concerned with this legislation because it fails to seriously address our Nation's true immigration problems.

Our nation's immigration system needs a serious overhaul, but this is not it. This is a bill that has been rushed to the floor, about a week after it was introduced and after only one committee hearing that later discharged the bill on a party line vote. For an issue as important as this, we should work together, we should work towards consensus, we should take the time it takes to get it right. Instead, the Republican leadership is more interested in passing legislation that may look good on a press release, but does not solve our immigration problems and is not realistic.

If the Republican leadership was serious about securing our borders and preventing the entry of undocumented immigrants, they would fully fund the additional 10,000 border agents that we authorized when we passed the Intelligence Reform and Terrorism Prevention Act, Public Law 108–458, last year. The addition of these agents, which had broad bipartisan support, was a provision that would have a direct impact on securing both our Southern and Northern borders and had broad bipartisan support. However, when it comes time to fund these additional agents, Congress consistently comes up short.

This bill is strongly opposed by a broad range of organizations such as U.S. Chamber of Commerce, American Immigration Lawyers Association, American Farm Bureau, National Association of Homebuilders, Catholic Charities USA, Associated Builders and Contractors, United Auto Workers, among others. This broad coalition of organizations and interest groups understands that H.R. 4437 is not a solution to our existing immigration problem and in fact may exacerbate it.

I urge my colleagues to oppose this bill.

CONFERENCE REPORT ON S. 1932, DEFICIT REDUCTION ACT OF 2005

SPEECH OF

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 18, 2005

Ms. MATSUI. Mr. Speaker, today we begin to debate this budget package and attempt to wrap up legislative business for the year. As we do so, many members find themselves thinking about going home to be with their families.

For me, I look forward to spending time with my family and particularly my 2-year-old granddaughter Anna. As many of my colleagues already know, Anna is the driving force behind my work in Congress—I want to make sure that we create policy that is best for Anna and those in her generation who do not have a say in what we are doing here today.

Therefore, I favor reducing the deficit. Anna and her generation should not have to bear the burden of the debt this Congress has created. But Congress must reduce the deficit in a responsible manner that results in a shared sacrifice.

Unfortunately, H.R. 4241 fails to do this. It disproportionately places the burden of these cuts on a few. And it also imposes cuts on key programs including Medicaid, child support enforcement and student loans.

When I consider how these cuts will impact my constituents and their families back in Sacramento—not to mention Anna and her friends—it is clear this is not a conscientious way to cut spending.

For example, one of the critical programs cut in this bill are student loans. By doing so we are placing greater financial stress on students who are already spread thin.

Recently I met with a group of students from Sacramento State, who reiterated this point to me. Each one of them stressed the importance of student loans in financing their education.

We need to be investing in the future to compete in the global marketplace. But, by cutting these loan programs we are undercutting America's ability to compete.

This is only one example of the impact of these cold-hearted spending cuts. Spending cuts necessary to finance the tax breaks in this budget package.

We need to restore fiscal responsibility in a way that makes sense—in a way that aligns with the priorities of the American people. But the draconian cuts in this bill will not accomplish that. If you showed the American people the tradeoffs in this budget, they would tell Congress to go back to the drawing board and get it right. They would urge us to fund vital programs before cutting taxes for the fifth time in five years.

Why rush through legislation that could have tremendous repercussions on so many in this Nation? Instead, I would urge my colleagues to vote down this bill—take this holiday season to reflect on our Nation's true priorities and needs. Let's start fresh next year and figure out a way to protect future generations without impeding this government's ability to help those that need it the most.

CONFERENCE REPORT ON H.R. 2863, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

SPEECH OF

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 18, 2005

Mr. RAMSTAD. Mr. Speaker, I rise to strongly oppose the use of our brave troops as political cover to open the Arctic National Wildlife Refuge, ANWR, to oil drilling.

Adding the totally unrelated and highly controversial ANWR drilling provision to the Defense appropriations bill (H.R. 2863) is the most outrageous abuse of power I've seen in my 15 years as a member of Congress.

This last-ditch effort to impose oil drilling in the Arctic wilderness by converting the Defense appropriations bill into a ''garbage bill'' is a great insult to our troops and a flagrant abuse of the legislative process.

We should oppose this heavy-handed, backdoor tactic to impose oil drilling in one of the Nation's last great wilderness areas.

We should vote down the conference report so the conferees can remove the ANWR provision and bring back a clean Defense spending bill tonight for our approval.

I urge members to honor our troops and stand up for the environment by rejecting this conference report.

Let's not hold our brave troops hostage to Arctic oil drilling!

CONFERENCE REPORT ON H.R. 2863, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

SPEECH OF

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 18, 2005

Ms. KILPATRICK of Michigan. Mr. Speaker, reluctantly, I rise in opposition to the bill making appropriations for the Department of Defense for fiscal year 2006. Had this bill been limited to providing funding for our Nation's defense and our men and women serving our country, this bill would have my wholehearted support. But there are major sections in this bill that have nothing to do with our Nation's defense. They found their way into this bill because it is ''must have'' legislation. I refuse to play the game of legislative blackmail. These provisions ought to be stripped from this bill. The majority leadership profanes the military by adding these extraneous provisions. For these reasons, I must vote against this defense-funding bill.

One of the major problems with this bill is that it will make an $8 billion across the board cut in all 2006 discretionary spending, excluding veterans. I strongly support our veterans but the $8 billion in cuts include special education, ''No Child Left Behind,'' homeland security, defense spending, low-income heating assistance, job and employment assistance, the Women, Infant, and Children Program, WIC, and many other programs.

The sections authorizing oil drilling in the Arctic National Wildlife Refuge, ANWR, should not be in this defense-spending bill. H.R. 2863 also exempts drug companies from liability. Drug company language does not belong in this bill. Drug companies should be liable when their products cause physical harm or death to consumers. I am also opposed to this bill because I do not think that the Republican leadership should use our troops to accomplish political goals that are unpopular with Americans. For these reasons I must vote against this defense bill.

CONFERENCE REPORT ON S. 1932, DEFICIT REDUCTION ACT OF 2005

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 18, 2005

Ms. MALONEY. Mr. Speaker, this administration, in concert with this Congress under this leadership, has given us five years of record debt and deficits. It seems that with each new month comes a new dubious record—just last week we learned that the trade deficit for October hit another all-time high.

This reckless fiscal policy has come on the heels of the thriving economy of the 1990s, when we showed that government can be fiscally disciplined and compassionate to our neighbors most in need at the same time.

That time and that economic philosophy is a distant memory, having given way to misguided priorities. Now, instead of fundamentally changing the economic approach that

turned record surpluses into record deficits and that has floated us down a river of red ink, we have the bill that is before us. It gives no real help to our debt and deficits, and it targets programs that need help the most.

By cutting less than one half of one percent of the projected $14.3 trillion in federal spending over the next five years, we are not returning to fiscal sanity, as supporters of this bill claim.

And despite what some on the other side of the aisle might think, slashing programs that help low-income Americans and our seniors stay healthy and help our young go to college is not sound policy. A $12.7 billion cut to student loans will not help educate Americans. A $6.9 billion cut in Medicaid and the State Children's Health Insurance Program will not keep low-income Americans healthy. And a $6.4 billion cut in Medicare is not beneficial to the well-being of our nation's seniors.

Instead, this bill shows a lack of compassion and a lack of vision for the long-term health and productivity of our Nation. It would be more beneficial if we returned to the sound, balanced-budget vision that guided us through the prosperous '90s.

I urge my colleagues to vote ''no'' on this uncompassionate bill and to instead focus on a revision of our economic direction.

CONFERENCE REPORT ON H.R. 3199, USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005

SPEECH OF

HON. JEFF FLAKE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Mr. FLAKE. Madam Speaker, I would like to comment on section 507 of today's PATRIOT Act conference report, which authorizes the U.S. Attorney General to certify whether a state has qualified for the expedited habeas corpus procedures in chapter 154 of title 28 of the U.S. Code. Section 507 is of particular importance to my home State of Arizona, which for many years has satisfied the post-conviction counsel requirements of chapter 154, but which has been unfairly denied the procedural benefits of that chapter by the Ninth Circuit.

Section 507 is similar to a section of the Streamlined Procedures Act, a general habeas corpus reform bill that was introduced earlier this year in the House by Mr. LUNGREN of California, and in the Senate by my Home state colleague, Senator KYL. Section 507 is also virtually identical to an amendment that I filed and sought to offer last month to H.R. 1751, the Secure Access to Justice and Court Security Act of 2005. My amendment had been made in order by the Rules Committee and was listed in House Report 109–279. At the last minute, however, various political objections were made to my amendment and Chairman SENSENBRENNER asked me not to offer it to H.R. 1751. The Chairman assured me that he would accommodate me with regard to this matter on some other legislation. I am pleased to see that he was able to do so on the PATRIOT Act, which now appears that it will be enacted into law sooner than H.R. 1751.

My amendment is designed to give States a real incentive to provide quality counsel to death row prisoners in State habeas proceedings. It is also designed to keep a bargain that the Federal Government made with the States in 1996. The amendment assigns the U.S. Attorney General to evaluate whether a State is providing qualified counsel to capital prisoners in State habeas proceedings, a condition for receiving the benefits of the expedited habeas procedures of chapter 154 of the U.S. Code. The amendment thus gives States a real chance to qualify for chapter 154 treatment. By ensuring that States will receive streamlined proceedings in Federal court if they provide quality counsel in State habeas court, the amendment will reduce delays in death penalty appeals.

This is a goal that everyone, left and right, should agree with. Even those who passionately oppose the death penalty should want the system to be fair to victims. No one should support a system that routinely forces the family of a murder victim to endure 10, 15, or even 20 years of appeals. Yet in too many cases, that is exactly how our current system works even in cases where there is no real dispute over guilt. In my home State of Arizona, over two-thirds of death row prisoners have finished all of their State appeals and are engaged in Federal habeas litigation. Most of these cases have now been in the Federal courts for five years or more. Ten cases have been in Federal court for 8 years or more, and 5 cases have been in Federal court for more than 15 years. And this is all on top of the time that it takes to complete all state appeals, which usually requires 5 or 6 years.

Under the current system, victims' families are forced to repeatedly relive an awful event throughout the progress of this lengthy litigation. During that process, they must wonder if they will be forced to appear at another hearing, if there will be another trial, or if the person who killed their son or daughter will even be released. They literally are denied closure, the right to forget about the person who killed their loved one and to move on with their lives. And this frequently goes on for more than 15 years. A system that treats crime victims this way is intolerable.

The amendment that I offer today is particularly important to my home State of Arizona. Arizona is both a State that has experienced extreme delays in Federal-court review of capital cases, and a State that has acted to provide quality counsel in state habeas proceeding in response to the offer that the congress made in 1996. The habeas reform of that year created chapter 154 of title 28. This chapter told the States that, if they provide qualified state habeas counsel to capital defendants, the Federal government would streamline Federal court review of capital cases. In Federal court, chapter 154 would limit the claims that defendants could raise, barring virtually all claims that were not properly raised and addressed on the merits in state court. Chapter 154 would apply strict deadlines to Federal court review, requiring the district court to decide the case in 6 months and the court of appeals to rule in 4 months.

Shortly after the 1996 reforms were enacted, the Arizona legislature and the State supreme court implemented a system that would allow the State to opt in to chapter 154. The State created mandatory competency standards for capital post-conviction counsel, and provided funds to attract good lawyers and allow them to hire necessary experts. The State now spends a lot of money on post-conviction representation for death-row inmates—the median case costs the State $64,000, while one case cost $138,000. Again, this is just for State habeas review. It does not include the State's expenses to provide counsel at trial or on direct appeal from the trial. For example, Arizona also guarantees a capital defendant two highly qualified attorneys at trial.

One might think that, in light of all that the State of Arizona has done to provide high-quality counsel to capital defendants, surely it must have qualified for chapter 154 by now and must be enjoying the benefits of that chapter. But that is not what has happened. The problem is simple: under current law, the local Federal court of appeals decides whether a State has opted in to chapter 154. In Arizona, the Ninth Circuit has refused to grant Arizona the benefits of chapter 154. Even though Arizona has lived up to its end of the bargain, the Ninth Circuit refuses to allow the Federal government to abide by its end of the deal.

A case that illustrates the problem is the Ninth Circuit's extraordinary decision in Spears v. *Stewart*, 283 F.3d 992 (2002). The three-judge panel in Spears found that Arizona's system for providing post-conviction counsel complied with chapter 154. The court concluded that Arizona's system sets mandatory and binding competency standards for counsel, provides reasonable compensation to counsel, pays reasonable litigation expenses, and offers such counsel to all capital defendants. The court nevertheless managed to find that Arizona could not receive the benefits of chapter 154 because of a delay in appointing counsel. Defense lawyers initially had boycotted this system, and in some cases this resulted in delays. The defendant in *Spears* did not even allege that this delay prejudiced his case. But the Ninth Circuit found this delay a sufficient excuse to deny Arizona the benefit of chapter 154, even though Arizona's system complied with that chapter.

The decision of the Spears three-judge panel alone is troubling. The chapter 154 qualification decision is supposed to be a one-time decision. Once a State's system qualifies, the issue is not supposed to be litigated again on a case-by-case basis. Even more disturbing than the three-judge panel's decision, however, is a dissent from the full court's refusal to rehear the case that was signed by 11 active judges of the Ninth Circuit. These 11 judges stated that the panel's decision that Arizona's system qualifies for chapter 154 is merely dicta and not binding in future cases. Although the issue of Arizona's 154 status was squarely before the three-judge panel and was decided by that panel, this gang of 11 judges declared that they would not follow that decision in future cases. As they said: ''To put it bluntly, neither we, nor any other court is bound by the panel's advisory declarations in this case.'' *Spears*, 283 F.3d at 998 (Reinhardt, J., dissenting from denial of rehearing).

A statement by 11 judges that they will refuse to follow their own court's final decision itself is extraordinary, as several other judges noted in Spears a concurrence to the denial of rehearing. If a court refuses to abide by its own precedents, litigants can have no way of knowing what the law is and how they should