

the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

On page 130, line 24, insert "ocean (tidal, wave, current, and thermal)," after "wind."

On page 134, line 3, insert "ocean (tidal, wave, current, and thermal)," after "biomass."

**SA 787.** Mr. FRIST (for Ms. MURKOWSKI) submitted an amendment intended to be proposed by Mr. FRIST to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

On page 131, lines 18 and 19, strike "or an Indian tribal government or subdivision thereof," and insert "an Indian tribal government or subdivision thereof, or a Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)),".

**SA 788.** Mr. DEWINE (for himself, Mr. KOHL, Mr. SPECTER, Mr. LEAHY, Mr. GRASSLEY, Mr. FEINGOLD, Mr. COBURN, Mr. LEVIN, Ms. SNOWE, Mrs. BOXER, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . NO OIL PRODUCING AND EXPORTING CARTELS.**

(a) **SHORT TITLE.**—This section may be cited as the "No Oil Producing and Exporting Cartels Act of 2005" or "NOPEC".

(b) **SHERMAN ACT.**—The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

**"SEC. 7A. OIL PRODUCING CARTELS.**

"(a) **IN GENERAL.**—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

"(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

"(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

"(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

"(b) **SOVEREIGN IMMUNITY.**—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

"(c) **INAPPLICABILITY OF ACT OF STATE DOCTRINE.**—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

"(d) **ENFORCEMENT.**—The Attorney General of the United States and the Federal Trade Commission may bring an action to enforce this section in any district court of the United States as provided under the anti-trust laws."

(c) **SOVEREIGN IMMUNITY.**—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking "or" after the semicolon;

(2) in paragraph (7), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(8) in which the action is brought under section 7A of the Sherman Act."

**SA 789.** Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 6, Reserved; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . EXCLUSION FOR CERTAIN FUEL COSTS OF RURAL COMMUTERS.**

(a) **IN GENERAL.**—Section 132(f)(1) (defining qualified transportation fringe) is amended by adding at the end the following new subparagraph:

"(D) In the case of an eligible rural commuter, the cost of fuel for a highway vehicle of the taxpayer the primary purpose of which is to travel between the taxpayer's residence and place of employment."

(b) **LIMITATION ON EXCLUSION.**—Section 132(f)(2) (relating to limitation on exclusion) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting "; and", and by adding at the end the following new subparagraph:

"(C) \$50 per month in the case of the benefit described in subparagraph (D)."

(c) **ELIGIBLE RURAL COMMUTER.**—Section 132(f)(5) (relating to definitions) is amended by adding at the end the following new subparagraph:

"(F) **ELIGIBLE RURAL COMMUTER.**—The term 'eligible rural commuter' means any employee—

"(i) who resides in a rural area (as defined by the Bureau of the Census),

"(ii) who works in an area which is not accessible by a transit system designed primarily to provide daily work trips within a local commuting area, and

"(iii) who is not eligible to claim any qualified transportation fringe described in subparagraph (A) or (B) of paragraph (1)."

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to expenses incurred on and after the date of the enactment of this Act and before January 1, 2006.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON FOREIGN RELATIONS**

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 15, 2005 at 9:30 a.m. to hold a hearing on Nominations.

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

**COMMITTEE ON FOREIGN RELATIONS**

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 15, 2005 at 9:30 a.m. to hold a business meeting.

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

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to

meet on Wednesday, June 15, 2005, at 10 a.m. for a hearing titled, "Is the Federal Government Doing Enough to Secure Chemical Facilities and Is More Authority Needed?"

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

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, June 15, 2005, at 2:30 p.m. to consider the nominations of Linda M. Springer to be Director of the U.S. Office of Personnel Management, Laura A. Cordero to be Associate Judge of the Superior Court of the District of Columbia, and Noel Anketell Kramer to be Associate Judge of the District of Columbia Court of Appeals.

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

**COMMITTEE ON INDIAN AFFAIRS**

Mr. THOMAS. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, June 15, 2005, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on Youth Suicide Prevention. Those wishing additional information may contact the Indian Affairs Committee on 224-2251.

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

**COMMITTEE ON FINANCE**

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, June 15, 2005, at 10 a.m., to hear testimony on "The Future of Medicaid: Strategies for Strengthening America's Vital Safety Net".

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

**SUBCOMMITTEE ON NATIONAL OCEAN POLICY STUDY**

Mr. THOMAS. Mr. President, I ask unanimous consent that the Subcommittee on National Ocean Policy Study be authorized to meet on Wednesday, June 15, 2005, at 9:30 a.m., on Coral Reef Ballast Water, at 9:30 a.m.

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

**SELECT COMMITTEE ON INTELLIGENCE**

Mr. THOMAS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 15, 2005 at 2:30 p.m. to hold a briefing.

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

**COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, June 15, 2005 at 9:50 a.m. in SD-430.

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

COMMITTEE ON THE JUDICIARY

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Detainees" on Wednesday, June 15, 2005 at 9:30 a.m. in Dirksen Senate Office Building, Room 226. The tentative witness list is attached.

Panel I: Brigadier General Thomas L. Hemingway, Department of Defense Office of Military Commissions, United States Department of Defense, Washington, DC; Rear Admiral James M. McGarrah, Director of Administrative Review of the Detention of Enemy Combatants, Department of the Navy, Washington, DC; the Honorable J. Michael Wiggins, Deputy Associate Attorney General, United States Department of Justice, Washington, DC; the Honorable Glenn A. Fine, Inspector General, United States Department of Justice, Washington, DC.

Panel II: Lieutenant Commander Charles D. Swift, Defense Counsel, Office of Chief Justice Counsel, United States Department of Defense, Washington, DC; the Honorable William P. Barr, Executive Vice-President and General Counsel, Verizon Corporation, Washington, DC; Joseph Margulies, Esq., Principal, Margulies & Richman, Minneapolis, MN; Stephen Schulhofer, Esq., Professor, New York University School of Law, New York City, NY.

SPECIAL COMMITTEE ON AGING

Mr. THOMAS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Wednesday, June 15, 2005 from 3 p.m.-5 p.m. in Hart 216 for the purpose of conducting a hearing.

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

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent request that Lauren Mical, a fellow with Senator JEFFORDS's Environment and Public Works Committee staff, Margaret McCarthy, Katie Gallagher and Matthew Kireker, three interns on Senator JEFFORDS's staff, be granted the privilege of the floor during consideration of H.R. 6.

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

Mr. DORGAN. Mr. President, I ask unanimous consent that Jerry Hinkle, a fellow in my office, be granted the privileges of the floor through the pendency of the Energy bill.

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

Mr. SALAZAR. Mr. President, I ask unanimous consent that John Plumb, a fellow in my office, be granted floor privileges for the duration of the consideration of this bill.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that Ken Ende,

a fellow in Senator BUNNING's office, be given privilege of the floor during consideration of the Energy bill.

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

THE CALENDAR

Mr. MCCONNELL. I ask unanimous consent that it be in order for the Senate to proceed en bloc to the consideration of the following calendar items: No. 122 and No. 123.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent the bills be read three times and passed, the motion to reconsider be laid upon the table en bloc, the consideration of these items appear separately in the RECORD, and any statements be printed in the RECORD.

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

SENATOR WILLIAM V. ROTH, JR.  
BRIDGE

The bill (S. 1140) to designate the State Route 1 Bridge in the State of Delaware as the "Senator William V. Roth, Jr., Bridge," was considered, read the third time, and passed, as follows:

S. 1140

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

SECTION 1. DESIGNATION OF SENATOR WILLIAM V. ROTH, JR. BRIDGE.

The State Route 1 Bridge over the Chesapeake and Delaware Canal in the State of Delaware is designated as the "Senator William V. Roth, Jr. Bridge".

SEC. 2. REFERENCES.

Any reference in a law (including regulations), map, document, paper, or other record of the United States to the bridge described in section 1 shall be considered to be a reference to the Senator William V. Roth, Jr. Bridge.

REYNALDO G. GARZA AND  
FILEMON B. VELA UNITED  
STATES COURTHOUSE

The bill (H.R. 483) to designate a United States courthouse in Brownsville, TX, as the "Reynaldo G. Garza and Filemon B. Vela United States Courthouse," was considered, read the third time, and passed.

Mr. LEAHY. I am pleased that the Senate today has taken action on H.R. 483, a bill that designates a courthouse in Brownsville, TX, as the "Reynaldo G. Garza and Filemon B. Vela United States Courthouse" in honor of these two judges, including the first Mexican-American named to a Federal judge. Unfortunately, the Senate has repeatedly delayed action on this bill. Congressman SOLOMON P. ORTIZ first introduced a similar bill honoring these judges in 1998. It is now 7 years later and months after both these Judges' deaths in 2004.

Both this Congress and last, I have introduced a companion bill with Congresswoman NORTON that designates the new annex to the E. Barrett Prettyman United States Courthouse in Washington, DC, the "William B. Bryant Annex." This historic figure should be honored, and that honor should occur during his lifetime. Regrettably, the Senate has yet to act on this bill, S. 478, which I introduced on March 1, 2005.

In order to prevent repeating the regrettable timing of the Judge Garza and Vela Courthouse naming, I urge that the Senate move ahead on this worthy commendation of Judge Bryant's lifetime of public service.

Judge Bryant continues to perform his duties as a senior Federal judge at the age of 93. His commitment to ending racial segregation and his belief in public service and the law has carried him through a historic career. He was the first African-American Chief Judge for the United States District Court in DC. The current Chief Judge Thomas F. Hogan and all of Judge Bryant's fellow judges recognize his truly remarkable lifetime achievements and have unanimously requested naming the newly constructed annex in his honor.

Naming the new annex to the E. Barrett Prettyman Courthouse after Judge Bryant is long overdue. I urge the Senate to take this action without further delay and allow Judge Bryant the commendation he deserves.

ORDERS FOR THURSDAY, JUNE 16,  
2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow, Thursday, June 16. 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 H.R. 6, the Energy bill.

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

PROGRAM

Mr. MCCONNELL. Tomorrow, the Senate will resume consideration of the Energy bill. Pending is the Cantwell amendment on consumption reduction. We expect to lock in a time certain for a vote on that amendment in the morning. Following the disposition of the Cantwell amendment, we will continue working through other amendments to the bill. Rollcall votes should be expected throughout the day tomorrow.

As was announced this morning, we will complete action on this important legislation next week; therefore, Senators who wish to offer an amendment should contact the bill managers as soon as possible.