interest groups at work here. Who are these groups? We have a business community that wants to bid down labor. They want cheap labor, and they are willing to basically destroy the essence of America in order to get cheap labor here.

Number two, there are people on the liberal left who want political pawns. They want millions of people here who are dependent on government programs so they can go right back to their Tammany Hall roots. This is their tradition of getting people dependent on government programs so they will give them power through the vote. They want political pawns, the liberal left; and the business community wants lower wages.

These are powerful interest groups that are at play right now and are preventing us from coming up to a solution to this horrible threat to America.

The U.S. Senate has passed a bill. Mr. KING just referred to it. But that bill is not an illegal immigration bill. It does not even strengthen the borders. That bill would make illegal immigration worse. Anyone suggesting that they are for the Senate bill are telling the American people that they want to make the illegal immigration worse. They want more foreigners to come here because they are willing to, what, continue giving all of the jobs and benefits to illegals.

They, in fact, have guaranteed in the Senate bill education benefits for illegals. They have in fact given them better work guarantees, that you cannot fire them without cause, as opposed to Americans who can be fired without cause.

The Senate bill is wrapped around one center core, and that core is a guest worker program. That guest worker program is nothing more or less than amnesty because it includes legalizing the status of illegals in our country. That Senate bill, number one, will give these benefits.

By the way, the Senate voted to make illegal immigrants eligible for Social Security. Wake up, America. Your United States Senate just voted to give illegal immigrants, make them eligible for Social Security. What kind of draw will that be? Hundreds of millions of desperate people with no pensions throughout the world will do anything to get over this fence if they are going to get a pension like we give our own people.

By the way, the Social Security system is not just a pension system. It is also a survivor's benefit system. Now who is going to game that? What can you expect? Someone comes here. They are part of the Social Security system, and even if they do go home and all of a sudden someone declares they are dead, or maybe they do die, and we get the note from the coroner that says Mr. So-and-so died. He was part of the Social Security system there. His survivors are his five children. Please start sending the Social Security checks to his five children until they are 18 years old.

If the Senate bill is passed and if those Senators who voted for it, we will be spending billions of dollars in sending checks overseas for survivor benefits for people who managed to get into the Social Security system. This is an outrage. The Senate bill needs to be defeated. We have the option, and I will leave it at that.

We do not need to have a guest worker program. We do not need to provide benefits. Our solution is easy: Build this fence so they cannot get through. Cut off the benefits. Make sure no illegal is entitled to government benefits and make it hard for them to get a job and they will go home.

Anyone who claims we have to have massive deportation, that is the only solution, massive deportation or amnesty, that is a disingenuous argument. No, we can reverse the trend and after a few years illegals will start going home because they have a tough time making it here.

Again, I thank Mr. KING for his leadership. We can come at this with a barrier. We can come at this by cutting off benefits, and we can save America.

Mr. KING of Iowa. I thank the gentleman from California (Mr. ROHRABACHER) for his remarks and his commitment to this cause.

I wanted to point out that this concertina wire or razor wire on top, we can put two or three or four rolls up here.

Then I point out that this wall does not speak about America. We know that America is a magnet for people all over the world. It speaks about the failure in Mexico. The failure in Mexico is what drives people here. They have a corrupt society and a failed economy. They need to clean up their act.

Vicente Fox needs to do his job down in Mexico, rather than coming to the United States and interfere with the domestic policy of the United States. That would be a violation of the law in Mexico, for someone from the United States to go down there and interfere with their domestic policy.

Their domestic policy needs improvement. They need to get the corruption out. They need investment. And one day, when they clean up Mexico, this wall will not have to be here any longer.

When they do that, we can tear down this wall. We won't need it. This is a wall that can be torn down as easily or more easily than it can be put up. The footing will be there if we have to put it back again.

Mr. Speaker, these are all solvable problems, but they are issues that must be resolved for the benefit of the people of the United States of America. Everyone's immigration policy should be designed to enhance the economic, cultural and the social well-being of the United States of America.

Mr. Speaker, that is what Mr. ROHRABACHER is for, that is what I am for, and that is what the House of Representatives is for.

OMISSION FROM THE CONGRESSIONAL RECORD OF TUESDAY, MAY 23, 2006, AT PAGE 9255

A portion of the following bill, H.R. 5384 was inadvertently omitted from the RECORD:

After Sec. 748, insert:

SEC. 749. (a) Section 1307(a)(6) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7957(a)(6)) is amended—

(1) in the first sentence, by striking ''2006'' and inserting ''2007''; and

(2) in the second sentence, by striking ''2007'' and inserting ''2008''.

(b) The authority provided by section 1307(a)(6) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7957(a)(6)), as amended by subsection (a), shall terminate beginning with the 2008 crop of peanuts, and shall be considered to have terminated notwithstanding section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

After Sec. 750, insert:

SEC. 751. The Secretary of Health and Human Services may require the holder of an approved application for a drug under section 505 of the Federal Food, Drug, and Cosmetic Act to conduct one or more studies to confirm or refute an empirical or theoretical hypothesis of a significant safety issue with the drug (whether raised with respect to the product directly or with respect to the class of the product) that has been identified by the Secretary. If the holder fails to comply with such a requirement (including a requirement imposed before the date of the enactment of this Act as a condition of the approval of an application under such section), the Secretary may, after notice and an opportunity for a hearing, consider the drug to be misbranded under section 502 of the Federal Food, Drug, and Cosmetic Act.

CORRECTION TO THE CONGRESSIONAL RECORD OF MONDAY, MAY 22, 2006, AT PAGE 9042

Mr. KUCINICH. I want to extend my condolences to the family of our colleague Mr. CANTOR and also thank Ms. ROS-LEHTINEN for her leadership and her commitment to attempting to create peace, as well as to speak directly to my dear friend, Mr. LANTOS.

I think it is fair to say Israel has no greater champion in the Congress, and the American people have no greater champion for human rights than Mr. LANTOS. His escape from the Holocaust is a story worthy of being taught in all of our schools.

I am here to ask: Is the past prologue? Is war and violence inevitable, or do we have the ability to create a new future where nonviolence, peace and reconciliation are possible through the work of our own hearts and hands?

I would not take issue with my friend Mr. LANTOS's informed experience, and I join him in defense of Israel's right to survive. Mr. LANTOS is my brother. The Israelis are our brothers and sisters. The Palestinians are our brothers and sisters. When our brothers and sisters are in conflict, when violence engulfs them, it is our responsibility to help our brothers and sisters end the violence, reconcile and fulfill the biblical injunction to turn hate to love, to beat swords into plowshares and spears into pruning hooks.

These are universal principles that speak to the triumph of hope over fear. We must call upon Hamas to renounce terror. We must call upon Hamas to disavow any intention for the destruction of Israel.

This ought to be a principle of negotiation with Hamas, not separation from the aspirations of the Palestinian people to survive.

I think we can speed the cause of peace by calling upon Israel to accept the Palestinians' right to self-determination and economic survival and humanitarian relief, for food, medical care, for jobs.

I ask, how can we arrive at a two-state solution if we attempt to destroy one people's government's ability to provide? A two-state solution, I believe, can be achieved with our mutual, thoughtful patience and support.

At a time when the U.N. is reporting a pending humanitarian disaster in the West Bank and Gaza, I believe this legislation would restrict U.S. assistance to the Palestinian people delivered through nongovernmental organizations. We know that, today, up to 80 percent of all Palestinians, particularly in parts of the Gaza Strip, live at or below the poverty line. Unemployment stands at 53 percent of the total workforce.

Just as I join my good friends on both sides of the aisle in speaking out against violence against Israel, I object in the strongest terms to any measure that will increase the humanitarian crisis of the Palestinian people. It is true that the recent Palestinian legislative elections have created a tense situation in the international community. It is a situation that demands thoughtful and deliberate action in pursuit of peace. Despite the best intentions of those who wrote this legislation, I do not believe this legislation will advance peace between the Palestinian and the Israeli people.

There are people in this Congress of goodwill and good intention who want to see both the Palestinian people and the Israeli people survive. Let us continue to work towards that end.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SKELTON (at the request of Ms. PELOSI) for today on account of attending the funeral of a friend.

Mr. KENNEDY of Minnesota (at the request of Mr. BOEHNER) for today on account of family business.

Mr. LINDER (at the request of Mr. BOEHNER) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SCOTT of Georgia, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2803. An act to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining; to the Committee on Education and the Workforce.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on May 23, 2006, she presented to the President of the United States, for his approval, the following bill.

H.R. 1499. To amend the Internal Revenue Code of 1986 to allow members of the Armed Forces serving in a combat zone to make contributions to their individual retirement plans even if the compensation on which such contribution is based is excluded from gross income.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 1 minute a.m.), the House adjourned until today, Thursday, May 25, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7622. A letter from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting the Department's final rule—Safe and Disposal of National Forest System Timber; Timber Sale Contracts; Indices to Determine Market-Related Contract Term Additions (RIN: 0596-AC29) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7623. A letter from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting the Department's final rule—Sale and Disposal of National Forest System Timber; Free Use to Individuals; Delegation of Authority (RIN: 0596-AC09) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7624. A letter from the Acting Chairman, Federal Financial Institutions Examination Council, transmitting the 2005 Annual Report of the Appraisal Subcommittee, pursuant to 12 U.S.C. 3332; to the Committee on Financial Services.

7625. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Manufactured Home Construction and Safety Standards Technical Correction [Docket No. FR-4886-C-03] (RIN: 2502-AI12) received April 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7626. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule—Financial Crimes Enforcement Network; Amendment to the Bank Secrecy Act Regulations—Requirement That Mutual Funds Report Suspicious Transactions (RIN: 1506-AA37) received May 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7627. A letter from the Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule—Equal Access to Public School Facilities for the Boy Scouts of America and Other Designated Youth Groups (RIN: 1870-AA12) received April 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7628. A letter from the Assistant General Counsel for Regulatory Service, Department of Education, transmitting the Department's final rule—Parental Information and Resource Centers; Final Priorities and Eligibility Requirements—received April 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7629. A letter from the Assistant General Counsel for Regulatory Service, Department of Education, transmitting the Department's final rule—State Charter School Facilities Incentive Program—received April 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7630. A letter from the Assistant Secretary of Labor, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule—Amendment to Prohibited Transaction Exemption 80-26 (PTE 80-26) for Certain Interest Free Loans to Employee Benefit Plans [Application Number D-11046] received April 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7631. A letter from the Secretary, Department of Transportation, transmitting the Department's request that Congress take prompt action to authorize the Department to reform fuel economy standards for passenger automobiles for the first time; to the Committee on Energy and Commerce.

7632. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003, a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979, pursuant to 50 U.S.C. 1641(c); to the Committee on International Relations.

7633. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the Development Fund for Iraq that was declared in Executive Order 13303 of May 22, 2003, pursuant to 50 U.S.C. 1641(c); to the Committee on International Relations.

7634. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Corrections and Clarifications to the Export Administration Regulations [Docket No. 060109005-6005-01] (RIN: 0694-AD67) received March 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7635. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Governments of Australia, Canada and Malaysia (Transmittal No. DDTC 013-06); to the Committee on International Relations.

7636. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed authorization for the export of significant military equipment (Transmittal No. DDTC 007-06); to the Committee on International Relations.

7637. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed authorization of the sale of significant military equipment to the Government of the United Kingdom (Transmittal No. DDTC 075-05); to the Committee on International Relations.

7638. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Republic of Korea (Transmittal No. DDTC 071-05); to the Committee on International Relations.

7639. A letter from the Acting Senior Procurement Executive, (OCAO), GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Circular 2005-08; Introduction—received January 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7640. A letter from the Chairman, National Credit Union Administration, transmitting the Administration's Strategic Plan for 2006 through 2011 and the Annual Performance Budget for 2006; to the Committee on Government Reform.

7641. A letter from the Chairman, National Endowment for the Arts, transmitting the Strategic Plan for FY 2006-2011, as required by the Government Perfomance and Results Act; to the Committee on Government Reform.

7642. A letter from the Deputy Director for Admin. & Info. Mgmt., Office of Government Ethics, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7643. A letter from the Deputy Director for Admin. & Info. Mgmt., Office of Government Ethics, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7644. A letter from the Executive Director, Pension Benefit Guaranty Corporation, transmitting Pursuant to Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, the Corporation's Annual Report for FY 2005; to the Committee on Government Reform.

7645. A letter from the Deputy Assistant Secretary, Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting the Department's final rule—Bighorn Canyon National Recreation Area, Personal Watercraft Use (RIN: 1024-AC96) received May 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7646. A letter from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS)—Geological and Geophysical (G&G) Explorations of the OCS—Proprietary Terms and Data Disclosure (RIN: 1010-AC81) received March 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7647. A letter from the Deputy Assistant Secretary, Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting the Department's final

rule—Fire Island National Seashore, Personal Watercraft Use (RIN: 1024-AC94) received May 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7648. A letter from the Deputy Assistant Secretary, Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting the Department's final rule—Gulf Islands National Seashore, Personal Watercraft Use (RIN: 1024-AD21) received May 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7649. A letter from the Deputy Assistant Secretary, Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting the Department's final rule—Pictured Rocks National Lakeshore, Personal Watercraft Use (RIN: 1024-AC93) received May 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7650. A letter from the Deputy Director, Regulatory Management Division, Department of Homeland Security, transmitting the Department's final rule—Special Immigrant Visas for Fourth Preference Employment-Based Broadcasters [CIS No. 2106-00] (RIN: 1615-AA47) received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7651. A letter from the Director, Office of Management Programs, Department of Justice, transmitting the Department's final rule—Minimum Qualifications for Annuity Brokers in Connection With Structured Settlements Entered Into by the United States [Docket No. CIV 105; AG Order No. 2807-2006] (RIN: 1105-AA82) received March 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7652. A letter from the Senior Counsel, Office of Legal Policy, Department of Justice, transmitting the Department's final rule—Eligibility of Arriving Aliens in Removal Proceedings to Apply for Adjustment of Status and Jurisdiction to Adjudicate Applications for Adjustment of Status [EOIR Docket No. 152; AG Order No. 2819-2006] (RIN: 1125-AA55) received May 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7653. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule—Nomenclature Changes Reflecting Creation of Department of Homeland Security—received March 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7654. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of Homeland Security, transmitting the Department's report on analyzing potential vessel routing measures for reducing vessel (ship) strikes of North Atlantic Right Whales, pursuant to Public Law 108-293, section 626; to the Committee on Transportation and Infrastructure.

7655. A letter from the Secretary for Regulation Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule—Board of Veterans' Appeals: Rules of Practice: Public Availability of Board Decisions (RIN: 2900-AM31) received April 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7656. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Report on Sales of Drugs and Biologicals to Large Volume Purchasers" in accordance with Section 303(c)(2) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BISHOP of Utah: Committee on Rules. House Resolution 835. Resolution providing for consideration of the bill (H.R. 5429) to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, and for other purposes (Rept. 109–480). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 836. Resolution providing for consideration of the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes (Rept. 109–481). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. BLACKBURN (for herself, Mr. SIMMONS, Mrs. MILLER of Michigan, Mr. MCCOTTER, Mr. PICKERING, Mr. CARTER, Mr. BISHOP of Georgia, Mr. BOUSTANY, Mr. SOUDER, Mr. FOLEY, Mr. MACK, Mr. HENSARLING, Mr. WILSON of South Carolina, Mr. CHOCOLA, Mr. ROGERS of Alabama, Ms. HARRIS, Mrs. BONO, Mrs. MUSGRAVE, Mr. WAMP, Mr. GINGREY, Mr. DOOLITTLE, Mr. GOODE, Mr. PRICE of Georgia, Mr. SHAYS, Mr. JONES of North Carolina, Mr. POE, and Mr. ISSA):

H.R. 5464. A bill to improve information security for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. CAPPS (for herself and Mr. TOM DAVIS of Virginia):

H.R. 5465. A bill to amend title XVIII of the Social Security Act to provide for coverage of comprehensive cancer care planning under the Medicare Program and to improve the care furnished to individuals diagnosed with cancer by establishing a Medicare hospice care demonstration program and grants programs for cancer palliative care and symptom management programs, provider education, and related research; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. FORBES, Mr. GILCHREST, Mr. MORAN of Virginia, Mr. HOLDEN, Mr. TOM DAVIS of Virginia, Mr. SCOTT of Virginia, Mr. CASTLE, Mr. CANTOR, Mr. BARTLETT of Maryland, Mr. GOODLATTE, Mr. WOLF, Mrs. DRAKE, Mr. HOYER, and Mr. BOUCHER):

H.R. 5466. A bill to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail; to the Committee on Resources.

By Mrs. DRAKE:

H.R. 5467. A bill to amend title 38, United States Code, to establish criminal penalties for the unauthorized disclosure of records containing personal information about veterans; to the Committee on Veterans' Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSSELLA (for himself, Mr. FERGUSON, Mr. ENGEL, Mr. SWEENEY, Mrs. BONO, Mr. SESSIONS, and Mrs. LOWEY):

H.R. 5468. A bill to require that bioterrorism-related grants provided by the Secretary of Health and Human Services to States and political subdivisions of States be distributed on the basis of a risk-based formula; 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. GILLMOR (for himself and Mrs. MYRICK):

H.R. 5469. A bill to require corporate income reported to the Internal Revenue Service to be included in annual reports to the Securities and Exchange Commission; to the Committee on Financial Services.

By Mr. GOHMERT (for himself, Mr. HENSARLING, Mr. GUTKNECHT, Mr. CHABOT, Mr. BRADY of Texas, Ms. FOXX, Mr. CULBERSON, Mr. ROHRABACHER, Mr. AKIN, Mr. WAMP, Mr. GARRETT of New Jersey, Mr. RYAN of Wisconsin, Mr. FLAKE, Mr. CHOCOLA, Mr. MCHENRY, Mr. FEENEY, Mr. PRICE of Georgia, Mr. WELDON of Florida, Mr. GOODE, Mr. FRANKS of Arizona, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. CAMPBELL of California, Mr. HALL, and Mr. SESSIONS):

H.R. 5470. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to eliminate automatic increases for inflation from CBO baseline projections for discretionary appropriations, and for other purposes; to the Committee on the Budget.

By Mr. MCKEON:

H.R. 5471. A bill to provide to the Bureau of Land Management a mechanism to cancel certain mining leases for lands in the leases CA-20139 and CA-22901 and provide new leasing opportunities in the Soledad Canyon adjacent to the City of Santa Clarita, California, that reflect the historical mining levels, and for other purposes; to the Committee on Resources.

By Mrs. MYRICK (for herself, Ms. BALDWIN, Mr. NORWOOD, Mr. MURPHY, Mrs. CAPPS, Ms. ESHOO, Mr. WAXMAN, and Mr. DINGELL):

H.R. 5472. A bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers; to the Committee on Energy and Commerce.

By Mr. PASCRELL:

H.R. 5473. A bill to repeal the increase in tax on unearned income of minor children enacted by the Tax Increase Prevention and Reconciliation Act of 2005; to the Committee on Ways and Means.

By Mr. PORTER (for himself, Mr. GIBBONS, Ms. BERKLEY, Mr. LOBIONDO, Mr. WEINER, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. CARDOZA, Mr. RUPPERSBERGER, Mr. CLYBURN, Mr. CAPUANO, Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LINDA T. SÁNCHEZ of California, Ms.

CORRINE BROWN of Florida, Mr. CONYERS, Mr. RANGEL, Mr. HASTINGS of Florida, Mr. FRANK of Massachusetts, Mr. HINCHEY, Mrs. JONES of Ohio, Mr. CLAY, Mrs. NAPOLITANO, Mr. THOMPSON of Mississippi, Mr. SERRANO, Mr. CROWLEY, Mr. ENGEL, Mr. TAYLOR of Mississippi, Mr. LANGEVIN, Mr. EMANUEL, Mr. MELANCON, Mr. LEWIS of Georgia, Mr. TOWNS, Ms. LORETTA SANCHEZ of California, Mr. ISRAEL, Mr. GONZALEZ, Mr. BERMAN, Mrs. MALONEY, Mr. THOMPSON of California, Mr. COSTELLO, Ms. SCHAKOWSKY, Mr. ACKERMAN, Mr. WEXLER, and Ms. JACKSON-LEE of Texas):

H.R. 5474. A bill to create a commission to study the proper response of the United States to the growth of Internet gambling; to the Committee on the Judiciary.

By Mr. ROGERS of Michigan (for himself, Mr. MILLER of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. SOUDER, Mr. WICKER, and Mrs. CAPITO):

H.R. 5475. A bill to amend title XXVII of the Public Health Service Act to permit a health insurance issuer an alternative to guaranteed issue of health insurance coverage in the small group market in order to promote affordable access to portable health insurance coverage; to the Committee on Energy and Commerce.

By Mr. STEARNS (for himself, Mr. NORWOOD, Mr. WESTMORELAND, Mrs. CUBIN, and Mr. OTTER):

H.R. 5476. A bill to withhold United States funding from the United Nations Human Rights Council; to the Committee on International Relations.

By Mr. KIRK (for himself and Mr. LANTOS):

H. Con. Res. 415. Concurrent resolution condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is; to the Committee on International Relations.

By Ms. MILLENDER-MCDONALD:

H. Con. Res. 416. Concurrent resolution honoring the members of the Armed Forces serving as health care professionals in Iraq and Afghanistan, and for other purposes; to the Committee on Armed Services.

By Mr. DUNCAN (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. YOUNG of Alaska, Mr. OBERSTAR, Mr. PETRI, Mr. DEFAZIO, Mr. MICA, Mr. COSTELLO, Mr. LATOURETTE, Ms. NORTON, Mr. LOBIONDO, Ms. CORRINE BROWN of Florida, Mr. SHUSTER, and Mr. FILNER):

H. Res. 837. A resolution supporting the goals and ideals of National Public Works Week; to the Committee on Transportation and Infrastructure.

By Mr. FERGUSON (for himself and Mr. ANDREWS):

H. Res. 838. A resolution expressing the sense of the House of Representatives that the Secretary of State should not accept the credentials of any representative of the Government of Libya until the Government of Libya has fully met its financial commitments to the families of the victims of Pan Am Flight 103 and that the President should urge the Government of Libya to make a good faith effort to resolve other outstanding cases of United States victims of terrorism sponsored or supported by Libya; to the Committee on International Relations.

By Mr. GOODE (for himself, Mr. JONES of North Carolina, Mr. PAUL, Mr. BARTLETT of Maryland, Mr. HOSTETTLER, Mr. DEAL of Georgia, Mr. SULLIVAN, Mr. GARRETT of New Jersey, Mr. WESTMORELAND, Mr. GINGREY, Mr. TANCREDO, Mr. ROHRABACHER, Mr. PRICE of Georgia, Mr. FEENEY, Mr. KING of Iowa, Mr. AKIN, Mr. DOOLITTLE, Mr. BARRETT of South Carolina, Mr. WAMP, Mr. WELDON of Florida, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. CULBERSON, Mr. MARCHANT, Mr. SAM JOHNSON of Texas, Mr. PITTS, Ms. FOXX, Mr. BURTON of Indiana, Mr. CARTER, and Mr. KELLER):

H. Res. 839. A resolution expressing the sense of the House of Representatives that officers of the Department of Homeland Security should not undermine the efforts of citizen groups such as the Minuteman Project to preserve the integrity of the borders of the United States and protect the Nation from intrusion; to the Committee on Homeland Security.

By Mr. HINCHEY (for himself, Mrs. JONES of Ohio, Mrs. MALONEY, Mr. GRIJALVA, Mr. BROWN of Ohio, Mr. RANGEL, Mr. SCOTT of Virginia, Ms. CARSON, Mr. SNYDER, Mr. SERRANO, Mr. JONES of North Carolina, Mr. MCGOVERN, and Ms. KILPATRICK of Michigan):

H. Res. 840. A resolution celebrating the remarkable life and accomplishments of Floyd Patterson; to the Committee on Government Reform.

By Mr. TANNER (for himself, Mr. CARDOZA, Mr. FORD, Mr. BERRY, Mr. DAVIS of Tennessee, Mr. MATHESON, Mr. TAYLOR of Mississippi, Mr. SCOTT of Georgia, Mr. BOYD, Mr. MOORE of Kansas, Mr. HOLDEN, Ms. LORETTA SANCHEZ of California, and Mr. POMEROY):

H. Res. 841. A resolution amending the Rules of the House of Representatives to require committees to hold hearings upon the issuance of certain reports from an Inspector General or the Comptroller General the subject matter of which is within the jurisdiction of such committees; to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

318. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 690 applauding the contributions of Pennsylvania's Taiwanese-American community and joining in support of the participation of the Republic of China in the role of World Health Organization observer; to the Committee on International Relations.

319. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 19 memorializing the Congress of the United States to enact H.R. 4761, the ''Domestic Energy Production through Offshore Exploration and Equitable Treatment of State Holdings of 2006''; to the Committee on Resources.

320. Also, a memorial of the Legislature of the State of Kansas, relative to House Concurrent Resolution No. 5030 urging the federal government to lift the moratorium on offshore drilling for oil and natural gas; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 215: Mr. HOLDEN.
H.R. 558: Mr. PETERSON of Minnesota.
H.R. 747: Ms. CARSON.
H.R. 752: Mr. STUPAK.
H.R. 898: Ms. MCKINNEY.
H.R. 994: Ms. WATSON, Mr. GOHMERT, Mr. MEEHAN, Ms. HART, and Mr. ROGERS of Kentucky.
H.R. 997: Mr. WELLER, Mr. FOLEY, Mr. OTTER, and Mr. CARTER.
H.R. 999: Mr. UDALL of New Mexico.
H.R. 1175: Mr. BROWN of Ohio.
H.R. 1249: Mr. FOLEY.
H.R. 1366: Mr. PETERSON of Minnesota.
H.R. 1462: Mr. PETERSON of Minnesota.
H.R. 1494: Mr. HOEKSTRA.
H.R. 1498: Mrs. NAPOLITANO.
H.R. 1578: Mr. CULBERSON.
H.R. 1668: Ms. ESHOO.
H.R. 1671: Mr. BISHOP of Georgia, Mr. JINDAL, and Mr. FARR.
H.R. 1709: Mr. RYAN of Ohio.
H.R. 1807: Ms. ROYBAL-ALLARD.
H.R. 1951: Mr. NEUGEBAUER.
H.R. 1998: Mrs. NORTHUP.
H.R. 2037: Mrs. MYRICK.
H.R. 2076: Mr. PETERSON of Minnesota.
H.R. 2421: Mr. WELLER.
H.R. 2456: Ms. MCKINNEY.
H.R. 2631: Mr. KANJORSKI and Mr. FATTAH.
H.R. 2730: Mrs. BONO, Mrs. KELLY, Mrs. TAUSCHER, Mr. CRENSHAW, Mrs. NORTHUP, Ms. CORRINE BROWN of Florida, Mr. CARDIN, Mr. FILNER, Mr. BROWN of South Carolina, Mr. CALVERT, and Mrs. MYRICK.
H.R. 2990: Mr. BLUNT.
H.R. 3063: Mr. ORTIZ and Mr. BONNER.
H.R. 3194: Ms. LORETTA SANCHEZ of California and Mr. LYNCH.
H.R. 3255: Mr. CAMP of Michigan.
H.R. 3427: Mr. DENT and Ms. VELÁZQUEZ.
H.R. 3431: Mr. FRANKS of Arizona.
H.R. 3479: Mr. CLEAVER.
H.R. 3644: Ms. SCHAKOWSKY and Ms. MCKINNEY.
H.R. 3762: Mr. PRICE of North Carolina.
H.R. 3852: Ms. JACKSON-LEE of Texas.
H.R. 3875: Ms. JACKSON-LEE of Texas, Mr. PORTER, and Mr. PALLONE.
H.R. 4188: Mr. DAVIS of Illinois and Mr. JEFFERSON.
H.R. 4222: Mr. DAVIS of Illinois.
H.R. 4264: Mr. MILLER of North Carolina.
H.R. 4315: Mr. BAKER.
H.R. 4357: Mr. BISHOP of Georgia.
H.R. 4381: Mr. BAKER.
H.R. 4435: Ms. WOOLSEY.
H.R. 4613: Mr. SANDERS.
H.R. 4755: Mr. PRICE of North Carolina, Mr. STUPAK, Mr. EMANUEL, and Mr. BISHOP of Utah.
H.R. 4761: Mr. OSBORNE and Mr. TERRY.
H.R. 4809: Mr. AKIN.
H.R. 4854: Mr. GREEN of Wisconsin.
H.R. 4857: Mr. CALVERT.
H.R. 4894: Mr. ROGERS of Michigan.
H.R. 4903: Mr. STARK.
H.R. 4904: Mr. VAN HOLLEN and Mr. GALLEGLY.
H.R. 4932: Mr. RYAN of Ohio.
H.R. 4941: Mr. BRADLEY of New Hampshire.
H.R. 4960: Mr. FITZPATRICK of Pennsylvania.
H.R. 4964: Mr. ROHRABACHER and Ms. BEAN.
H.R. 4982: Mr. FITZPATRICK of Pennsylvania.
H.R. 4993: Mr. REYNOLDS.
H.R. 4994: Mr. KANJORSKI.
H.R. 5013: Mr. BASS.

H.R. 5072: Mr. MARSHALL.

H.R. 5106: Mr. GORDON, Mr. HOLT, Mr. ETHERIDGE, and Mr. CUELLAR.

H.R. 5117: Mr. FITZPATRICK of Pennsylvania.

H.R. 5134: Mr. CASTLE, Mr. JENKINS, Mr. RUPPERSBERGER, and Mr. PRICE of North Carolina.

H.R. 5150: Ms. MATSUI, Mr. MCDERMOTT, Ms. WOOLSEY, and Mrs. CAPPS.

H.R. 5166: Mr. MELANCON, Mr. WOLF, Mr. OXLEY, and Mr. TAYLOR of Mississippi.

H.R. 5170: Mrs. BONO and Mr. GILLMOR.

H.R. 5182: Mr. BONNER, Mr. BOREN, Mr. SPRATT, Mr. BOUCHER, Mr. CHANDLER, Mr. SCOTT of Georgia, Mr. DEFAZIO, Mr. RUPPERSBERGER, Mr. HIGGINS, Mr. OXLEY, Mr. BERMAN, Ms. SCHAKOWSKY, Mr. ANDREWS, Mr. PASTOR, Ms. MCCOLLUM of Minnesota, Mr. GERLACH, Mr. BOEHLERT, Mr. GENE GREEN of Texas, Mr. WALDEN of Oregon, Mr. JINDAL, Mr. PORTER, Mr. STRICKLAND, Ms. SLAUGHTER, Mr. MCDERMOTT, and Mr. PRICE of North Carolina.

H.R. 5185: Mr. SCHIFF and Mr. BROWN of Ohio.

H.R. 5195: Mr. POE, Mr. SAXTON, Mr. FORBES, Mr. MORAN of Virginia, Mr. CANTOR, and Mr. SOUDER.

H.R. 5200: Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. ABERCROMBIE, Mr. MCDERMOTT, Mr. RAHALL, and Mr. SOUDER.

H.R. 5201: Mr. PORTER, Mr. LOBIONDO, Mr. NEUGEBAUER, Mr. ABERCROMBIE, and Mr. DICKS.

H.R. 5206: Mr. BOOZMAN, Mr. BOEHLERT, and Miss MCMORRIS.

H.R. 5208: Mr. FORD, Ms. GINNY BROWN-WAITE of Florida, and Mr. WESTMORELAND.

H.R. 5212: Mr. FILNER.

H.R. 5236: Mr. SCOTT of Georgia and Mr. ABERCROMBIE.

H.R. 5238: Mr. PAYNE, Mrs. CAPPS, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, and Mr. RANGEL.

H.R. 5247: Mr. LEACH, Mr. BERMAN, Mr. BURTON of Indiana, Mr. BROWN of Ohio, Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. FOLEY, Mr. ENGEL, Mr. CROWLEY, Ms. WATSON, Mr. CHANDLER, Mr. DINGELL, Mr. ROTHMAN, Mr. NADLER, Mr. HIGGINS, and Mr. EMANUEL.

H.R. 5249: Mr. CARTER.

H.R. 5275: Mr. TOWNS and Mr. KILDEE.

H.R. 5278: Mr. BASS.

H.R. 5286: Mr. POMEROY.

H.R. 5315: Mr. LARSON of Connecticut, Mr. BISHOP of Georgia, Mr. SCOTT of Georgia, Mr. CASE, and Mr. TAYLOR of Mississippi.

H.R. 5319: Ms. BEAN.

H.R. 5333: Mr. PITTS.

H.R. 5345: Mr. MCINTYRE.

H.R. 5346: Ms. JACKSON-LEE of Texas and Mr. KUHL of New York.

H.R. 5356: Mr. GILCHREST and Mr. MCGOVERN.

H.R. 5357: Mr. GILCHREST and Mr. MCGOVERN.

H.R. 5358: Mr. GILCHREST, Mr. MCGOVERN, and Mr. AL GREEN of Texas.

H.R. 5371: Ms. SCHAKOWSKY.

H.R. 5382: Mr. MCGOVERN.

H.R. 5390: Mr. PAYNE, Mr. PLATTS, Ms. CARSON, Mrs. NAPOLITANO, and Ms. JACKSON-LEE of Texas.

H.R. 5399: Mr. MCHUGH.

H.R. 5405: Mr. BURGESS, Mr. LINDER, and Mr. KUHL of New York.

H.R. 5432: Mr. WHITFIELD, Mr. BRADY of Pennsylvania, Mr. BOUCHER, Mr. MURTHA, Mr. LEWIS of Kentucky, and Mr. DAVIS of Kentucky.

H.R. 5452: Mr. FOLEY.

H.R. 5454: Mr. CONYERS.

H.R. 5455: Mr. MICHAUD, Mr. BOSWELL, Mr. GORDON, Mr. STRICKLAND, Ms. HERSETH, Mr. CROWLEY, Ms. PELOSI, Mr. OBERSTAR, Mrs. MALONEY, Mr. BOYD, Mr. MCNULTY, Mr. EMANUEL, Mr. INSLEE, Mr. ORTIZ, Mrs. CAPPS, Mr. ROSS, Mr. GUTIERREZ, Ms. LEE, Mr. SANDERS, Ms. CORRINE BROWN of Florida, Mr. HOLT, Mr. KILDEE, Mrs. DAVIS of California, Mr. FARR, Mr. FORD, Mr. CASE, Mr. REYES, Mr. LARSON of Connecticut, Mr. NEAL of Massachusetts, Mr. HIGGINS, Mr. BARROW, Ms. SCHAKOWSKY, Ms. ZOE LOFGREN of California, Mr. TANNER, Ms. MATSUI, Mr. HOLDEN, Mr. MARKEY, Mr. ABERCROMBIE, Ms. ESHOO, Mr. DOGGETT, Mr. UDALL of Colorado, Ms. CARSON, Ms. KAPTUR, Mr. DINGELL, Mr. GENE GREEN of Texas, Ms. BERKLEY, Mr. CONYERS, Mr. MCGOVERN, Mr. WEXLER, Mr. DOYLE, and Ms. DELAURO.

H.R. 5463: Ms. FOXX, Mr. BURTON of Indiana, Mr. CARTER, Mr. TANCREDO, Mr. FEENEY, Mr. HOSTETTLER, Mr. BONILLA, and Mr. GARRETT of New Jersey.

H. Con. Res. 338: Mrs. JO ANN DAVIS of Virginia, Mr. TANCREDO, and Mrs. MYRICK.

H. Con. Res. 343: Mr. REYNOLDS.

H. Con. Res. 380: Mr. CONYERS.

H. Con. Res. 396: Mr. PAYNE and Mr. AKIN.

H. Con. Res. 397: Mr. ENGEL, Mr. SCHIFF, Mrs. MALONEY, Ms. KILPATRICK of Michigan, Mr. RUSH, and Ms. CARSON.

H. Con. Res. 401: Mr. NADLER, Mr. COSTA, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GENE GREEN of Texas, Mrs. MALONEY, Mr. MELANCON, Mr. MOORE of Kansas, Ms. VELÁZQUEZ, MR. STARK, Mr. FOLEY, Mrs. MCCARTHY, Mr. KIND, Mr. NEAL of Massachusetts, and Mr. GUTIERREZ.

H. Con. Res. 408: Mr. SOUDER, Mr. FRANKS of Arizona, Mr. WELDON of Pennsylvania, Mr. STEARNS, Mr. MCINTYRE, Mr. CHABOT, Mr. HIGGINS, Mrs. JO ANN DAVIS of Virginia, Mr. LANTOS, and Mr. BUYER.

H. Con. Res. 409: Mr. BURTON of Indiana, Mr. JEFFERSON, Mr. ROHRABACHER, Mr. ABERCROMBIE, Ms. ROS-LEHTINEN, Mr. MCCOTTER, Mr. WILSON of South Carolina, Mr. BLUMENAUER, Mr. ACKERMAN, Mr. CHABOT, Mr. SHERMAN, Mr. GALLEGLY, Mr. PITTS, Mr. SMITH of Washington, Ms. WATSON, Mr. CROWLEY, Mr. KIRK, Mr. WEXLER, Mr. ROYCE, Mr. BERMAN, Mr. MEEKS of New York, and Mr. SMITH of New Jersey.

H. Con. Res. 412: Mr. STEARNS, Mr. WAXMAN, Mr. CARDIN, and Mr. BERMAN.

H. Con. Res. 413: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ORTIZ, Mr. DOGGETT, Ms. JACKSON-LEE of Texas, Mr. EDWARDS, Mr. CUELLAR, Mr. GENE GREEN of Texas, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. CULBERSON, Mr. REYES, Mr. CARTER, Mr. THORNBERRY, Ms. GRANGER, Mr. NEUGEBAUER, Mr. HENSARLING, Mr. CONAWAY, and Mr. MARCHANT.

H. Res. 490: Ms. MCKINNEY and Mrs. MYRICK.

H. Res. 526: Mr. SHERWOOD.

H. Res. 608: Mr. PENCE.

H. Res. 688: Mr. DINGELL, Mr. PETERSON of Minnesota, and Mr. SANDERS.

H. Res. 784: Mr. WEXLER.

H. Res. 792: Ms. CORRINE BROWN of Florida, Mr. LEACH, Mr. WILSON of South Carolina, Mrs. MALONEY, Ms. KILPATRICK of Michigan, Mr. RUSH, Mrs. JO ANN DAVIS of Virginia, Ms. MOORE of Wisconsin, Mrs. JONES of Ohio, and Ms. CARSON.

H. Res. 794: Mr. BOOZMAN, Mr. STEARNS, Mr. GRIJALVA, and Mr. DOGGETT.

H. Res. 804: Mr. RENZI, Mr. MURPHY, Mr. NUNES, Mr. RYAN of Wisconsin, Mr. CHOCOLA, Mr. BRADY of Texas, Mr. CAMP of Michigan, Mr. SAM JOHNSON of Texas, Mr. LANTOS, Mr. FOLEY, Mr. FALEOMAVAEGA, Mr. LEACH, Mrs. JO ANN DAVIS of Virginia, Mr. MCCAUL of Texas, Mr. PENCE, Mr. SHERWOOD, Mr. MACK, Mr. GREEN of Wisconsin, Mr. TANCREDO, Mr. WELLER, Mr. SMITH of New Jersey, Mr. KING of New York, and Mr. PITTS.

H. Res. 812: Mr. PAYNE, Mrs. MALONEY, Ms. KILPATRICK of Michigan, Mr. RUSH, and Ms. CARSON.

H. Res. 828: Mr. ROYCE, Mr. BLUMENAUER, Mr. RUSH, Mr. CHANDLER, Mr. CHABOT, Mr. REYNOLDS, Mrs. JO ANN DAVIS of Virginia, Mr. YOUNG of Alaska, Mr. BERMAN, Mr. PENCE, Ms. BERKLEY, Mr. ROHRABACHER, Mr. BROWN of Ohio, and Mr. WEXLER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4755: Mr. PITTS.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

117. The SPEAKER presented a petition of the Gretna City Council, Louisiana, relative to Resolution No. 2006-038 urging the Congress of the United States to enact H.R. 4761, the ''Domestic Energy Production through Offshore Exploration and Equitable Treatment of State Holdings Act of 2006''; to the Committee on Resources.

118. Also, a petition of the Common Council of the City of Plattsburgh, New York, relative to a Resolution endorsing House Resolution 635 in calling for a select bipartisan committee investigation of the Iraq pre-war intelligence and the Executive's post occupation conduct; to the Committee on Rules.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5427

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 7: Page 47, after line 2, insert the following:

SEC. 503. None of the funds made available in this Act may be used for the Corps of Engineers to implement the Spring Rise, also known as the bimodal spring pulse releases, on the Missouri River.

H.R. 5427

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 8: Page 6, line 10, after the dollar amount insert ''(reduced by $15,000,000)''.

H.R. 5427

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 9: Page 47, after line 2, insert the following:

SEC. 503. None of the funds made available in this Act may be used for the Corps of Engineers to implement the spring pulse releases from Gavins Point Dam on the Missouri River.

H.R. 5427

OFFERED BY: MR. INSLEE

AMENDMENT NO. 10: Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act shall be used by the Federal Energy Regulatory Commission to enforce any claim for a termination payment (as defined

in any jurisdictional contract) asserted by any regulated entity the Commission has found to have violated the terms of its market-based rate authority by engaging in manipulation of market rules or exercise of market power in the Western Interconnection during the period January 1, 2000, to June 20, 2001.

H.R. 5441

OFFERED BY: MR. CAMPBELL OF CALIFORNIA

AMENDMENT NO. 3: Page 62, after line 17, insert the following:

SEC. 537. None of the the funds appropriated or otherwise made available in this Act may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

H.R. 5441

OFFERED BY: MR. STEARNS

AMENDMENT NO. 4: Page 14, line 6, after the dollar amount, insert the following: ''(increased by $3,000,000)''.

Page 28, line 9, after the first dollar amount, insert the following: ''(reduced by $3,000,000)''.

H.R. 5441

OFFERED BY: MR. POE

AMENDMENT NO. 5: Page 4, line 11, after the dollar amount, insert the following: ''(reduced by $41,000,000)''.

Page 4, line 13, after the dollar amount, insert the following: ''(reduced by $41,000,000)''.

Page 14, line 6, after the dollar amount, insert the following: ''(increased by $41,000,000)''.

Page 14, line 18, after the dollar amount, insert the following: ''(increased by $41,000,000)''.

H.R. 5441

OFFERED BY: MR. POE

AMENDMENT NO. 6: Page 62, after line 17, insert the following:

SEC. 537. None of the funds appropriated or otherwise made available in this Act may be used to implement a plan under section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) that permits travel into the United States from foreign countries using any document other than a passport to denote citizenship and identity.

H.R. 5441

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 7: Page 62, after line 17, insert the following:

SEC. 537. None of the funds made available by this Act may be used to administer any extension of designation made under section 244(b) of the Immigration and Nationality Act before the date of the enactment of this Act with respect to Guatemala, Honduras, or Nicaragua.

H.R. 5441

OFFERED BY: MR. HOLT

AMENDMENT NO. 8: Page 3, line 15, after the dollar amount insert ''(reduced by $50,000,000)''.

Page 28, line 23, after the dollar amount insert ''(increased by $50,000,000)''.

Page 29, line 15, after the dollar amount insert ''(increased by $50,000,000)''.

Page 30, line 7, after the dollar amount insert ''(increased by $50,000,000)''.

H.R. 5441

OFFERED BY: MR. DEAL OF GEORGIA

AMENDMENT NO. 9: Page 62, after line 17, insert the following:

SEC. 537. None of the funds appropriated in this Act may be used to grant birthright citizenship to the children of those individuals who are not subject to the jurisdiction of the United States, including the children of illegal aliens.

EXTENSIONS OF REMARKS

RECOGNIZING ANDREW JAMES MILLER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Andrew James Miller, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and in earning the most prestigious award of Eagle Scout.

Andrew has been very active with his troop, participating in many scout activities. He has served as a quartermaster and assistant senior patrol leader and achieved the rank of Brotherhood in the Order of the Arrow and Firebuilder in the Tribe of Mic-O-Say. Over the many years Andrew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

For his Eagle Scout Service Project, Andrew installed a fire ring and five benches at the Heartland Presbyterian Youth Camp for the use and enjoyment of all of the visitors.

Mr. Speaker, I proudly ask you to join me in commending Andrew James Miller for his accomplishment with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO VINCENT AND MARIA DEJOY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to honor Vincent and Maria DeJoy of Jamestown, New York for their years of service to the community through their catering and grocery store business.

As presented in a ceremony to honor Mr. and Mrs. DeJoy:

DEAR MR. AND MRS. DEJOY: Let me extend my warmest wishes on your retirement. It is an honor for me to celebrate this momentous occasion with you. For over 30 years you both have been a staple in the Jamestown community. No matter the occasion, whether it be fundraisers, weddings, baby showers or retirement dinners, your service, presentation and food were first rate.

In this day and age, it is rare to find a business like Hebner Heights Catering. It was certainly the quintessential neighborhood store, complete with a huge fan base of neighborhood children. Vincent and Maria took pride in their catering business and also their corner store. This was a family business in every sense of the word. All five of their children have been employed at one time or another, as well as their grandchildren.

The DeJoy family business went far beyond the boundaries of catering and selling penny candy. Vincent and Maria are two of the most giving people you will ever meet. They have never failed to meet the needs of the community and their loved ones. St. Susan's Soup Kitchen could always depend upon a donation of food and grieving families never went without a gift.

Truly, it is an honor for me that you chose this event to be your last. On behalf of all of the people you served so well, let me offer my sincere thanks and Godspeed.

Vincent and Maria have served this community so well for over 30 years, and that is why Mr. Speaker, I rise to honor them today.

HONORING IRVIN BRAD MCDOUGAL

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay public tribute to a remarkable individual from my congressional district. Brad McDougal, supervisory park ranger at Mammoth Cave National Park, was recently awarded a Citation for Valor from the U.S. Department of Interior recognizing his actions to disarm a man threatening suicide.

On April 19, 2004, park rangers at Mammoth Cave National Park received a report that a suicidal individual was in the park preparing to take his own life. Supervisory Park Ranger Brad McDougal responded solo from his residence and quickly located the subject, parked in his vehicle with a loaded gun in his lap. While other rangers were minutes away, Ranger McDougal decided to take immediate action, approaching the man with a calm and reassuring voice, gaining his confidence and disarming him without violence.

When fellow officers arrived, Ranger McDougal had stabilized the scene, saving the individual's life, and perhaps others, by his quick, calm and decisive action. Handling this volatile situation in any other manner could have easily resulted in tragedy.

I would like to publicly thank Brad McDougal for his professionalism and the strong example he sets for others in performing his job far beyond the call of duty. His actions, on duty and off, demonstrate a genuine concern and personal involvement in protecting safety and improving quality of life in his community.

It is my great honor to recognize Brad McDougal today, before the entire U.S. House of Representatives, for his leadership and service. His unique achievements and dedication to public safety make him an outstanding American worthy of our collective honor and appreciation.

HONORING THE LIFE OF MAJOR MICHAEL R. MARTINEZ

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. GRAVES. Mr. Speaker, I have the honor today to recognize the life of Major Michael R. Martinez, who passed away on January 7, 2006 in Iraq while in support of Operation Iraqi Freedom. As a husband, father, lawyer, and soldier, Major Martinez will be missed by many.

Major Martinez lived in Platte County, Missouri during a two year posting at Fort Leavenworth. Major Martinez most recently served as a lawyer in the Judge Advocate General Corps. The Major served with the 24th Infantry Division at Fort Riley and the Combined Arms Center at Fort Leavenworth. He was assigned to Fort Carson, Colorado as chief of legal assistance and went to Iraq with the 3rd Armored Cavalry Regiment.

While in Iraq, Major Martinez served as a legal counsel to the troops. Major Martinez helped soldiers with wills, power of attorney, and provided legal guidance. Major Martinez's expertise gave soldiers a sense of comfort that all of their legal concerns would be addressed and that they had someone to talk to about their legal affairs.

Major Martinez was a good friend to many in the military and in the State of Missouri. He was very knowledgeable on issues pertaining to the law. He was an outstanding leader that will be missed. In 16 years of enlisted service to his country, Major Martinez developed a reputation as being a dedicated soldier that created a strong work environment and was a great person to work with.

I offer my condolences to his wife, Kelly, sons Alexander, Colby, and Benjamin, and step-daughters Kathryn and Samantha, and the rest of the Martinez family. In this time of sorrow, may the thoughts and prayers of friends and family comfort them and may his memory bring them peace.

PERSONAL EXPLANATION

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. HIGGINS. Mr. Speaker, I missed a rollcall vote yesterday evening, Tuesday, May 23, 2006.

On roll No. 190 regarding the Flake Amendment No. 1, an amendment to the Agricultural, Rural Development, FDA and related agencies Appropriations Act, I would have voted "no."

HONORING COLONEL RUSSELL D. GOLD

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise to pay public tribute to Col. Russell D. Gold, an exemplary soldier and citizen from my congressional district. Colonel Gold recently announced his retirement as Director of Combat Developments at Fort Knox, Kentucky.

A native of West Palm Beach, Florida, Colonel Gold was first commissioned through ROTC as a Distinguished Military Student from The Citadel, beginning his military career as a Tank Platoon Leader, then Executive Officer with the 82d Airborne Division at Fort Bragg, North Carolina. After completion of the Armor Officer Advance Course, he commanded Company B, 2d Battalion, 72d Armor, 2d Infantry Division, at Camp Casey, Korea. Upon completion of command, he served as a Small Group Instructor in the Armor Officer Advance Course, then, Executive Officer of the U.S. Army Armor School at Fort Knox, Kentucky.

From 1993 through 1995, Colonel Gold was assigned to the First Armored Division in Germany, where he served as the Battalion S–3 and Battalion Executive Officer with the 2d Battalion, 67th Armor, then as the Brigade S–3 for the First Brigade, 1st Armor Division. From 1995–1997, Colonel Gold was assigned to the Joint Chiefs of Staff in Washington, DC, where he served in the J–8 as Chief, War-Game Exercise Branch. Colonel Gold then commanded the 1st Battalion, 67th Armor, 4th Infantry Division, at Fort Hood, Texas. Following battalion command, Colonel Gold served as the III Corps Secretary of the General Staff, then after graduating from the Army War College, became the Director of Combat Developments at Fort Knox.

Colonel Gold commanded the 3d Brigade Combat Team, Iraq, 1st Armored Division, of Fort Riley, Kansas, from June 2002 to June 2004 before being assigned as Chief of Staff of the Armor Center on July 30, 2004.

Colonel Gold's awards and decorations include the Legion of Merit award, Bronze Star Medal, Defense Meritorious Service Medal, Meritorious Service Medal, Army Commendation Medal, Army Achievement Medal, Joint Meritorious Unit Award, Valorous Unit Award, Iraqi Campaign Medal, Global War on Terrorism Service Medal, Korean Defense Service Medal, Army Superior Unit Award, National Defense Service Medal, Combat Action Badge, Master Parachutist Badge, and the Joint Chiefs of Staff Identification Badge.

It is my great privilege to recognize Colonel Gold today, before the entire House of Representatives, for his lifelong example of leadership and service. His unique achievements and dedication to the men and women of the U.S. Army make him an outstanding American worthy of our collective honor and respect.

RECOGNIZING HARRY FULGHUM FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Harry Fulghum, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 155, and in earning the most prestigious award of Eagle Scout.

Harry has been very active with his troop, participating in many scout activities. Over the many years Harry has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Harry Fulghum for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING KAREN HOGAN

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. SHAW. Mr. Speaker, I rise today to recognize a wonderful woman, Ms. Karen Hogan, who has worked tirelessly or the people of the State of Florida for over two decades, and to congratulate her on her retirement.

Karen Hogan has worked in the State of Florida's Washington, D.C. office since 1995. Most recently, Karen served as Senior Management Analyst for the Florida Department of Children and Families. In this capacity, she represented and advised the Governor and the Department Secretary on national issues relevant to the State, such as healthcare, immigration, the elderly and welfare. Karen is truly an expert on Health and Human Services issues, especially the welfare Program.

Before her service in the State of Florida's Washington office, Karen was Chief of Staff for our colleague and friend, the late U.S. Representative Tom Lewis (R–FL), for the 12 years he served in the U.S. House of Representatives. I know Tom's wife Marian Lewis joins me in offering thanks to Karen for her service to the residents of South Florida.

I congratulate Karen on her well deserved retirement. It has been a true joy to work with her over these many years. Karen epitomizes the phrase ''consummate professional.'' Karen's knowledge on State and Federal policy issues is far reaching. She has always been extremely helpful to everyone in the Florida Congressional delegation and she will be dearly missed by all Members and staff.

Karen is a former resident of Palm Beach County, Florida, and is the mother of five children—Christina Kuminski, Richard Craney, Cathy Schwink, Wendy Daniels and Patrick Hogan—and grandmother of eight grandchildren—Alyssa, Keith and Jonathan Kuminski, Ryan Craney, Taylor, Alex and Spencer Schwink, and Carter Daniels. Karen is active in her church and bible study. I have no doubt that Karen will be looking forward to spending more time gardening, a hobby which she loves dearly. If you ask her, Karen would probably say that she isn't retiring, that she's just moving on to the next phase in her life.

Mr. Speaker, on behalf of the Florida Congressional delegation, I wish Karen Hogan all the best in her next phase of life.

TRIBUTE TO THE 60TH ANNIVERSARY OF THE SGT. STANLEY F. ROMANOWSKI POST 6896 OF THE VETERANS OF FOREIGN WARS

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. McCOTTER. Mr. Speaker, today I rise to honor and acknowledge the 60th Anniversary of the Sgt. Stanley F. Romanowski Post 6896 of the Veterans of Foreign Wars in Westland, Michigan.

On May 12, 1946, the founding members instituted this Post in the Gymnasium of Munger Intermediate School and dedicated its mission to serving the citizens of Wayne County, Michigan. Named after Sgt. Stanley F. Romanowski, a decorated soldier of World War II who gave his life for his country, the Romanowski Post 6896 courageously pays tribute to the deceased by helping the living.

Each year, the 6896 members of the Romanowski Post 6896 launch charitable initiatives to assist the needy, aid the ill, support the students, and recognize the educators of our community. Among the many notable programs, these veterans host the Christmas Needy Basket Program, which provides food for underprivileged families; a Muscular Dystrophy Drive; a Diabetes Drive; a Cancer Drive; a $50,000 scholarship fund for students; and a Teacher of the Year program.

In memory of Sgt. Romanowski's birthday, members hold an annual December memorial service in remembrance of United States fallen veterans. This summer, the Romanowski Post 6896 will also hold the first monthly memorial service at Westland City Hall dedicated to Prisoners of War, Soldiers Missing in Action, Blue Star Mothers, and Gold Star Mothers. These deeds serve as a constant reminder, to ensure that the bravery of our soldiers, the fragility of our needy, and the heroism of our fallen will not be forgotten.

Mr. Speaker, in honor of their exemplary love for the United States and our citizens, I ask my colleagues to join me in commending these veterans for their bravery and in thanking the Romanowski Post 6896 for 60 years of loyal and unrelenting service to our community and our country.

INTRODUCTION OF IRANIAN BAHÁ'Í RESOLUTION

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. KIRK. Mr. Speaker, today, I am introducing a resolution with Congressman TOM LANTOS (D–CA) condemning the repression of the Iranian Bahá'í community. This concurrent resolution exposes the Iranian Government's persecution of the Bahá'ís and calls on Iran to ensure that all of its religious minorities, including the Bahá'ís, are treated in accordance with the basic human rights to which each person is entitled.

The North American Bahá'í Temple is in my district, and the persecution against the Bahá'ís in Iran has been a longstanding concern of mine. This concurrent resolution brings he House of Representatives' attention to the latest action of the Iranian Government against the 350,000-member Bahá'í community of Iran.

On March 20, 2006, the United Nations Special Rapporteur on Freedom of Religion or Belief revealed the existence of a confidential letter by the Chairman of the Command Headquarters of Iran's Armed Services to Iran's intelligence services, military and police forces. In this letter, the Supreme Leader, Ayatollah Khamenei, instructed the Command Headquarters to identify all Iranian Bahá'ís and collect any and all information about their activities.

The Anti-Defamation League recently compared the secret letter to ''the steps taken against Jews in Europe'' in the 1930s.

This directive is unacceptable. Yet the secret order did not occur in isolation. Over the past 18 months, Iranian security forces have been imprisoning Bahá'ís without charges and Bahá'í youth in Iran have been denied access to universities. I understand that since October 2005, there has been a campaign of vilification against Bahá'ís in Kayhan, the government-sponsored press.

The Concurrent Resolution I introduce today calls on the Government of Iran to cease its practice of monitoring the Bahá'ís, to allow them to practice their religion and to emancipate fully their religious community. I want to thank my good friend Congressman TOM LANTOS for being the lead co-sponsor of this legislation. I look forward to working with him and my other colleagues on this important human rights initiative.

RECOGNIZING CHARLES ANTHONY CURTIS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Charles Anthony Curtis, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 8, and in earning the most prestigious award of Eagle Scout.

Charles has been very active with his troop, participating in many scout activities. Over the many years Charles has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Charles Anthony Curtis for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THE QUALITY INN HOTEL—A ''SALUTE TO HURRICANE VOLUNTEERS''

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. BURGESS. Mr. Speaker, I rise today to salute those individuals and organizations that opened their hearts and dedicated both financial and emotional support to the evacuees of Hurricane Katrina and Hurricane Rita. All of the States along the Gulf Coast have endured terrible hardships during last year's hurricane season, and I know that the generosity of North Texans played a vital role in bringing some peace into their lives.

Today I want to specifically thank three individuals and one company for their contributions. Viral Thakkar, Cara Hensley, and Joe Leising from The Quality Inn Hotel generously provided hotel rooms for some of the first evacuees traveling to Denton, Texas, in my congressional district, after the storms. For weeks after the event, the hotel's more than one-hundred rooms remained at capacity.

In the nine-month duration of the Quality Inn Hotel's efforts, they housed more than 800 evacuees. In addition, the Quality Inn worked with the City of Denton to help transition 27 families staying at the hotel into semi-permanent housing, and hosted a number of community and holiday events for evacuees and families.

I stand here today to sincerely thank Viral Thakkar, Cara Hensley, and Joe Leising from the Quality Inn Hotel for their gracious contributions. I am proud to call these people fellow Texans. Through their contribution, they not only stand as devoted and giving American citizens, but they serve as an inspiration to others.

HONORING PAUL VI CATHOLIC HIGH SCHOOL'S GIRLS CROSS COUNTRY TEAM'S STATE CHAMPIONSHIP

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to honor the Paul VI Catholic High School's Girls Cross Country Team, who won the 2005 Washington Catholic Athletic Conference (WCAC) Championship, the Virginia State Catholic Championship, and the Virginia Independent Schools (VIS) Cross Country Championship by defeating 40 other schools and their 230 long distance athletes.

The Paul VI Panthers, from Fairfax County, completed the 2005 season with the first triple crown championship win in 11 years for the school. The Panthers won the WCAC with six of their seven allowed athletes in the top 20, won the Virginia State Catholic Championship with seven athletes in the top 12, and won the VIS with five of 10 allowed runners in the top 22.

Virginia Indepenent Schools Cross Country Association sponsors the highest level championship among all private schools in the Commonwealth. In the VIS Championship, the Panthers' top five runners completed the 3.2-mile course before 218 of the State's best female long distance runners.

Led by Head Coach Melanie Kiernan and assistants Keith Mitchell, Joe Gesker, and Mike Kiernan, the Panthers trained intensively throughout a dramatic and triumphant season.

I congratulate all the talented members of the Paul VI Girl Cross Country Team: senior Jen Scolese; juniors Kelsey Budd, Nichole Kauffmann, Michelle Kew, Caroline Manning, Rosie Loftus, Tessa Reed, and Lee Shine; sophomores Meg Clark, Mackenzie Singh, and Kate Still; and freshman Natalie Cowden.

Mr. Speaker, it is my pleasure to honor their championship, and to wish them all the best in their future endeavors.

RECOGNIZING ZACHARY LEE WILSON FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Zachary Lee Wilson, a very special young who has exemplified the finest qualities of citizenship and leadership by taking an active part the Boy Scouts of America, Troop 216, and in earning the most prestigious award of Eagle Scout.

Zachary has been very active with his troop, participating in many scout activities. Over the many years Zachary has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Zachary Lee Wilson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. FRANKS of Arizona. Mr. Speaker, I regret that I was unable to be present for rollcall

votes No. 160, 161, 162, 163, 164, 165, 166, 167, 168, which occurred on May 18, 2006. I was unable to cast votes on these important matters because I was traveling on official business in Arizona.

HONORING PAM KOCHER, RECIPIENT OF THE 2006 CONGRESSMAN JOHN JOSEPH MOAKLEY AWARD FOR EXEMPLARY PUBLIC SERVICE

HON. JEB BRADLEY

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to pay tribute to Pam Kocher of New Hampshire, the recipient of the 2006 Congressman John Joseph Moakley Award for Exemplary Public Service, which is given each year by the Greater Boston Federal Executive Board and the Moakley Family.

Initiated in 2002, the Moakley Award is given to a staff member of the New England Congressional Delegation who demonstrates strong innovative methods of thinking and effectively works on behalf of their constituents.

Anyone who knows Pam knows she is a perfect choice for this honor. Pam's public service extends over three decades and includes serving in elected office at the local level and working for Former Senator Warren Rudman, Former Congressman Bill Zeliff, and currently as State Director for Senator JOHN SUNUNU. She has worked on a number of projects important to our State for each of her bosses, including the redevelopment of the Pease Air Force Base and acting as an intermediary for small businesses during the bank failure of the early nineties. Her many years of service on the Federal level, coupled with her strong working relationships, came in very handy last summer when the Maine and New Hampshire Congressional Delegations were faced with the daunting task of convincing the BRAC Commission to keep the Portsmouth Naval Shipyard open. Pam's leadership in bringing together a broad community-based coalition was one of the driving factors in our success.

Pam credits her driving force as wanting to make government work for people. She stands for hard work, is a problem solver, and knows how to bring people together to work toward a common goal.

Pam exemplifies what good citizenship and leadership is all about. Her efforts to make New Hampshire a better place have made a lasting impact on the people that know her and know of her. I congratulate and thank Pam on her years of hard work and dedication to New Hampshire; New England, and our great Nation.

RECOGNIZING HUNTER C. GOULD FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Hunter C. Gould, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 288, and in earning the most prestigious award of Eagle Scout.

Hunter has been very active with his troop, participating in many scout activities. Over the many years Hunter has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Hunter C. Gould for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

COMMEMORATING THE 65TH ANNIVERSARY OF THE BATTLE OF CRETE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mrs. MALONEY. Mr. Speaker, I rise today to commemorate the 65th anniversary of the Battle of Crete.

This historic battle contributed to the Allies' victory of World War II. On May 20, 1941, thousands of German paratroopers and gliders began landing on Crete. Both the Allies and Nazis wanted Crete because of Its strategic location as part of the lifeline to India and Its proximity to both Palestine and Egypt. At that time the British controlled the island.

The Nazi invasion force included the elite German paratroopers and glider troops. Hitler felt this was to be easy victory, yet he is quoted to have said shortly after the invasion, ''France fell in 8 days. Why is Crete free?''

During the 11-day Invasion of Crete, more than 6,000 German troopers were listed as killed, wounded, or missing in action. The losses to the elite 7th parachute division marked the end of the German Military's large-scale airborne operations.

This valiant fight by the Cretan people began in the first hour of the Nazi airborne invasion while other underground movements did not begin until a year or more after being invaded.

Young boys, old men, and women displayed breath taking bravery in defending Crete. Because German soldiers were not accustomed to facing women in battle, they would tear the dress from the shoulders of suspected Cretan women to find bruises from the recoil of the rifle. The penalty was death. On July 28, 1941, The Times (London) reported that ''five hundred Cretan women have been deported to Germany for taking part in the defense of their native island.''

Another surprise for the German soldiers who invaded Crete was the heroic resistance of the clergy. A priest leading his parishioners into battle was not what the Germans anticipated. At Paleochora, Father Stylianos Frantzeskis, hearing of the German airborne Invasion, rushed to his church, sounded the bell, took his rifle and marched his volunteers toward Maleme.

This struggle became an example for all Europe to follow in defying German occupation and aggression.

The Cretans paid a steep price for their valiant resistance to Nazi forces with thousands of civilians executed, starved, or imprisoned. The Germans burned and destroyed entire communities as a reprisal for the Cretan resistance movement. Yet this resistance lasted for 4 years.

The Battle of Crete changed history by delaying Hitler's plan to invade Russia. The invasion was delayed from April to June of 1941. The 2-month delay in the invasion made Hitler's forces face the Russian winter.

The Russian snowstorms and the sub zero temperatures eventually stalled the Nazi invasion before they could take Moscow or Leningrad. This was the beginning of the downfall of the Nazi reign of terror.

We must always remember and honor this significant battle and the heroic drive of the Cretan people. Democracy came from Greece, and the Cretan heroes exemplified the courage it takes to preserve it.

To honor these heroes, I have introduced H. Res. 290, which recognizes and appreciates the historical significance and the heroic human endeavor and sacrifice of the people of Crete during World War II and commends the PanCretan Association of America.

Today, the courage and fortitude of the Cretan people are seen in the members of the United Cretan Associations of New York which are located in Astoria, Queens.

I urge my colleagues to join me in honoring the Cretans in the United States, Greece, and the diaspora.

HONORING THE RETIREMENT OF RICHARD SHOEMAKER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. DINGELL. Mr. Speaker, I rise to pay tribute to my dear friend Richard ''Dick'' Shoemaker on the occasion of his retirement as the vice-president of the United Auto Workers after 49 distinguished and exemplary years of service.

Born in St. Clair Shores, Michigan, Dick joined UAW Local 865 in 1957 at the age of 18. By the time he was 27, he was elected the youngest president of that local in its history. This rapid ascent in leadership would continue throughout his life. In 1969 he was appointed as an International Representative and in 1982 he was named as the Administrative Assistant to the Vice President of the UAW. Through a course of many other prestigious promotions, Dick eventually rose to become a Vice President himself.

A constant champion of working America for nearly half a century, Dick's successful negotiations with companies including Ford, DaimlerChrysler, General Motors, Mazda, Toyota and Mitsubishi created opportunities and advancements for tens of thousands of workers. His inspiring work shows remarkable results such as record raises in wages, job security, and a measure which ensures that employment at GM and its suppliers remains at healthy levels. The members of the UAW and their families, are fortunate to have prospered under his strong and courageous leadership.

In addition to tirelessly advancing the rights of the working-class, Dick is also a member of the Michigan Democratic Party, the ACLU, and a lifetime member of the NAACP. His activity in the community and state extends even further as he serves on the boards of the Metropolitan Detroit AFL–CIO and Blue Cross-Blue Shield of Michigan.

Dick once said that those in the labor movement ''have [their] walking shoes on every day.'' Mr. Speaker, I would ask you to join me and all of my colleagues as we congratulate Dick Shoemaker on phenomenal career and wish him a happy retirement with his children, grandchildren, and his wife Mary. Even In retirement, I know that Dick will never take off his well-worn walking shoes.

RECOGNIZING ANDREW J. GREEN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Andrew J. Green, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 288, and in earning the most prestigious award of Eagle Scout.

Andrew has been very active with his troop, participating in many scout activities. Over the many years Andrew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Andrew J. Green for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE 31ST ANNUAL CAPITAL PRIDE FESTIVAL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Ms. NORTON. Mr. Speaker, I rise to pay tribute to the 31st Annual Capital Pride Festival, a celebration of the National Capital Area's Gay, Lesbian, Bisexual and Transgender, (GLBT) communities, their families and friends. The Capital Pride Festival has grown from a small block party in 1975 to the current week-long celebration. This year, Capital Pride culminates with the Pride Parade on June 10th and ''The Main Event,'' a street fair on Pennsylvania Avenue in the shadow of the Capitol, June 11th.

I have marched in the Pride parades since coming to Congress to emphasize the universality of human rights and the importance of enacting Federal legislation to secure those rights for the GLBT community. This year's theme, ''Many Communities, All Proud,'' holds special meaning for the citizens of the District of Columbia and its GLBT community in particular. Washingtonians live in distinct, diverse neighborhoods such as Colonial Village to the North; Fort Drum to the South, Northeast Boundary to the East, and Spring Valley to the West. Yet, we unite in our quest for all the rights guaranteed U.S. citizens by the Constitution.

In 1994, the District of Columbia lost the first vote it ever won on the floor of the House of Representatives, the delegate vote in the Committee of the Whole. The Republicans retracted the District's vote when they assumed control of the House. Our city of 550,000 residents, 10 percent more residents than the entire State of Wyoming, who pay more taxes per capita than 49 of the 50 states, remains the only jurisdiction in the United States subject to Taxation Without Representation. Our Nation's Capital is entitled full voting rights in the House and the Senate. On May 18, 2006, the House Committee on Government Reform reported out the District of Columbia Fair and Equal House Voting Rights Act of 2006. This is the first milepost on DC's road to full and equal representation.

This one success is a reminder of the pending legislation that the 109th Congress must pass. The Clarification of Federal Employment Protections Act, The Domestic Partner Health Benefits Equity Act. The Domestic Partnership Benefits & Obligations Act, The Early Treatment for HIV Act, The Employment Non-Discrimination Act, The Family & Medical Leave Inclusion Act, The Local Law Enforcement Enhancement Act, The Military Readiness Enhancement Act, The Responsible Education About Life Act, The Tax Equity for Health Plan Beneficiaries Act, and The Uniting American Families Act.

I ask the House to join me in welcoming the celebrants attending the 31st Annual Capital Pride Festival in Washington, DC, and I take this opportunity to remind the celebrants that United States Citizens who reside in Washington, DC are taxed without full voting representation in Congress.

RECOGNIZING SHAWN GROVES FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Shawn Groves, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 288, and in earning the most prestigious award of Eagle Scout.

Shawn has been very active with his troop, participating in many scout activities. Over the many years Shawn has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Shawn Groves for his accomplishment with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A TRIBUTE TO KATHERINE DUNHAM, WORLD-RENOWNED DANCER, PIONEER, CHOREOGRAPHER, SOCIAL ACTIVIST, ANTHROPOLOGIST, AND MUSEUM FOUNDER

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to a great American—world-renowned dancer, choreographer, anthropologist, social activist, and museum founder, Katherine Mary Dunham. Called ''Miss Dunham'' by many, she dedicated her life to celebrating the vibrant African-Caribbean roots and influences on dance and helped shine the light of the world on the unique dance forms and rituals of the African Diaspora. A pioneer and founder of the anthropological dance movement, Miss Dunham created the Dunham Technique and showed the world that African American heritage is rich and beautiful.

Upon her death on Sunday, May 21, 2006, Miss Dunham had lived a vibrant, creative, and revolutionary 96 years. While she may have died in her New York City apartment, her heart longed for a return to the Midwest where she had established the Katherine Dunham Museum and Children's School in East St. Louis, IL, and where she cultivated generations of dancers, musicians and other artists throughout the region.

Her ties to St. Louis, MO, and East St. Louis, IL, began in earnest in 1967 when she joined the faculty of Southern Illinois University Edwardsville. Thus began a legacy that continues to this day; which includes the Katherine Dunham Center, the Katherine Dunham Dynamic Museum and creation of a dance anthropology program. Later, the college would rename its East St. Louis Center the Katherine Dunham Centers for Arts and Humanities and name its communications arts building after Miss Dunham.

Born in Chicago, IL in 1909, Miss Dunham studied dance in her early teens and would later become one of the first African Americans to attend the University of Chicago where she earned her bachelor, masters and doctoral degrees in social anthropology. Using a Rosenwald Fellowship, she traveled and completed groundbreaking work on Caribbean and Brazilian dance anthropology as a new academic discipline. Later, she was hired as dance director for Chicago's Federal Theatre

Project. In 1931 Miss Dunham established her first dance school in Chicago, called the Negro Dance Group. By 1934 her dance career included both American and European theater in musicals, operas and cabarets throughout the world.

She danced on Broadway and with Les Ballet Negre, the first black ballet company in the United States. Her film career included "Stormy Weather" and "Cabin in the Sky," which she co-choreographed with George Balanchine. In New York she founded the Katherine Dunham School of Arts and Research dance school and a touring company—The Katherine Dunham Troupe. From the late 1930s through the 1940s the dance troupe won critical acclaim while performing in more than 100 original works choreographed by Miss Dunham. Her specific style for teaching dance is still used throughout the world.

Miss Dunham bravely used her fame to call public attention to social injustices both at home and abroad. During World War II, she successfully filed lawsuits against hotels that practiced racial discrimination. In her later years, a 47-day hunger strike by the 82-year-old Miss Dunham in 1993 helped focus attention on the plight of Haiti.

Miss Dunham's intellectual, artistic and humanitarian contributions have earned her at least 10 honorary doctorate degrees, along with many coveted awards, including the Presidential Medal of Arts, the Kennedy Center Honors, French Legion of Honor, Southern Cross of Brazil, Grand Cross of Haiti, NAACP Lifetime Achievement Award, Lincoln Academy Laureate, the Urban Leagues' Lifetime Achievement Award, the Women's International Center's Living Legacy Award and the St. Louis Walk of Fame.

Miss Dunham recounted her life and artistic experiences in eight books, including her autobiography "A Touch of Innocence." Her ground-breaking work in every aspect of dance, theater, music and education has been immortalized in the Library of Congress, where a collection of at least 1,694 items in a variety of video/motion picture formats has been preserved as part of the Katherine Dunham Collection.

Mr. Speaker, I urge members of Congress to join me in honoring the life of Katherine Dunham. Through dance, science and artistic expression, Miss Dunham worked tirelessly, encouraging all humanity to abandon the depths of despair in their lives and to drink robustly from the well of hope—through art.

CELEBRATING THE REVEREND JOHN A. CHERRY'S 25 YEARS OF SERVICE

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. CARDIN. Mr. Speaker, it is with great honor that I rise today to commemorate the 25th anniversary of From the Heart Church Ministries. Since its beginnings in 1981 with only 24 members, From the Heart Church Ministries has provided spiritual guidance to the Prince George's County community through worship services and television and radio broadcasts.

Founder and Pastor Reverend John A. Cherry is a nationally acclaimed minister whose message of hope and committed spiritual teaching have changed the lives of many. Under his steady leadership, From the Heart Church Ministries has grown from its modest beginnings as a storefront church to one of the largest churches in Prince George's County, providing services to over 27,000 members. Reverend Cherry's spiritual message is also broadcast Sundays and during the week, providing religious guidance and teaching to thousands more.

Reverend Cherry's 25 years of service have established a foundation of strong biblical teaching rooted in faith and love—a foundation that his son, John A. Cherry II, will build upon. Reverend John A. Cherry, II will officially be installed as pastor during the anniversary celebration.

I urge my colleagues in the U.S. House of Representatives to join me today in recognizing From the Heart Church Ministries' 25th Anniversary and applauding the accomplishments of Reverend John A. Cherry. His legacy of spiritual leadership will allow his son to continue his work and influence the hearts and minds of a faithful community for years to come.

RECOGNIZING NOLAN R. JUSTUS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Nolan R. Justus, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 288, and in earning the most prestigious award of Eagle Scout.

Nolan has been very active with his troop, participating in many scout activities. Over the many years Nolan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Nolan R. Justus for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. SULLIVAN. Mr. Speaker, I intended to vote "nay" on rollcall vote 167 to H.R. 5386 taken on May 18, 2006.

TRIBUTE TO ONCOLOGY NURSES

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. SHAYS. Mr. Speaker, I want to call attention to the important and essential role that oncology nurses play in providing quality cancer care. These nurses are principally involved in the administration and monitoring of chemotherapy and the associated side-effects patients experience. As anyone ever treated for cancer will tell you, oncology nurses are intelligent, well-trained, highly skilled, kind-hearted angels who provide quality clinical, psychosoclal and supportive care to patients, and their families. In short, they are integral to our Nation's cancer care delivery system.

On behalf of the people with cancer and their families in Connecticut's Fourth Congressional District, I would like to specifically acknowledge Karen Stanley from Greenwich, Connecticut, for her service on the Oncology Nursing Society Board of Directors and her role as president of the Oncology Nursing Society. Through her steadfast leadership and commitment to the Oncology Nursing Society, Karen has advanced policies and programs that reduce and prevent suffering from cancer.

I am proud that the Oncology Nursing Society has two chapters in my home State of Connecticut. Located in Berlin and Brookfield, these chapters serve the oncology nurses in the State and support them in the effort to provide high quality cancer care to patients and their families.

Since 1975, the Oncology Nursing Society has been dedicated to excellence in patient care, teaching, research, administration, and education in the field of oncology. The Oncology Nursing Society is the largest organization of oncology health professionals the world with more than 33,000 registered nurses and other health care professionals. The Society's mission is to promote excellence in oncology nursing and quality cancer care. I commend Karen and her organization for all that they do in the field of oncology.

Cancer is a complex multifaceted and chronic disease, and people with cancer are best served by a multidisciplinary health care team specialized in oncology care, including nurses who are certified in that specialty. According to the American Cancer Society, one in three women and one in two men will receive a diagnosis of cancer at some point in their lives, and one out of every four deaths in the United States results from cancer. This year approximately 17,320 people in Connecticut will be diagnosed with cancer and another 6,990 will lose their battles with this terrible disease. Every day, oncology nurses see the pain and suffering caused by cancer and understand the physical, emotional, and financial challenges that people with cancer face throughout their diagnosis and treatment.

Today, more than two-thirds of cancer cases strike people over the age of 65, and the number of cancer cases diagnosed among senior citizens is projected to double by 2030. At the same time, many of the community-based cancer centers are facing significant barriers in hiring the specialized oncology

nurses they need to treat cancer patients. We are on the verge of a major national nursing shortage, and it is estimated there will soon be a shortage of 1.1 million nurses.

I would like to once again acknowledge and thank Karen Stanley for her hard work and leadership as president of ONS. As a nurse and leader in the field, Karen has made it her life's mission to help others and she should be applauded for all she has done.

A TRIBUTE TO PORTER'S DAY CARE & EDUCATIONAL CENTER

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to congratulate Porter's Day Care & Educational Center on the occasion of its 25th Anniversary.

Porter's Day Care & Educational Center is dedicated to provide quality day care to infants, toddlers, pre-school children of low-income working families, in Philadelphia.

In 1981, Deborah Porter-Greasham's shared her dream of opening a daycare with her family. With their support and help of family members, Evelyn & Sultan Porter, Sr. (parents), Sultan Porter, Jr., Tyrone Porter & Darlene Porter Davis, Brenda Robinson Porter & Edward Porter, Deborah's dream became a reality with the opening of Porter's Day Care and Educational Center.

Since the opening of Porter's Day Care & Educational Center major expansions over the last 25 years have taken place with the opening of the Broad Street Academy; a private school which emphasizes ''back to basic'' accelerated academic programs, which enhances values and socialization skills while providing an environment that stimulates each child to reach his/her potential, was one of numerous programs created to further help children. Following the opening of the Broad Street Academy, Porter's Youth development Program, Educational Child Care Center, the Latchkey Program, and a Summer Camp Program were implemented to better the lives of needy children.

Porter's Day Care & Educational Center mission for improving the quality of life and education has continued with the opening of the ''Journey Through Literacy'' library, housed within the 25 room campus with full-size playground during this year.

I ask that you and my distinguished colleagues join me in congratulation Porter's Day Care & Educational Center, for the past 25 years of service and dedicated commitment to the community.

HONORING JOHN ''J.J.'' BOUMA FOR HIS CONTRIBUTIONS TO RAISING AWARENESS OF ALS

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. HOEKSTRA. Mr. Speaker, I rise today to honor John ''J.J.'' Bouma for his efforts to raise support and awareness for Amyotrophic Lateral Sclerosis or ALS.

From May 18–24, 2006, John ''J.J.'' Bouma drove, along with 13 other people, from Grand Rapids, Michigan to the Santa Monica pier in California on Route 66 to raise awareness about ALS. While the initial hope was to raise $66,000, Mr. Bouma's efforts have already raised more than $265,000. A photographer accompanied the trip to document it for a book and a traveling photo exhibit, which will be used to further raise awareness of the realities of ALS.

ALS, more commonly known as ''Lou Gehrig's Disease,'' is a neurodegenerative disease that attacks nerve cells and pathways connected to the brain and spinal cord. Many patients progress to a point where they become physically paralyzed, but remain cognitively aware. John Bouma's awareness and passion for ALS arose when he was diagnosed with ALS in September of 2005.

Approximately 15 people are diagnosed daily with ALS, most of whom have an average life expectancy of 2 to 5 years. Only about 20 percent of those affected will live an additional 5 years.

John Bouma's efforts to raise money and awareness about this degenerative disease are to be commended. There have been significant advancements in increasing the independence of those afflicted with the disease although there is still no cure.

Mr. Speaker, please let it be known that on this 24th day of May in 2006, that the U.S. House of Representatives acknowledges the contributions and achievements of John ''J.J.'' Bouma and his 13 friends to raise awareness about ALS and wishes them well with their continued efforts.

RECOGNIZING MICHAEL KUBA FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Michael Kuba, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 288, and in earning the most prestigious award of Eagle Scout.

Michael has been very active with his troop, participating in many Scout activities. Over the many years Michael has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Michael Kuba for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING STAFF DEDICATION TO FREEDOM

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. HENSARLING. Mr. Speaker, today I rise to thank a very special group of dedicated Americans who have spent considerable energy assisting me in authoring this year's Republican Study Committee—RSC—budget: the Contract with America Renewed.

Russell Vought, the policy director at the RSC, and Stephen Sepp, my legislative director, dedicated themselves this spring to helping me compile a budget that reflected the spirit of the first budget that the new Republican majority passed in 1995. I am very proud of the work that Russ and Stephen produced, and they deserve special recognition for their dedication to the advancement of freedom.

Additionally, I would like to thank the valuable members of my Washington, DC, staff who assisted with this effort: Mike Walz, Leigh Carter, Jennifer Daniels, Jamie Notman, Kyle Jackson, John Martin and Melanie Davis. Each individual provided legislative and administrative support for me during this extremely demanding project, and I am grateful for their service.

I would also like to thank my staff located in the Fifth District of Texas. Each and every one of them contributed to this budget, and I would like to publicly recognize Richard Sanders, Rebekah Kay, Margaret Smith, Barbara Luce, Beth Peters and Amanda Hodges. I am personally indebted to them for their service and sacrifice to the cause of freedom.

TRIBUTE TO KIPP UJIMA VILLAGE ACADEMY EIGHTH GRADERS

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. ROGERS of Michigan. Mr. Speaker, I rise to recognize the eighth graders at KIPP Ujima Village Academy, a top performing middle school in northwest Baltimore. KIPP is an acronym for Knowledge is Power Program and is part of a network of free college-preparatory public schools in under-resourced communities throughout the United States. Established in the summer of 2002 in Baltimore, these eighth graders at KIPP are recognized as the first graduating class at this outstanding school.

These students have spent the past 4 years completing a rigorous program. The school day begins at 7:30 a.m. and ends at 5:30 p.m. They also participate in a mandatory 3-week summer program and attend educational activities on Saturdays throughout the school year.

Mr. Speaker, there is no doubt that these students and their families face challenges, with more than 87 percent qualifying for free or reduced-price lunches. Yet, there are no entrance requirements or selection criteria. The students are chosen through a lottery of

all students who live in the zone and want to attend the school.

The results, though, are remarkable: Students excel academically, develop confidence and leadership skills, and experience the world through local and out-of-State field lessons. And after 4 years at KIPP, many of these students have earned acceptance to competitive college preparatory high schools throughout Maryland. In fact, KIPP Ujima Village Academy has one of only two Baltimore City public middle schools that achieved Adequate Yearly Progress in 2005.

Therefore, Mr. Speaker, I ask my colleagues to join with me in recognizing the KIPP Ujima Village Academy eighth graders on their graduation and in wishing them the best of luck in the future.

H.R. 5122, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise in support of the FY 2007 Department of Defense Authorization bill. This legislation includes many necessary provisions to improve the quality of life for our military and their families. I strongly support the 2.7 percent pay raise for active duty members and the funding increases for equipment and body armor.

The legislation also includes an important provision requiring the Secretary of Defense to provide Congress with a report on the Department's 10-year strategy for addressing threats related to Iran, Iraq and the Middle East. It is critical that our country deals with these complicated issues in a thoughtful and deliberate way with a clear plan for a successful outcome.

However, I do have some very real and serious concerns about the bill. First, this legislation increases co-pays for military families that purchase their prescription drugs from a pharmacy. While I am pleased that the committee rejected the President's proposal for Tricare premium increases, it is unfair to add to the out of pocket health care costs of our military men and women that serve our country.

This Congress has the responsibility to have a real discussion about the future costs to the American taxpayer of the wars in Iraq and Afghanistan. Instead, H.R. 5122 includes authorization for a $50 billion bridge fund for the costs of the wars once again through supplemental funding. We are entering our fifth year in Afghanistan and our fourth year in Iraq. It is time for this Administration and Republican House leadership to be honest about providing for the costs of these conflicts and account for these dollars in the regular budgeting process rather than passing the entire cost on to our children and grandchildren.

I am also extremely disappointed that the Majority would not accept an amendment offered by Mr. ISRAEL regarding military chaplains. Mr. Chair, this amendment simply would have added language requiring that chaplains show "sensitivity, respect, and tolerance" for members of the military of all faiths. It continues to guarantee that military chaplains pray in accordance with their own faith but would have realigned the language with current military guidelines.

However, overall this bill makes important changes that will increase the safety and quality of life of our military and their families. I am proud to support our troops serving around the world and at home and to vote in favor of this bill today.

PAYING TRIBUTE TO JACK PORRINO

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Jack Porrino for his years of dedicated military service and for his commitment to serving the community.

Jack was born in Italy and came to the United States when he was 8-years-old. At age 18, he became a United States Citizen. Jack enlisted in the United States Air Force in 1969, and began what was to become a distinguished career in the service of this country. He served in the Air Force from September 1969 to May 1972. He then joined the Air National Guard, where he served until October 1989. After 20 years of service, Jack retired from the Armed Services with the rank of Master Sergeant.

In 1993, Jack started working as a groundskeeper at the Southern Nevada Veterans' Memorial Cemetery in Boulder City, Nevada. Within a year, he was promoted to Superintendent of the Cemetery and maintains that position to this day. As Superintendent, Jack has had an overwhelming influence on the improvement of the Cemetery. He established an aggressive fundraising effort by instituting several programs to promote donations and recruit volunteers. As a result of the programs, countless individuals have donated time and funds that enabled the Cemetery to purchase trees, benches, pavers, floral vases and other items that have improved the aesthetic value and made it easier for individuals to pay their respects to the veterans who are interred at the Cemetery. During Jack's tenure as Superintendent, the Southern Nevada Veterans' Memorial Cemetery has undergone many expansions and has become the second busiest cemetery in the Nation. As part of the expansion and improvement efforts, Jack redesigned the monument section, converted several areas to water efficient desert landscaping, and assisted in the building of the Cemetery Chapel. As the final resting place for over 20,000 of our Nation's military heroes, the Southern Nevada Veterans' Memorial Cemetery has truly become a beautiful place to honor those veterans. This is due, in no small part, to Jack Porrino's dedication to making the Cemetery the best it can be.

In addition to his dedication to the Veterans' Cemetery, Jack is committed to strong family values and community involvement. He and his wife Kathleen have been married for 36 years. Together, they have three children and one grandchild. Jack coaches Little League Sports and serves on the Board of Directors in his Home Owners Association. He also teaches Bible study classes at his church for children and adults and regularly speaks to Veterans' and civilian organizations.

Mr. Speaker, I am proud to honor Jack Porrino. He has dedicated his life to serving his country and honoring America's Veterans. As a result of his leadership and advocacy, the Southern Nevada Veterans' Memorial Cemetery has become a place of dignity, honor and beauty.

TRIBUTE TO MR. JOSE OLLERVIDES

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Mr. Jose Ollervides, a highly regarded anchor with KLDO TV News, a subdivision of Univision. He was recently honored by the Texas State Teachers Association with the prestigious Texas School Bell Award for his excellent coverage on educational issues that affects teachers and students in the State of Texas.

Mr. Ollervides is a highly intelligent, driven professional who is well-regarded in his community and among his peers in the broadcasting industry. He graduated from Universidad Del Noreste, in Tampico, Tamaulipas, Mexico with a Licenciado in Ciencas De La Comunicacion, which is similar to a Bachelor of Arts in Communications.

Within ten years of his graduation from Universidad del Noreste in Tampico, Tamaulipas, Mexico, he attained the prestigious position of being a television reporter for the KLDO TV Station, an affiliate of Univision in Laredo, Texas. The station was rated by Nielsen as #1 for the last five years, where due to his strong work ethic, he was instrumental in reporting important news and events for the community of Laredo, Texas, and other affiliates such as KWEX TV Station in San Antonio, Texas.

Mr. Speaker, I am honored to have had this time to recognize the great honor bestowed upon Mr. Jose Ollervides by the Texas State Teachers Association.

H.R. 4297, TAX INCREASE PREVENTION AND RECONCILIATION ACT OF 2005

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise in strong opposition to the Republican's tax reconciliation bill. This legislation is a cynical tax giveaway for the wealthy paid for by slashing services critical to families and heaping debt on future generations.

H.R. 4297 includes $70 billion in tax breaks—primarily an extension of capital gains

and dividend tax cuts. Almost half of that $70 billion will benefit those making over $1 million a year. In Minnesota, 68 percent of the benefit of this bill will go to only 2 percent of taxpayers. Those making $200,000 or more will see an average benefit of over $6,000, while those making under $75,000 will see a return of only $55 on average.

The Majority party has focused tax relief on a chosen few rather than providing tax relief for everyone. Even though tax cuts passed in 2001 and 2003 have already provided millionaires with an average tax cut of $109,000, Republicans have again chosen to prioritize further gains to those who need it the least at the expense of middle-class families. The alternative minimum tax, which is a critical problem facing middle-class families, is shortchanged by this proposal. This bill provides only a one-year extension instead of honestly dealing with this issue. In addition, because these tax cuts are partially paid for by cuts to student loans and health care, working men and women are paying twice in this Republican plan.

This bill also fails to address critical issues such as extending the research and development tax credit, the tax deduction for student loans, and the deduction of state and local taxes—provisions that make an enormous difference in the lives of families across the country. For example, the student loan tax deduction provides opportunities for more families to access higher education, resulting in better paying jobs, which fuels our economy.

Our national debt is nearly $9 trillion. In the last 5 years, President Bush has borrowed more than $1 trillion from foreign governments and financial institutions. It is clearly not the time to add billions of dollars to the debt in order to provide more wealth for those most fortunate. This is a fiscally and morally irresponsible plan and should be rejected.

Mr. Speaker, this bill does not reflect the priorities of Minnesota or American families. With our country facing a growing deficit, a stagnant job economy, and spiking gas prices, it is not the time for reckless spending through tax cuts. Democrats have offered an alternative that targets relief for families without adding to the debt burden facing our children and grandchildren.

I urge my colleagues to oppose this reckless bill and support economic policies that benefit families, increase our competitiveness, and reduce our national debt.

PAYING TRIBUTE TO THE NEVADA NATIONAL GUARD

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. PORTER. Mr. Speaker, I rise today to recognize the contributions of the Nevada National Guard, and I honor them today for their service to the State of Nevada and our Nation.

The Nevada National Guard is comprised of 2,072 soldiers and 994 airman totaling 3,066 members. The Nevada National Guard has participated in Operations Iraqi Freedom, Enduring Freedom, and Noble Eagle. According to the Army National Guard's Bureau of Statistics, Nevada's contributions in support of these missions ranked among the top in the nation in overall percentages during 2003 and 2004. The following seven Units of the Nevada National Guard and Air National Guard have participated in the global war on terror: 1864th Transportation Company, Kuwait/Iraq; 1/221st Cavalry, Ft. Irwin, CA; D Company, 113th Aviation, Afghanistan; Detachment 45, OSA, Kuwait; 593 Transportation Company, Iraq; 152nd Airlift Wing & 152nd Intelligence Sqdn, Iraq; 192nd Airlift Sqdn & 152nd Maintenance Sqdn, Puerto Rico.

In addition to their national mission, the Nevada National Guard serves the State through a number of regional missions which include firefighting, security assistance, and natural disaster response. In August of 2005 the National Guard responded to Louisiana's call for help in the wake of Hurricanes Katrina and Rita by providing emergency management assistance, security, and evacuation assistance to the gulf coast region.

The Nevada National Guard is a key player in Nevada's drug control and prevention efforts. By partnering with Federal, State, and local officials and providing intelligence gathering expertise, the Guard is helping Nevada communities win the war on drugs. Nevada's Guard continues to serve our Nation throughout the world in the global war on terror and is ready to respond at a moment's notice whenever needed.

Mr. Speaker, it is with great pride and heartfelt gratitude that I salute the members of Nevada's National Guard and their families, and I honor them today for their service and dedication to our great Nation.

TRIBUTE TO MR. JOHN W. MONTOYA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Mr. John W. Montoya, chief patrol agent for the Laredo Sector of the U.S. Border Patrol, for his incredible dedication to the city of Laredo, TX. He will retire from his long and distinguished 29 years of service in the Border Patrol on Friday, May 26, 2006.

Mr. Montoya was born in Albuquerque, NM, where he spent his youth, and later attended El Paso Community College where he earned an associate in business administration. He also attended the University of New Mexico and the University of Texas at El Paso. He and his wife, Silvia, have six children.

Mr. Montoya first joined the Border Patrol in 1976 as an agent in the El Paso Sector. In 1982, he was promoted to supervisory Border Patrol agent, a position he held until 1987, when he was promoted to deputy regional chief of the Border Patrol for the INS Regional Office in Dallas, TX. In 1990, he left the regional office for an appointment as assistant chief patrol agent for the Del Rio Sector, and after another tour in the Dallas Regional Office as assistant regional director for Border Patrol, he returned to Del Rio for the position of deputy chief patrol agent. In 2004, he was appointed and selected for the Senior Executive Service, SES, which is made up of leaders with proven executive skills, who have a strong commitment to government and to public service.

As chief patrol agent for the Laredo Sector of the U.S. Border Patrol, he was responsible for an area of 110,000 square miles and 172 river miles of border, with a large staff of 987 agents on board and 126 support personnel. The Laredo Sector extends as far north as the Oklahoma border and includes the cities of Dallas, San Antonio, Austin, and Houston. His service in law enforcement and protecting our border is truly commendable. It is always sad to lose such a valued member of the law enforcement community in South Texas, and I wish him and his family the best in their future endeavors.

Mr. Speaker, I am honored to have had this time to recognize the bravery and dedication of John W. Montoya.

HONORING THE LIFE AND WORK OF MR. JETTIE PURNELL

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. BUTTERFIELD. Mr. Speaker, today I rise and ask my colleagues in the United States House of Representatives to join me in honoring and celebrating the life and work of Mr. Jettie Purnell. One of Halifax County's most notable citizens, Mr. Purnell's work in civil rights and labor rights has changed forever the lives of the people of the First Congressional District and those of people far outside its limits.

As a young man, Mr. Purnell was thrust into service during World War II as a soldier in the U.S. Army. He continued his patriotic service by fighting racism at home and playing a key role in the civil rights movement. His work continued as he moved aggressively and persistently to unionize local textile mills. Mr. Purnell led the fight for justice and equal rights, and also led a successful effort to designate a section of U.S. Highway 158 as George Thomas Young Drive.

Mr. Purnell is indeed a pillar of his community. He was a plaintiff in the historic voting rights lawsuit in Halifax County that resulted in the creation of a district method of election for the Board of County Commissioners.

Mr. Purnell's friends and family say that dispensing advice is his second profession. He has often been the chief advisor on matters of local importance. His daughter Sonya is insistent that "when my daddy spoke, people listened." Mr. Speaker, that is why this past week, Mr. Purnell was finally recognized for his tremendous work as a local leader. The longtime community activist was honored at a ceremony for the new apartment complex recently completed in the Roanoke Rapids area of my district. At the dedication ceremony the Olde Town Village Apartment Complex Activity Center was named in Mr. Purnell's honor.

Mr. Speaker, I could not imagine a more fitting facility to bear the name of Mr. Purnell than a community activity center in an area

where he has been so adamantly committed to raising the quality of life.

I rise both to honor the life and service of Mr. Jettie Purnell and to thank him for his many years of service. Mr. Speaker, I rise to honor a man that has given to his community without ever asking to be recognized. This brief mention is the very least that we can do.

HONORING WILLIAM HARTWIG ON THE OCCASION OF HIS RETIREMENT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to a dedicated public servant, William "Bill" Hartwig, on the occasion of his retirement from the United States Department of Interior. For the past few years Bill has been serving as Chief of the National Wildlife Refuge System.

I first met Bill in 2000 when he was working as the Regional Director for the Midwest Region. Together we embarked on a project unprecedented in America's history: an international sanctuary for birds, plants, and animals of all kinds. Today, Detroit is blessed with the serene beauty of the Detroit River International Wildlife Refuge. This 2,100-acre refuge provides Southeast Michigan citizens with a previously unimaginable opportunity to experience the magnificence of a lush habitat for hundreds of protected species close to home. To Bill's eternal credit, this remarkable project would never have been possible without his vision and powerful determination.

Long before becoming one of the Nation's great conservationists, Bill was born in Riverside, CA. Recognizing his life's path early, he graduated from West Virginia University with a bachelor's degree in outdoor recreation. Between WVU and receiving his master's degree in administration from George Washington University in 1976, Bill served in Vietnam where he received Army Commendation Medals and the Bronze Star.

Bill began his work in the Department of the Interior in 1977. Through the course of his illustrious career there, his care for the environment and all its inhabitants touched an incredible variety of issues ranging from land management to migratory bird conservation. In 1988 he received the Department's Meritorious Service Award and in 1990 was named an "Unusually Outstanding Employee."

Bill Hartwig is a great conservationist and his impact on this country is impressive and profound. I personally thank Bill for his invaluable help in creating the Detroit River International Wildlife Refuge, and I invite you Mr. Speaker, and all my colleagues, to join me in recognizing Bill for his dedication to the out-of-doors, to conservation, and for his long and distinguished career with the Department of the Interior.

TRIBUTE TO PASTOR ARTHUR JACKSON, III CELEBRATING HIS 15TH PASTORAL ANNIVERSARY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. MEEK of Florida. Mr. Speaker, I would like to take this opportunity to pay tribute to one of Miami's great spiritual leaders, Pastor Arthur Jackson, III, of Antioch Missionary Baptist Church of Carol City, which is located in my Congressional District.

Pastor Jackson came to his calling through the love and influence of both his father, the late Rev. Arthur Jackson, Jr., and his mother, Mrs. Arthur Jackson. Spiritually, God has lifted and anointed him to preach the gospel to the wounded, lost, and broken. Ask any of Pastor Jackson's thousands of congregants what they most like about him, and you are likely to hear, "He is real" He relates to his flock in an honest and genuine way that brings out the best in people. During the hurricane season, for example, Pastor Jackson sent his deacons out to check on the elderly, to make sure that their houses were properly boarded up before the storm and afterwards, to make sure they had food and water and any other help they may have needed.

During Pastor Jackson's tenure at Antioch, the church has gone through a complete spiritual, financial, and structural metamorphosis. In December of 1996, the Congregation purchased surrounding lots and broke ground for a new structure—a $2 million building that was consecrated in August 1998. After only seven years, the congregation had already paid off their multi-million dollar mortgage.

A man of character, integrity and wisdom, Pastor Jackson's consistent obedience to God has taken the Antioch congregation from the "Faithful Fifty" members, to a blossoming ministry of nearly 6,000 members. Pastor Jackson serves God and his community through the ministries he has nurtured. I congratulate Reverend Jackson on his Pastoral Anniversary and extend best wishes to him, his wife, Jacquaneise, and their daughter, Jaden.

IN HONOR OF JUDGE DELBERT EARL WONG MAY 17, 1920–MARCH 10, 2006

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. BECERRA. Mr. Speaker, I rise today to pay tribute to a loving family man and eminent jurist who worked tirelessly to protect the rights of ordinary Americans throughout our country, Judge Delbert Earl Wong, who passed away Friday, March 10, 2006.

Delbert Wong rose from humble means, and it was this experience that led him to dedicate his considerable talents to serving the public. Born May 17, 1920, in Hanford, CA, to a Chinese-American mother and Chinese immigrant father, Delbert encountered great adversity and discrimination early in his life. His mother, born in Weaverville, CA, lost her American citizenship for the simple act of marrying Delbert's father in 1919. Unable to own land and forced to apply for citizenship due to the Chinese Exclusion Act, his parents' experiences would embolden Delbert and instill in him a commitment to justice and equality.

Raised in Bakersfield, CA, Delbert attended Bakersfield College where he received an associate of arts degree. After transferring to the University of California at Berkeley, he graduated with a bachelor's degree and also met his future wife, Dolores Wing. Upon graduating from U.C. Berkeley, Delbert heeded the call to serve his country and enlisted in the Army Air Corps during World War II, serving as a navigator on a B–17 Flying Fortress. Completing 30 missions over Europe, he was awarded the Distinguished Flying Cross.

In 1945 following the end of the war, Delbert enrolled in Stanford Law School, breaking barriers of discrimination as the school's only student of color. After being admitted to the State Bar of California in 1948, Judge Wong began his career working for the Office of the Legislative Counsel in Sacramento. He later transferred to the Office of the Legislative Counsel in Los Angeles, where he was one of two Chinese-American lawyers in all of Southern California. In 1951 he joined the Office of the California State Attorney General. There, he served as the first Chinese-American deputy attorney general under then Attorney General Pat Brown. When Pat Brown was elected governor, he appointed Delbert to the bench in 1959, making him the first Chinese-American judge in the United States.

Delbert Wong became a judge because of his deep commitment to justice, equality, and civil rights; ideas that he fought for throughout his entire life. He served on the bench during the tumultuous decades of the 1960s and 1970s when these issues dominated public debate with the social upheaval surrounding both the Vietnam war and the civil rights movement. Hearing cases involving free speech and assembly, employment discrimination, and school desegregation, Judge Wong was at the forefront of some of the most important court decisions of that era.

Judge Wong's professional achievements were extraordinary, as was his love for family and community. Together, Dolores and Delbert raised four children: Kent, Shelley, Duane and Marshall. Though Judge Wong retired from the bench in 1982 after 23 years of service, his role in public service continued as a private arbitrator and community leader, roles he would hold until the end of his life. He was appointed by Los Angeles Mayor Tom Bradley to a panel that authored the city of Los Angeles's first ethics code, and also led an investigation into charges of racial discrimination in employment at the Los Angeles International Airport Police Bureau. Delbert was a key supporter of the Asian-Pacific American Legal Center and the Chinatown Service Center. He is fondly remembered by his family for making breakfast for his children each morning and serving as a Boy Scout leader. Judge Wong overcame great odds to serve his country, opening doors for countless others; but even more importantly, he did so while maintaining a sincere commitment to loving and supporting his family.

Mr. Speaker, it is with immense sorrow, yet great admiration and appreciation that I ask my colleagues to join me today in saluting Judge Delbert Earl Wong, a devoted husband, father, public servant and community leader. May his passionate dedication to opening doors for others and service to this country be remembered and give birth to the next generation of champions for justice.

TRIBUTE TO RICHARD HELLMAN, M.D.

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. MOORE of Kansas. Mr. Speaker, I rise today to bring to the attention of this recent election of Kansas City metro area resident Richard Hellman, MD, FACP, FACE, as President-Elect of the Board of Directors of the American Association of Clinical Endocrinologists, at its Fifteenth Annual Meeting and Clinical Congress in Chicago on April 29, 2006. Since 1999, he had served on the AACE Board of Directors.

Dr. Hellman has been privately practicing with a focus on diabetes mellitus and endocrinology in Kansas City, Missouri, since 1981; he is board certified in internal medicine and endocrinology. He is a clinical professor of medicine at the University of Missouri, Kansas City, School of Medicine and is the past president of the Metropolitan Medical Society of Greater Kansas City, a current member of the Health Commission of Kansas City and chair of their Patient Safety Task Force.

He graduated from the Chicago Medical School and completed all of his post-graduate training at the University of Kansas Medical Center. Dr. Hellman is a member of Alpha Omega Alpha, the national medical honor society. He is also the medical director of the Heart of America Diabetes Foundation.

A methodology and data expert for the Physician Consortium for Performance Improvement, Dr. Hellman is also a member of their executive committee and co-chairs their implementation work group. The Consortium is convened by the American Medical Association and includes representatives from more than 70 national medical specialty and state medical societies. The Consortium seeks to provide physician performance measures for both the Center for Medicare and Medicaid Services and for specialty boards. He was the first to show how an electronic health record can be used to improve adherence to the Consortium's physician performance measures. Dr. Hellman is the AMA representative for the Joint Commission on Accreditation of Healthcare Organizations Advisory Group for Disease-Specific Care Certification and serves on the National Diabetes Quality Improvement Alliance's Technical Expert Panel. He is also currently on the AMA expert panel on medication reconciliation.

In short, Mr. Speaker, Dr. Richard Hellman is a dedicated community leader in the medical field who is extremely well qualified to assume a leadership position with the 5,300 member-American Association of Clinical Endocrinologists. I am pleased to have this opportunity to bring his accomplishments to the attention of the House and to pay tribute to him as he assumes this new position of trust and achievement.

TRIBUTE TO THE BASILICA OF THE ASSUMPTION

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. CARDIN. Mr. Speaker, I rise today with my colleagues from Maryland: ROSCOE BARTLETT, ELIJAH CUMMINGS, WAYNE GILCHREST, STENY HOYER, C.A. DUTCH RUPPERSBERGER, CHRIS VAN HOLLEN and ALBERT WYNN to pay special tribute to America's first Catholic Cathedral, the Basilica of the Assumption in Baltimore, which has undergone a two-year restoration in preparation for its bicentennial celebration on November 4, 2006.

The Basilica was the first great metropolitan Cathedral in America and the first major religious building to be constructed following the adoption of the U.S. Constitution. The construction of the Basilica reflected a fundamental shift in how government viewed religious freedom—a shift from worship in an established church to worship that was based on the individual's choice and conscience. It stands as a reminder of America's openness to people of all faiths.

Designed by Benjamin Henry Latrobe, architect of the U.S. Capitol, the Basilica is considered an architectural masterpiece and one of the finest 19th Century buildings in the world. The Basilica in Baltimore, home to the country's first Catholic Archdiocese, is designated as a National Historic Landmark and National Shrine.

We commend the Archdiocese for undertaking a major restoration of this extraordinary religious and civic landmark. After decades of slow deterioration, the Basilica is finally being restored to its original grandeur. In the future, Americans of all faiths will be able to visit this historic treasure and reflect on its history and its place in our Nation's struggle for religious freedom.

We hope our colleagues in the House will join the Maryland Delegation in honoring the Basilica during its bicentennial year of celebration and in expressing our sense of pride that the Basilica is part of our Nation's history.

TRIBUTE TO MRS. MARLYS SMITH

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mrs. EMERSON. Mr. Speaker, I rise today to honor Mrs. Marlys Smith, a teacher at Matthews Elementary School in Sikeston, Missouri. Marlys is retiring after 31 years of service in Missouri's Public Schools.

Marlys was born on November 18th, 1952, on the Marine Base at Quantico, Virginia, to Monda and Jim Davis. The oldest of six children, she spent her early years in Mississippi County, Missouri, and graduated from East Prairie High School. She went on to receive her undergraduate degree in Elementary Education from Southeast Missouri State University in 1975. Later, she obtained her Masters Degree from William Woods University in Fulton, Missouri.

As a young girl of 10, Marlys contracted a disabling bone disease that caused her to be hospitalized for nearly three months. Because of the radical surgery she needed, she lost the ability to use her right hip, until extensive corrective surgery in the last year. Rather than allow this physical impairment to hinder her in any way, she turned her energy from outdoor activities to music. The young girl from Mississippi County who became a teacher and taught everything from high school special education to first, third and sixth grades also had time to develop her voice. She sang with "Young Americans in Concert" in New York at Carnegie Hall, in Europe, and also for President Nixon in the White House in the summer of 1971. And then in 1993, my late husband, Congressman Bill Emerson, invited this beautiful, young lady to sing "Amazing Grace" to 4000 participants at the National Prayer Breakfast in Washington DC. She again shared her voice in a rendition of "Amazing Grace" in 1996 at Bill's funeral in Missouri and in Statuary Hall in the U.S. Capitol.

Marlys Smith, the school teacher, has been a Girl Scout Leader, Sunday School teacher and a mentor to thousands of girls and boys in Southern Missouri and a friend to all who have known her. And I count myself as one of those friends. Marlys and her husband, Lloyd, who is my Chief of Staff, are family. We have shared many wonderful and tearful times over the last 25 years.

Although Marlys has been a leader in her field and a dedicated volunteer in a host of groups, her most special role has been that of a wife to Lloyd and mother to their three children, Trista, Sam and Tiffany. A working mom who, because of her husband's travels, was many times the only one at home to go to scouts, ball games and church events or to help with homework. She never complained and always has a smile on her face. Indeed the young girl who nearly died at age 10 turned into a beautiful woman who has shown a zest for life and shared her love with all those who have known her.

I congratulate Marlys on her retirement and wish her the best in all of her future endeavors. From the Emerson Family to Marlys Smith, we say thank you, and we pray you continue to spread your wonderful gifts for years and years to come.

PERSONAL EXPLANATION

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. STEARNS. Mr. Speaker, I missed the following vote due to a personal reason.

On rollcall vote No. 162 to H. Res. 795, Condemning in the strongest terms the terrorist attacks in Dahab and Northern Sinai,

Egypt, on April 24 and 26, 2006, had I been present I would have voted ''yes.''

HONORING LTC JOHNNY M. SUMMERS

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. GIBBONS. Mr. Speaker, I would like to take this opportunity to recognize Lieutenant Colonel (LTC) Johnny M. Summers, Outgoing Commander, Hawthorne Army Depot located in Hawthorne, Nevada. LTC Summers took command of the Depot in June of 2004. On May 13, 2005, the Base Realignment and Closure (BRAC) Commission recommended closing the Depot. Soon afterward, Hawthorne realized an ''Army of One'' is all you really need.

From the onset, LTC Summers realized the selection criteria used for recommendation to close Hawthorne had significant flaws. He maintained that it would be a strategic mistake to close the depot due to its significant storage capability, highly skilled workforce, combat terrain training opportunities, and modern reprocessing facilities.

LTC Summers ensured that BRAC Commissioners were provided with the correct data, which countered the recommendation to close the Depot. Thanks in large part to the accurate information provided by LTC Summers, the Commissioners and their colleagues understood the mistakes and the true value the Depot provides the United States Department of Defense.

Thanks to LTC Summers' tireless efforts, the BRAC Commission agreed the evidence presented showed the Hawthorne Army Depot has great economic and strategic significance that justify keeping it open. His efforts were certainly instrumental in our success.

I commend this great commander upon his retirement from the United States Army on September 30, 2006, for his exceptional, dedicated service to the Hawthorne Army Depot, the great State of Nevada and our country. I extend to him my best wishes for continued excellence in his future endeavors.

Thank you, Lieutenant Colonel Summers, for your time and service.

HAITI'S FUTURE: THE TASK OF REBUILDING A SHATTERED NATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. RANGEL. Mr. Speaker, I rise today to acknowledge that many challenges lie ahead for President Rene Preval as he embarks on the task of rebuilding and developing the country of Haiti. I am in full support of Rene Preval and I wish him well as he strives to reconcile his countrymen through better communications and commitments for peace and progress.

Haiti is a country plagued with trouble and instability. Preval's successors, the interim administration, were not able to unite the country. A rebellion that led to the ouster of the former president, Jean Bertrand Aristide, also set the country on a path of violence, crime and bloodshed from which it may take years to recover. Rene Preval's election is clearly the best thing that could have happened to the country as it has served to give hope to its population of eight million-plus people.

While President Preval pledges to lead the country in unity he continues to cite that the solution to Haiti's problems is in the hands of the Haitians. Needless to say, the country could benefit greatly with assistance from the United States, Canada and France.

I strongly urge my colleagues to be generous with U.S. assistance to Haiti at this time when they need it most. None of us want to see Haiti revert to its previous political and security conditions. Contributions of aid and finances must be followed through and the Caribbean region must also re-engage with Haiti to help them on the course to peace and development.

Mr. Speaker, I rise to enter into the CONGRESSIONAL RECORD an editorial by Tony Best from the May 23, 2006 edition of the New York CaribNews entitled Haiti's Future—The Task of Rebuilding a Shattered Nation. This article sheds light on Haiti's plight.

HAITI'S FUTURE, THE TASK OF REBUILDING A SHATTERED NATION

(Editorial by Tony Best)

''If we don't talk, then we will only fight.'' Rene Preval, Haiti's newly installed President, struck an important and positive note for reconciliation, peace and development in his nation as he began the second, but not successive, term as his country's leader.

His return to the Presidential palace in Port au Prince is being widely hailed as an opportunity step forward if the country is follow a growth path, recognizing that his is an unenviable task. Preval needs the cooperation and active involvement of Haitians of all stripes and social class, whether at home or abroad if their shattered country is to serve its eight million-plus people. It goes without saying that the international community, especially the United States, Canada and France must help lead the way towards reconstruction and unity.

Caribbean nations too, especially those in Caricom must also do their part. But as Preval himself said on Sunday as he took the oath of office, ''the solution to our problems is in our hands.'' Outside economic and political forces can help drive the engines of progress but in the end, Haitians must be responsible for their future.

When Preval ran the country for the first time between 1996–2001, he sought to unite the fractured society. But with Haiti polarized between his mentor and predecessor in office, Jean Bertrand Aristide, and those who opposed Lavalas and the former Roman Catholic priest Preval's record fell far short of the high expectations. Now he has a chance to redeem himself.

Fortunately, he was not viewed as a corrupt politician, interested only in himself and the interest of his cronies. Preval has succeed an interim administration that lost its way from the get-go and was never able to unite the country as Haiti had to grapple with more than its share of trouble, insurrection and instability.

A rebellion set in motion by the machinations of people in Washington and carried out by Haitians in the Dominican Republic and elsewhere, not only led to the ouster or abduction of President Aristide but set the country on a path of violence, crime and bloodshed from which it may take years to recover. The recent presidential election, which Preval won fair and square, was perhaps the best thing that could have happened to the country.

The Republications in Washington, who played a key role in Aristide's ouster and in the instability that followed, must see itself as a part of the solution, having helped to create some of the problems.

Preval, a former ally of the ousted former President who is cooling his heels in South Africa, must battle some formidable obstacles and challenges that run the gamut from weak judicial institutions, an inept and corrupt bureaucracy and a devastated economy to rising crime and lawlessness, not to mention the lack of a democratic tradition needed to prevent political forces from turning on each other and prolonging the agony.

As if to send a strong message to the new head of state about the enormity of the task ahead of him, inmates of the national penitentiary went on a rampage, demanding their freedom and calling for better treatment. Shots were fired and when the inmates appeared on the roof they help up two bodies, apparently those of inmates, according to a news agency account, Haitian police and United Nations armed personnel were quickly able to restore order.

If Preval and his administration needed a reminder of the troubles ahead that brief incident showed them that whether on the streets of the urban centers or behind bars, chaos could erupt at any time.

It also underscored the need to address the ills facing the awful justice system and the inhumane conditions in prison, something the U.N. Envoy in Haiti, Juan Gabriel Valdes, urged Preval to do something about. After all, hundreds of prisons have been languishing in prison for extended period of time under the most wretched of conditions.

Preval must break with the past, especially the past two years during which the interim Prime Minister, Gerard LaTortue and his ministers ignored human rights issues and the need for the prompt delivery of justice. Instead, they preferred to spend much of their time attacking Aristide's supporters.

It also failed miserably to come to grips with the day-to-day economic and social difficulties that plague the average Haitian. And as the poorest people in the Western Hemisphere, Haitians who suffered the most numbered in the millions.

That hard fact of life may explain why the UN envoy urged President Preval to show Haitians that he means business.

''It is critical for him to be able in the first year . . . to show Haitians that he can produce some change in their lives,'' Valdes told the Associated Press. ''It would be frankly intolerable to see that for lack of international assistance at this point in time the country goes back to previous political and security conditions.''

The depth of the financial and development crunch is there for all to see. So far, the rich nations have pledged $1.2 billion in aid but only $200 million of that amount has been invested in development projects.

The World Bank, International Monetary Fund and others can and must do better, much better than that.

Clearly, much of the trouble isn't at Haiti's doorsteps. Its roots are in the complicated and unfathomable rules imposed by the international financial institutions on how the money must be spent.

We agree with Valdes when he said, ''A country in this situation cannot be forced to follow rules that will bring it political catastrophe.''

For its part, the Caribbean region, which largely stood on the sidelines during the chaos of the past two years, must become reengaged with Haiti again. It must welcome the country and its president back into the regional fold and while it may not have the financial resources to help get the job done, it certainly possesses the human capital and the experience to set the French-speaking nation on the right course to peace and development.

In his inaugural address President Preval stressed the value of better communications, telling Haitians, ''we need to make peace through dialogue and talking to each other so we can decide where we want to go together. If we don't talk, then we will only fight and there will be no peace.'' Well said.

PRAISE FOR U.S. COAST GUARD IN TEXAS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. PAUL. Mr. Speaker, I would like to place in the RECORD, the following report submitted by Anthony Marcos, Command Senior Chief, Air Station Houston, Texas in recognition of the men and women of the United States Coast Guard in Texas who performed with great courage and made 723 rescues under very adverse circumstances during hurricanes Katrina and Rita in 2005.

On the morning of 29 August, two HH65B helicopters from Air Station Houston arrived at Air Station New Orleans for post Hurricane Katrina operations. The arrival of these crews marked the beginning of an unprecedented period of search and rescue operations, and aviation engineering and logistical support by Air Station Houston.

For nearly two weeks, Air Station Houston provided a continuous complement of three HH65B's affording uninterrupted support of Katrina's rescue/response operations. This support culminated in more than 164 flight hours, 106 sorties, and most importantly, 691 saved lives by Air Station Houston-based aircraft and crews.

Recognizing a critical need by rescue personnel for water, energy drinks, MRE's and comfort items, Air Station Houston collected and shipped over 170,000 pounds of donated items on Coast Guard and DOD logistics flights for response personnel and the victims of Katrina.

Air Station Houston utilized valuable Coast Guard Auxiliary and other volunteer personnel in a vital information gathering effort by serving as a conduit between the Red Cross and Search and Rescue controllers for the forwarding of time-critical information on missing or evacuated Katrina victims and refugees stranded or relocated somewhere in the New Orleans area or out of state.

In addition to its legacy area of responsibility (AOR) Air Station Houston instituted a plan to relieve Air Station New Orleans of its non-Katrina SAR responsibilities west of the Mississippi River throughout the Katrina response effort, thereby increasing Houston's AOR by more than 18,000 square miles. With two aircraft and crews deployed to New Orleans, Air Station Houston crews responded to a report on 6 September of a civilian helicopter missing 20 miles south of Sabine, Texas. Although already engaged in nearly around-the-clock operations in New Orleans, Air Station Houston's outstanding readiness posture permitted two unit helicopters, manned by crews recently returned from Hurricane Katrina, to be launched in a search for the 12 persons reported aboard the overdue helicopter. All 12 persons were quickly located and then successfully recovered during this multi-unit case by the two Air Station Houston helicopters in a daring nighttime offshore rescue.

The possibility of a category five hurricane hitting the Houston-Galveston metropolitan area set in motion a massive response effort from the Coast Guard Area Commanders. Within 48 hours of Rita's early morning landfall on 24 September, over 125 contingency aircrew personnel along with 15 additional Coast Guard aircraft arrived at Air Station Houston to commence operations.

During the Houston-based response operation for Hurricane Rita, the Air Station coordinated over 61 missions and 123 sorties resulting in 205 mishap-free flight hours and the saving of 32 lives in a one week period. During this time, Air Station Houston also provided invaluable support to Gulf Coast based cutters including CGC Cypress, which allowed them to quickly fix the position of displaced waterway buoys, enabling the reopening of vital waterways and the free-flow of commerce in and out of the Gulf.

SAN CARLOS PTA CELEBRATES THE 34TH BIENNIAL CHICKENS' BALL 2006

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. LANTOS. Mr. Speaker, it is with great pleasure that I rise today to honor the Parent-Teacher Association (PTA) of the San Carlos School District, located in my Congressional District, as well as the 34th Anniversary of its historic and infamous Chickens' Ball. This biennial event has helped to raise money for San Carlos' public schools as well as create ties within the community for the past 66 years.

This creative means of raising funds was first proposed by middle school teacher and PTA member, Howard J. Demeke, in 1939. Mr. Demeke himself was a regular patron of the historic San Francisco Barbary Coast Chickens' Ball, a live-entertainment show performed by women of a certain reputation in various saloons. This philanthropy-oriented event had been around since the early 1900s and included a contest of various colorful and riotous acts. The winner of the best act was awarded amounts of gold to then be donated to a designated charity.

Under Mr. Demeke' s request to the San Carlos PTA, the Chickens' Ball left the swanky scene of the saloon and was reborn in San Carlos for the purpose of raising money for the school district's milk funds. Members of the PTA, local clubs and members of the community joined together to plan comedy and entertainment skits, each competing for a large sum of donated money. The ball was an enormous success and has continued to be for the past six decades with all proceeds directly benefiting the schools of San Carlos.

I personally had the pleasure of attending the 34th Biennial San Carlos Chickens' Ball this year, with my lovely wife Annette. As we discovered, the Chickens' Ball requires the attention and participation of the audience, making each second at the show memorable. I congratulate each act unequivocally for the brave hilarity exhibited on stage by each performer.

Mr. Speaker, please join me in saluting and congratulating the outstanding Parent-Teacher Association of the San Carlos School District, for their dedication to our community and the quality of education for our children, through the most creative Chickens' Ball.

PERSONAL EXPLANATION

HON. CATHY McMORRIS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Miss McMORRIS. Mr. Speaker, during the second series of votes on amendments to H.R. 5384 the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2007, I was avoidably detained and missed two votes on amendments by Representative JEFF FLAKE.

Had I been present I would have voted in favor of H. Amdt. 904 to prohibit any of the funds made available in the Act from being used to fund dairy education in Iowa and H. Amdt. 909 to prohibit use of funds in the bill for the Hydroponic Tomato Production, Ohio grant.

IN RECOGNITION OF KEN STEWART

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to honor Ken Stewart, recipient of the 2005 National Language Teacher of the Year Award, which is given by the American Council on the Teaching of Foreign Languages (ACTFL). Ken is the very first teacher ever to receive this award.

Señor Stewart, as he is known by his students, has taught Spanish at Chapel Hill High School for nearly 20 years. A National Board Certified Spanish teacher, he has been successful in sharing his passion for language learning in the classroom because of his foreign language teaching philosophy, education, and extensive travel experience.

As the ACTFL National Language Teacher of the Year, Señor Stewart competed for this award with five other regional winners from across the country. His award dossier included video segments demonstrating his skill as a classroom teacher and documentation of his teaching practices, as well as testimonials from his students, their parents, and his school administrators. This award, sponsored

by ACTFL and publisher McDougal Littell, was created to recognize foreign language teachers at the K–12 level who exhibit excellence in classroom language teaching. As part of this honor, Señor Stewart is now involved in serving as a spokesperson for language educators and making appearances and giving presentations that promote language education through the ''Discover Languages'' national public awareness campaign.

The shortage of qualified language professionals across the United States underscores the importance of Señor Stewart's work: only 9 percent of students enrolled in college study a foreign language. We need to introduce language study at an earlier age and do more to encourage pursuing real proficiency.

Foreign language needs have significantly increased due to the presence of a wider range of security threats, the emergence of new nation states, and the globalization of the United States economy. Outstanding teachers who instill critical skills of language competence and cultural understanding in our students are indeed worthy of recognition and gratitude.

I call on my colleagues to seek out the 2006 Language Teacher of the Year in their own states and to encourage that teacher as he or she competes this year at the regional and national levels. It is important that we support these educators who do so much to provide our students with the foreign language skills and cultural understanding that are essential to a world class education and that will prepare them for living and working in the 21st century.

I ask my colleagues to join me in commending Señor Stewart for his years of dedicated service and his commitment to foreign language instruction.

TRIBUTE TO CHAIRMAN HENRY HYDE

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. ISSA. Mr. Speaker, I have had the honor of serving under Chairman HYDE on the House International Relations Committee since I came to Congress in 2001. From my very first day on the Committee I have witnessed firsthand the wit, humor and brilliance that are trademarks of my party's elder statesman.

Henry has succeeded in bringing sensibility and strength to one of the House's most important and internationally scrutinized committees in the wake of September 11. While my colleagues on both sides of the aisle have occasionally attempted to use the International Relations Committee as a venue to push forward partisan ideology; Chairman HYDE and his fine staff have worked hard to ensure that resolutions that leave his committee are based on fairness, the promotion of our democratic ideals, the protection of human rights, and American interests throughout the world.

I appreciate the guidance and mentorship that HENRY provided to me when I first came to Congress. As a freshman member I had many legislative and policy ideas that I wanted to pursue. HENRY taught me to cool my heels and recognize the nature of the process in accomplishing my legislative goals. The advice that he gave me back then was certainly the right advice, and it still resonates with me today.

I admire the strength that Chairman HYDE continues to show. At 82 years of age and limited in his personal mobility he is still very much a workhorse in the House. We continue to maintain a busy schedule in the International Relations committee and HENRY travels around the world meeting with foreign dignitaries and protecting American foreign policy at an amazing pace. I only hope that when I reach HENRY's age that my mind will still be as sharp as his.

I continue to be amazed at the many things that HENRY has accomplished during his 30 years in this body. I'm also amazed by the fact that he has survived in this body for more than 30 years. That is no small feat by any means.

It has been an honor and pleasure to serve with Chairman HYDE in the House and under him on the International Relations Committee. I thank him for his leadership and guidance. I look forward to working with him through the remainder of this Congress and I wish him the best in his endeavors thereafter.

TRIBUTE TO WQBA–AM

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, it is with great respect that I rise today in recognition of WQBA–AM, a landmark radio station in Miami, FL, for its upcoming 40th anniversary.

Since its inception on May 31, 1966, WQBA has been a pillar of Miami's airwaves for politics and local issues. It provides members of the community the opportunity to hear from newsmakers and public officials. WQBA is also the official Spanish station of the Florida Marlins and the Miami Heat. It has been known as Radio Continental, Radio Cuba, La Cubanisima and La Voz de Miami.

WQBA has always strived to provide accurate information while also reflecting the diversity of its audience and South Florida. It is home to numerous prestigious journalists, including the only Spanish-language sports commentator belonging to the National Baseball Hall of Fame. Considered one of Miami's historic stations, WQBA has witnessed and broadcasted significant historical moments during its 40 years. In 1992 when Hurricane Andrew hit South Florida, WQBA was an essential source for news as it was the only Spanish radio station that withstood the storm.

Loyal to Hispanic traditions, WQBA began the annual Reyes Magos Parade 36 years ago and it is now co-sponsored by three sister stations and considered one of the five most important Hispanic cultural events in the country.

WQBA is one of the true voices of Miami and has always been active in its commitment to promoting education and the arts throughout the years. The station's trademark jingle ''Yo soy de Cuba la voz,'' (''I am Cuba's voice'') is played daily at the Celia Cruz exhibit at the Smithsonian Museum.

Mr. Speaker, as we recognize WQBA's long legacy and the excellent service it has provided Miami during the past four decades, I ask that you join me in expressing our appreciation for its first 40 years and best wishes for its next.

RECOGNIZING THE HILL-SMITH FAMILY REUNION

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. SCOTT of Georgia. Mr. Speaker, I rise today to recognize the Hill-Smith family reunion and I ask that my colleagues join me in honoring this wonderful occasion. This reunion affirms the importance of family gatherings, drawing together relatives from Atlanta and as a far away as Boston, Massachusetts and Hartford, Connecticut.

The Smith and Hill families celebrate the union of Thomas Landrum Smith and Armentis Hill which joined the two families in 1919. Eight children resulted from this matrimony, and from those eight children, 85 direct descendants and hundreds of other relatives who bear the surnames Smith and Hill.

The Smith and Hill families organized their first reunion in Roanoke, VA in July of 1986. Over the next 20 years reunions were held every two years in New York, NY, Boston, MA, Jonesville, SC, Atlanta, GA, Pacolet SC, and Rocky Mount, NC. This year the Hill and Smith families will reunite in Stockbridge, GA for their tenth bi-annual reunion. Hundreds of relatives coming from every corner of the United States will reunite for a week of activities to reconnect and celebrate the meaning of family. Youth filled with zeal and exuberance along with elders seasoned by the wisdom of years will unite because of this occasion. The Hill-Smith family will welcome Marjorie S. Kirk of New York, NY with a special degree of warmth. At 83, Ms. Kirk will be the oldest family member attending this year's reunion. The youngest and most recent addition to the family is Maleek Thompson, born April 19, 2006. While only a few months old, Maleek will join his family traveling from Maryland to participate in his first reunion.

The governor of the state of Georgia, Sonny Purdue, recognized this momentous gathering with a welcome letter and the host city of Stockbridge, GA issued a proclamation to honor the Hill-Smith reunion. I ask that this great legislative body stand with me and add to these acknowledgements by honoring the Smith and Hill families. I am proud to represent the Hill-Smith family members who call the 13th Congressional district of Georgia home.

IN TRIBUTE TO THE WORK OF SECRETARY LLOYD BENTSEN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. RANGEL. Mr. Speaker, I rise in tribute to Secretary Lloyd Bentsen, an American patriot and champion of democratic values. I salute his life achievements that have furthered the cause of American liberty and freedom at home and abroad. His life is a reflection of commitment and dedication to the vibrancy of the American economy. The brilliance that personified his life in public services has guided America to a ''more perfect Union.''

Lloyd Millard Bentsen, Jr. was born Feb. 11, 1921, in Mission, TX, in a small frame house; from this humble beginning, Lloyd Bentsen rose to prominence in American politics. He received a law degree from the University of Texas at Austin in 1942 and served as Army Air Corps combat pilot in World War II with the 449th bomb squadron. At the early age of 23, he was given command of a squadron of 600 men. For his bravery and leadership, he was awarded the Distinguished Flying Cross and four awards of the Air Medal.

Upon his return to his native Rio Grande Valley he was elected Hidalgo County Judge. In 1948, Lloyd ran for Congress and won easily. At 27, he had the admirable designation as the youngest Member of the House. Representative Bentsen gained respect from his colleagues by his leadership skills and political acumen. He was a strong advocate for a number of policy issues which include the deregulation of natural gas, State control of offshore oil and notably the repeal of the poll tax. He was only one of two Southern Congressmen to challenge this device that impeded voting of African-Americans in the South.

In 1955, Lloyd left Congress after he experienced difficulty raising a family in Washington on a meager congressional salary of $12,500. Subsequently, he began a business career in Houston and he eventually became president of Lincoln Consolidated, an insurance and financial holding. However, in 1970 he sold his business in a lucrative deal, and declared his candidacy for the U.S. Senate. He won the democratic nomination and then defeated George H.W. Bush, 53 to 47 percent. He was immediately tagged as a coalition builder among liberals and conservatives, putting aside differences and arriving at consensus regarding numerous policy issues. This was evident in his ability to advocate for both minorities in the South and wealthy conservatives linked to Texas oil money. Lloyd has said that his proudest accomplishment in the Senate was pension reform. Also as a member of the Finance Committee and joint Economic Committee, he also contended that the tax code should provide incentives for a myriad of activities that include national saving, production of oil and college loans.

Lloyd worked closely with President Reagan and President Carter on numerous issues. In 1977, he ran for the White House, but his campaign was unsuccessful. However, in 1986 he took the place of retired Democratic leader Senator Russell B. Long as chairman of the finance committee. He also served as chairman of the Joint Committee on Taxation and the Joint Economic Committee and was a member of the Senate Commerce, Science and Transportation committee. As a Democrat, Lloyd garnered respect from his colleges across the aisle. He was known to be well versed in tax law and was always known as the consummate insider. He commanded the respect and ear of Wall Street and was a man of integrity and character.

In 1988, Dukakis tapped Lloyd as his vice-presidential running mate and instantaneously he was again catapulted to the national stage. Though the Dukakis ticket did not win the White House, he won the hearts of Americans. He famously reminded Dan Quayle that he was no Jack Kennedy in a televised vice-presidential debate.

Bentsen retired from the Senate in January 1993 to serve as the 69th Secretary of the Treasury under Clinton from 1993 to 1994. He played an intricate role in several of Clinton's achievements. The $500 billion deficit reduction measure was crucial and drove the deficit down, which later turned into a government surplus. Additionally, he assisted in passing NAFTA, the North American Free Trade Agreement, which dramatically changed American trade policy with Mexico.

Lloyd retired in 1994 and said, ''I couldn't leave with the economic flag flying any higher.'' His stellar public service career was solidified in 1999 when President Clinton presented him with the Presidential Medal of Freedom, the Nation's highest civilian honor.

FREEDOM FOR EGBERTO ANGEL ESCOBEDO MORALES

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Egberto Angel Escobedo Morales, a political prisoner in totalitarian Cuba.

Mr. Escobedo Morales is a member of the National Council for Democratic Transition. He has dedicated his life to opposing the tyrant who enslaves the people of Cuba. He was arrested in 1995 and in sham ''trial'' was sentenced to 20 years in the totalitarian gulag. According the U.S. Department of State, in July 2000, Mr. Escobedo Morales was tried again for ''obstruction of police'' and ''disrespect of government officials.''

He has been incarcerated for over 10 years in the most inhuman conditions imaginable. Despite incessant repression, harassment, and abuse, Mr. Escobedo Morales remains committed to the conviction that democracy and individual liberty are the birthright of the Cuban people.

In February 2006, Mr. Escobedo Morales, along with four other political prisoners, courageously signed a letter containing the truth about Cuba under Castro. The letter was printed on Cubanet, ''Cuba has become an island prison. All Cubans in the street just have conditional freedom and those of us in prison are in solitary confinement cells.''

The solitary confinement cells that Mr. Escobedo Morales mentions in his letter are described in the U.S. Department of State Country Reports on Human Rights Practices—2005 as, ''Prison conditions which continued to be harsh and life threatening. Prisoners sometimes were held in ''punishment cells,'' which usually were located in the basement of a prison, with continuous semi-dark conditions, no available water, and only a hole for a toilet.''

Mr. Escobedo Morales is representative of the fighting spirit of the Cuban people: of their rejection of the brutality, discrimination, depravity, and oppression of the totalitarian tyranny. Thousands languish in the gulag because, like Mr. Escobedo Morales, they refuse to accept the tyrannical dictatorship in Cuba today. Mr. Escobedo Morales is also representative of the best of the Cuban people, of the dignity of the Cuban people.

Mr. Speaker, it is unconscionable that, in the 21st century, brave men and women are chained to filth because of their belief in democracy, freedom, and the sanctity of human rights for every person. My Colleagues, we must never forget those who are locked in gulags because of their desire for freedom. My Colleagues, we must demand the immediate and unconditional release of Egberto Angel Escobedo Morales and every political prisoner in totalitarian Cuba.

VIETNAM VETERANS MEMORIAL VISITORS' CENTER

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. MARKEY. Mr. Speaker, since 2001, the Vietnam Veterans Memorial Fund, under the leadership of Jan Scruggs, has been working towards the dedication of an underground visitors' center on the Memorial grounds. The proposal for the center was carefully planned to assure that America's youth learn the values of citizenship and duty to their nation. This process has been long and arduous for the Fund, but throughout it all their efforts have been supported by various legislative and public initiatives. Their efforts were officially validated when Congress passed a bill that authorized the construction of the site in November of 2003. The language of the legislation stated that the ''final approval shall not be withheld.''

Nevertheless, the progress and completion of the site continues to be held up, awaiting the pending approval of the National Capitol Planning Commission (NCPC). While the NCPC oversees planning and construction of any new structure within the Washington, D.C. city limits, in this case it appears to be impeding the construction of a facility authorized and sanctioned by Congress and under the law.

In December, the NCPC stalled the progress of the site by removing the Visitors Center from its December 1 monthly meeting agenda. Additionally, advocates for the Center, who were supposed to testify to the NCPC in July 2005, were told that they would have to wait to make their presentation until August

2006. Over and over again, the Vietnam Veterans Memorial Fund, under the leadership of Jan Scruggs, has complied with all the deadlines and requests of the NCPC and other governing organizations throughout the approval process. Yet, for some reason ground has yet to be broken on the construction of the site.

While the approval of the site awaits action from the NCPC, a series of actions have been taken on the proposal's behalf. In December 2005 the Resources Committee and National Parks Subcommittee began an inquiry of the actions of the National Capitol Planning Commission due to delays engineered on an effort approved by Congress in 2003. In February Congressman POMBO, chairman of the Resources Committee, requested that all internal documents from the NCPC, including emails and attorney client materials for review. After a careful review of the facts, Congressman POMBO informed the NCPC Chairman on March 2, 2006 that the NCPC appeared to be intentionally ignoring the will of the Congress with unnecessary internal delays. In response, Congressmen POMBO and RAHALL, introduced H.R. 4882 to end the delays on this important project. I cosponsored the bill, which came out of committee with great support and was brought to the House floor. On March 28, 2006 the House overwhelmingly passed H.R. 4882. A companion bill, S. 2419 was later introduced in the Senate by Senators KERRY, STEVENS and HAGEL, and is currently awaiting legislative action.

I urge the NCPC to proceed expeditiously in accordance with the express wishes of Congress so that America's youth will soon have the opportunity to learn about citizenship and duty to our country at the Vietnam Veterans Memorial Visitors' Center.

TRIBUTE TO DR. FRANK LYON ROMMEL

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. DOYLE. Mr. Speaker, I rise today to honor the memory of a Western Pennsylvania native and pioneer in the field of Physical Medicine, Dr. Frank Lyon Rommel, who passed away on I April 28, 2006, at the Moravian Manor in Lititz, PA.

Dr. Rommel, a Board Certified specialist in Physical Medicine was the founder of the Physical Medicine Rehabilitation Department at the McKeesport Hospital, and is credited with rehabilitating hundreds of injured veterans at the V.A. Harmarville Rehabilitation Center in suburban Pittsburgh as well as countless patients in hospitals throughout Western Pennsylvania between 1961 and 1988.

He was born in Glassport, PA on May 5, 1925, was a graduate of Glassport High School, St. Vincent College and the Stritch School of Medicine, Loyola University, Chicago. He served overseas during World 'War II as a cryptographer in the Army Air Corps.

Dr. Rommel was married for 51 years to Barbara Bonde Rommel who survives him along with five children, their spouses, 10 grandchildren, two sisters, and is the uncle of our colleague, Congressman Bill Shuster. Internment will be at the Shuster Family Cemetery near Everett, PA.

WELL WISHES TO BARRY BONDS IN HIS BID FOR THE HOME RUN RECORD

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. RANGEL. Mr. Speaker, I rise today in recognition of one of baseball's most successful stars, Barry L. Bonds. An all-star outfielder for the San Francisco Giants, Bonds has had a stellar career. Since entering the major league in 1986, Bonds has created quite a name for himself.

As a young man growing up in California during the 60s, Bonds discovered his talent for sports. Not only did Bonds play baseball, but he played football as well. With a former all-star player as a father, Bobby Bonds, Barry was destined for athletic greatness.

Considered as one of the greatest baseball players of all time, Bonds has both created records and broken them alike. Bonds has won 8 Gold Glove Awards for his defensive might in left field, and he is a 13 time All-Star. He is the only player in baseball history to have hit at least 500 home runs and stolen at least 500 bases, no other player has reached even 400–400. This is all a mark of Bonds' true athletic dominance,

He is now only trailing the great Hank Aaron's 755 home run record, while currently tied with Babe Ruth's 714. Even though Bonds' record has been questioned due to alleged steroid use, it seems to not have affected such a trailblazer.

I want to wish Barry Bonds all the best in his pursuit of the home run record, for it is only in arms reach. He needs to know that he should keep pushing on and playing the game that he loves so much and the game we love to watch him play.

We must be careful to not let the racial prejudice and bias of others take away from the phenomenal achievements of such a remarkable athlete. Bonds has achieved all his accomplishments because of his work ethic and extraordinary performance. Please let us acknowledge the good that Bonds has done and to not let the bad overshadow the good. None of us are saints in this world, but we do our best to put the best foot forward.

Please allow me to enter into the RECORD this song of praise for one of the best athletes this generation has ever seen. Bonds has forever solidified his name and place in the history books and he belongs there. He belongs there for not only his love of the game, but for the fact that his commitment is unmatched by so many.

[From the Witness for Justice No. 268, May 15, 2006]

RACE MATTERS

(By Wallace Ryan Kuroiwa)

Okay, I'll admit it: I am a San Francisco Giants baseball fan. Always have been, always will be. Maybe it's because living in Hawaii, I used to get the Giants games on the radio. Or maybe it's because in my first year of seminary in the Bay Area, I watched Juan Marichal pitch and the two Willies, Mays and McCovey, homer—my first live Major League game! So I will admit to a bias in my following rumination.

I have watched with some dismay as slugger Barry Bonds has been vilified in the media and by fans as he nears the home run milestone of 714 home runs, the record the immortal Babe Ruth held until Hank Aaron eclipsed it. Most of the discussion has centered on the purported use of steroids by Bonds. Although there has not been any substantiation of steroid use in the legal arena, Bonds has been tried and convicted in the media. Television commentary will show pictures of Bonds as a younger player and then pictures of him in his present manifestation, and then conclude: now who can say he hasn't used steroids? Huh? What would happen if we put pictures of all of us in our twenties and then put them side-by-side with our pictures in our forties and jump to the same conclusion?

I believe Minnesota Twins outfielder Tori Hunter hit on a reality when he observed: ''They can say what they want, but there's no way they would launch an investigation if Barry Bonds was not about to break Babe Ruth's record. It is so obvious what's going on. He has never failed a drug test and said he never took steroids, but everybody keeps trying to disgrace him. How come nobody even talks about Mark McGwire anymore? Or (Rafael) Palmeiro (who tested positive for steroids in 2005?) Whenever I go home I hear people say all of the time, 'Baseball just doesn't like black people. Here's the greatest hitter in the game, and they're scrutinizing him like crazy.' It's killing me because it's about race.''

It may not be all about race, but race certainly is a rain cloud over the whole issue. Race has been a specter over sports for as long as I have been alive, and much longer. Remember Jesse Owens in Germany? Jack Johnson? Jackie Robinson? Even Hank Aaron received death threats as he approached the beloved Babe's record.

Those who would claim that sports is a level playing field, that anyone with talent can make it in sports, need to take their heads out of the sand. Race matters, as Cornel West simply put it.

Globally speaking, sports serves as a microcosm of American society. The insidious reach of racism is always near the surface of the dynamics of human interaction, if it is not overtly present. Whether it is in the New Orleans debacle, or the immigration debate, economic globalization, or whatever, you don't have to look far to find race lurking. We will never make progress toward a more just society until we own up to that, and move forward.

So my defense of Barry is more than just about being a Giants fan, much more. It's about needing to name the sin. When we do that, we can start to do better. And we do need to do better as a society, much better.

The United Church of Christ has more than 5,700 churches throughout the United States and Puerto Rico, Rooted in the Christian traditions of congregational governance and covenantal relationships, each UCC setting speaks only for itself and not on behalf of every UCC congregation. UCC members and churches are free to differ on important social issues, even as the UCC remains principally committed to unity in the midst of our diversity.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 25, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 6

10 a.m.
Commerce, Science, and Transportation
Consumer Affairs and Product Safety Subcommittee
To hold hearings to examine compliance with All-Terrain Vehicle Standards.
SD–562

JUNE 7

10 a.m.
Agriculture, Nutrition, and Forestry
To hold oversight hearings to examine agricultural conservation programs.
SR–328A

2:30 p.m.
Commerce, Science, and Transportation
Science and Space Subcommittee
To hold hearings to examine outside perspectives relating to NASA budget and programs.
SD–562

JUNE 8

10 a.m.
Commerce, Science, and Transportation
National Ocean Policy Study Subcommittee
To hold hearings to examine challenges of fish farming in Federal waters relating to offshore aquaculture.
SD–562

Veterans' Affairs
To hold hearings to examine pending benefits related legislation.
SR–418

JUNE 13

10 a.m.
Commerce, Science, and Transportation
To resume hearings to examine S. 2686, to amend the Communications Act of 1934 and for other purposes.
Room to be announced

2:30 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine business systems modernization and financial management in review of the defense authorization request for fiscal year 2007.
SR–222

JUNE 14

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine alternative energy technologies.
Room to be announced

2:30 p.m.
Commerce, Science, and Transportation
National Ocean Policy Study Subcommittee
To hold hearings to examine state of the oceans in 2006.
SD–562

JUNE 15

10:30 a.m.
Commerce, Science, and Transportation
Fisheries and Coast Guard Subcommittee
To hold hearings to examine the Coast Guard budget.
SD–562

JUNE 20

10 a.m.
Commerce, Science, and Transportation
Business meeting to markup S. 2686, to amend the Communications Act of 1934 and for other purposes.
Room to be announced

JUNE 21

2:30 p.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine accelerating the adoption of health information technology.
SD–562