The House was not in session today. Its next meeting will be held on Tuesday, April 25, 2006, at 2 p.m.

House

OMISSION FROM THE CONGRESSIONAL RECORD OF THURSDAY, APRIL 6, 2006

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

A letter from the Administrator, FAA, Department of Transportation, transmitting a copy of the “Federal Aviation Administration and National Air Traffic Controllers Association Collective Bargaining Proposal Submission to Congress,” pursuant to 49 U.S.C. Sections 106(i) and 40122(a); jointly to the Committees on Transportation and Infrastructure and Government Reform. Received April 6, 2006.

Senate

FRIDAY, APRIL 7, 2006

The Senate met at 8:30 a.m. and was called to order by the Honorable DAVID VITTER, a Senator from the State of Louisiana.

PRAYER

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

Let us pray.

Eternal Spirit, the fountain of light and truth, we rise and stand because of Your mercies. You make our plans succeed.

Today, shine the light of Your presence upon our Senators. As they wrestle with complexity, show them the way. Give them the wisdom You have promised to all who will simply request it. Remind them of Your mission to bring deliverance to captives and liberty to the bruised. May they focus on pleasing You and not on political consequences. Give them contrite and humble spirits. Teach them new and creative ways to cooperate with each other for the common good. Bless their families and the members of their staffs.

Lord, guide each of us in these challenging days. Make our ignorance wise with Your wisdom. Make our weakness strong with Your strength.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DAVID VITTER 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.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAVID VITTER, a Senator from the State of Louisiana, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. VITTER thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 7, 2006.

To the Senate:

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TED STEVENS,
President pro tempore.

Mr. VITTER thereupon assumed the Chair as Acting President pro tempore.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 7, 2006.

To the Senate:

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President pro tempore.

Mr. VITTER thereupon assumed the Chair as Acting President pro tempore.

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PRESIDENT PRO TEMPORE,
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President pro tempore.

Mr. VITTER thereupon assumed the Chair as Acting President pro tempore.
SCHEDULE

Mr. ISAkson. Mr. President, today we resume consideration of the border security bill. After an hour of debate equally divided and the leaders' remarks, we will proceed to a cloture vote on the motion to confirm, which is the Kyl language. This will occur at approximately 9:45 this morning. This will be the first of several votes we will have today. If cloture is not invoked, we will immediately proceed to the second cloture vote on the underlying bill. If cloture is not invoked on the underlying bill, we will turn to the cloture motions that were filed on the defense nominations. We confirmed two nominations last night, and we hope we will be able to reach agreement on the remaining few. Senators are alerted that we will have a busy morning and should stay close to the Chamber. I thank my colleagues for their cooperation before we recess for the Easter break.

RECOGNITION OF THE MINORITY LEADER

The acting president pro tempore. The Democratic leader is recognized.

Mr. Reid. Mr. President, what is the matter before the Senate at this time? The acting president pro tempore. Once the leadership time is reserved, the Senate will resume pending business, which is S. 2454, and there will be 1 hour of debate equally divided. Does the leader wish to proceed on his leadership time?

Mr. Reid. No. I wish to proceed under the time allotted, 1 hour equally divided.

RESERVATION OF LEADER TIME

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

SECURING AMERICA'S BORDERS ACT

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

A bill (S. 2454) to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

Pending:

Specter-Leahy amendment No. 3192, in the nature of a substitute.

Kyl-Cornyn amendment No. 3206 (to amendment No. 3192), to make certain aliens ineligible for conditional nonimmigrant work authorization and status.

Cornyn amendment No. 3207 (to amendment No. 3206), to establish an enactment date.

Isakson amendment No. 3215 (to amendment No. 3192), to demonstrate respect for legal immigration by prohibiting the implementation of a new alien guest worker program until the Secretary of Homeland Security certifies to the President and the Congress that the borders of the United States are reasonably sealed and secured.

Dorgan amendment No. 3223 (to amendment No. 3192), to allow United States citizens under 18 years of age to travel to Canada without a passport, to develop a system to enable United States citizens to take 24-hour excursions to Canada without a passport, and to limit the cost of passport cards or similar identification to $20.

Mikulski/Warner amendment No. 3217 (to amendment No. 3192), to extend the termination date for the exemption of returning workers from numerical limitations for temporary workers.

Sanford amendment No. 3214 (to amendment No. 3192), to designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act.

Nelson amendment No. 3220 (to amendment No. 3192), to use surveillance technology to protect the borders of the United States.

Sessions amendment No. 3420 (to the language proposed to be stricken by amendment No. 3192), of a perfecting nature.

The acting president pro tempore. Under the previous order, there will be 1 hour of debate equally divided. Does the leader wish to proceed on his leadership time?

Mr. Reid. No. I yield 7 minutes to the Senator from Vermont, to recognize and thank him for his statement.

Mr. LEAHY. Mr. President, I thank the distinguished majority leader that we would have the Judiciary Committee do the conference and have a limited number of amendments and move on. Last night, Senator FRanklin Roosevelt, the distinguished senior Senator from Pennsylvania, the chairman of the committee, has worked to pass a bill. I have been proud to work with him.

I yield 7 minutes to the Senator from Vermont, the distinguished ranking member of this committee.

The acting president pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I thank the distinguished Democratic leader. I thank him for his statement. I also wish to commend him for the work he has done, both he and the distinguished deputy leader, in trying to bring us to this point. I know how hard the distinguished senior Senator from Pennsylvania, the chairman of the committee, has worked to pass a bill. I have been proud to work with him.

I was encouraged last week that the majority leader and other Senate Republicans moved in our direction—a good direction—by recognizing that we need a solution to the problems posed by having millions of undocumented workers from the numerical limitations for temporary workers.
immigrants inside our borders. Many of us believe that immigration reform, if done with any chance to succeed, needs to be comprehensive, with strong enforcement of border security matched with fair and effective steps to bring millions of people out of the shadows and provide them a path to citizenship and a full measure of America’s promise.

The bill now being proposed by the majority leader is not as comprehensive as the bipartisan Judiciary Committee bill in that it leaves many among us out of the equation and may have the perverse effect of driving millions further underground. I thought the bipartisan Judiciary Committee bill represented a better balance of strong enforcement of our borders with fair reforms that honored human dignity and American values. I will continue to work for a bill and a law that is fair to all. We all agree that it will be tough on security, but it also has to respect American values and, above all, human dignity.

The House passed bill and the original Frist bill were overly punitive. But, wisely, in our deliberations in the Judiciary Committee and in the alternative now proposed, we have rejected the controversial provisions that would have exposed those who provide humanitarian relief, medical care, shelter, counseling, and other basic services to the undocumented to possible prosecution under very alien-penetrating provisions. That was a cruel, cruel amendment, and I am glad it is gone. You can’t tell those who feed the hungry, clothe the naked, those who shelter people, that they are going to become felons for doing so.

We rejected the proposal to criminalize mere presence in an undocumented status in the United States, which would trap people in a permanent underclass. Those provisions underwritten by whole nations, including ours, passed House tests and are being viewed as anti-Hispanic and anti-immigrant. They are inconsistent with American values. As one who is only one generation from immigrant grandparents, I am glad we removed those.

I fear that the arbitrary categorization of people in the current proposal is not fair to all. I would not want us to set bureaucratic hurdles and arbitrary timeframes that will serve negatively to confuse and frustrate people and drive people underground. The purpose of the path to citizenship is to bring people into the sunshine of American life and into law-abiding status so that they abide by all our laws. That will allow our enforcement resources to be focused on real security concerns. Sadly, those across the aisle have refused to proceed on the bipartisan Committee bill so this alternative proposal is an effort to garner additional support from the Majority Leader and others. In the past, I opposed the Specter-Leahy-Hagel amendment but now supports the Frist amendment, which he graciously called the Hagel-Martinez amendment. The Majority Leader called it a “negotiated compromise.”

I was not a party to those negotiations. Given the successful Republican opposition and obstruction of the bipartisan Committee bill, I have now joined in efforts to improve the Frist amendment and the Hagel-Martinez amendment. I am working with Senator Obama and Senator Durbin to improve that measure.

I do not in any way disparage the efforts of my friends from Nebraska and Florida. I appreciate their efforts. I know that they had indicated their support for the bipartisan Committee bill. In fact, a majority of Senators supported the bipartisan Committee bill. Rather, they are trying to point a way toward the best possible legislation that can achieve not just a majority but a supermajority of support within the Senate. I will support the majority leader’s motion for cloture on the motion to commit. That will bring the Frist amendment before the Senate, and I will continue to work for bipartisan, comprehensive, smart, tough, and fair immigration reform.

I was surprised to hear the Majority Leader say last night that he was considering opposing his own motion. We should have more unity yesterday on the bipartisan Committee bill. I hope that we do so today on the Frist motion on the Frist amendment.

I appreciate that for those undocumented immigrants who can prove they have been in the U.S. for more than five years, the path to citizenship that we voted out of Committee would still govern. To earn status and eventual citizenship, the immigrant must undergo background checks, pay, work, pay fines, and learn English. That is not an amnesty program. The Republican Leader has now reversed his position and supports those provisions. That is progress. In addition, the bill we will now consider contains the Ag Jobs bill and the DREAM Act, and the amendments the Senate voted to add to the bipartisan Committee bill, including the Bingaman enforcement amendment and the Alexander citizenship amendment.

Those undocumented immigrants who have been here for two to five years would, under the provisions of the new bill, have to leave the U.S. and seek approval to return and to work under a temporary status for four years. They could eventually seek legal permanent status, probably after a total of 8 to 10 years, and only after those who have “seniority” to them by being in the group that has been in the U.S. for some time obtain permanent status. Thus, the new grouping of people is treated under a combination of rules drawn from a bill introduced by the senior Senator from Nebraska and the Kyl-Cornyn bill. Perhaps those who negotiated the Frist amendment will have the support of Senator Kyl and Senator Cornyn and others with whom they have been working.

At least, this new categorization preserves a potential pathway to regularized status. The test will be whether it is made so onerous by its implementation that those in this designated category will come forward at all. We will all need to work to make that a reality for those who know them, their families and their hard work.

The most recent arrivals, those immigrants after January 1, 2004, are offered no special treatment. I was concerned about similar aspects of the Committee bill. There are no incentives to come forward. They are merely told to leave the U.S. and apply for one of the limited visas that will be authorized. They could try to come back as legal temporary workers.

If we do not, I worry that the Majority Leader’s announcement of a “breakthrough” will have the unintended effect of having created a false impression and false hopes. I commend him for changing his position over the course of the last week. I hope that he and others who had been opposing comprehensive immigration reform with a path to citizenship are joining us in the effort. But an announcement is not the enactment of a new law. I urge people, especially those undocumented, to remember that. We are still a long way from enacting fair, comprehensive and humane immigration reform. None has yet passed the Senate. And certainly fair immigration reform requires not an announcement.

The crudest joke of all would be to raise expectations and false hopes by premature talk of a solution when none has yet been achieved, especially if it remains elusive and that promise is not fulfilled.

So while I am glad that some Republicans have dropped their opposition to establishing a path to citizenship for many, I worry that many others may be left behind. I also urge everyone concerned about those who are undocumented to remain cautious and focused on enacting a law, and on what it will provide in its final form. It would be wrong to just pass a bill that ends up serving as a false promise to those who yearn to be part of the promise of a better life that is America.

Our work on immigration reform is a defining moment in our history. We are writing laws that will determine people and what America stands for. I continue to urge the Senate to rise to the occasion and act as the conscience of the Nation. I will continue to work on immigration reform so that the laws we enact will be in keeping with the best the Senate can offer the Nation and the best that America can offer to immigrants. I hope that our work will be something that would make my immigrant grandparents proud, and a product that will make our children and grandchildren proud.
States. They know what we Senators now know—our immigration system is broken and we need to fix it. We need to fix it with effective, comprehensive reforms. The question is still open whether the Senate is committed to making real immigration reform.

I have heard from the outset that Democratic Senators could not pass a good immigration bill on our own. With fewer than 50 Democratic Senators, we will need the support of Republican Senators if the Senate is to make progress on this important matter.

The majority leader had often spoken of allowing two weeks for Senate debate of this important matter. We now approach the end of that work period. I had hoped we would be farther along. When the Senate did not complete work on the port security amendment—because Republicans refused to vote on the port security amendment—it cut into time for this immigration legislation when the majority leader decided to begin the debate with a day of discussion of the Frist bill, we lost more time. We were left then with one week, not two. We have lost time that could have been spent debating and adopting amendments when some Republicans withheld consent from utilizing our usual procedures over the last days. We have endured the false and partisan charges of obstruction coming from the other side. We have experienced seemingly endless quorum calls without debate or action.

I thank the Democratic leader for his efforts. He has been working for a comprehensive, realistic and fair immigration bill. We still are. I regret that over the last several days some tried to make this into a partisan fight. I hope that we are now able to draw back together in a bipartisan effort to pass a good bill that becomes a good law.

Mr. REID. Mr. President, as soon as the distinguished chairman finishes his remarks, I will yield 8 minutes to Senator DURBIN, and following his statement, 8 minutes to the ranking member, Senator KENNEDY. If a Republican senator is out of the Chamber when the Democratic senators have the floor, DURBIN and KENNEDY will have no one to yield to, and the 16 minutes will be divided equally between the two, yielding 8 minutes each.

Mr. SPECTER. I thank the distinguished ranking member.

Addressing the situation generally as to what we face now on the immigration bill, I think it is most unfortunate, really unacceptable, that the compromise arrangement has fallen through. The legislation is vital for America's interests, vital for our national security interests, vital for our economic interests, and vital for our humanitarian interests.

The agreement has been decimated, has fallen through, because of partisan politics. Regrettably, partisan politics plays too large a role on both sides of the aisle, with Democrats and Republicans, and there is more concern about political advantage in this situation than the public interest. As the majority leader said, there is public policy and the public welfare. The procedures for not allowing tough votes, regrettably—that practice has been undertaken by both Democrats and Republicans. I have been in the Senate for 25 years now, and this has been a repeated practice which I have noted at least from the past decade and a half. It has occurred even beyond that period of time. Both the Democratic and Republican leaders—minority leaders, but mostly leaders on the Republican side—have been in the position to do what is called "fill the tree." Senate procedures are arcane and complicated. I would not begin to try to explain them now. But the conclusion is that you can use the rules to avoid having votes come up, if you want to do it. It is called filling the tree. Republicans on this immigration bill have been stymied from offering amendments. But at the same time, on other bills, on prior days, Democrats had been stymied from offering amendments. So it is a matter of bipartisan blame.

But what is happening is that the public interests are being damaged. A very similar situation occurred last year on the filibusters. The Democrats filibustered President Bush's judicial nominees in retaliation for tactics employed by Republicans to style President Clinton's nominees from having votes, from coming out of committee, or once out of committee, from having votes on the Senate floor. That impasse, that confrontation on judges, almost destroyed the Senate. Now it is the unwritten rule of the Senate to change the number of Senators necessary to cut off debate from 60, which is the current rule, to 51. Fortunately, we were able to avoid that confrontation.

Now as I said to the distinguished minority leader in a private conversation, that reason is going to have to prevail, and Democrats and Republicans in the Senate are going to have to come together and stop this reprise, and perhaps give some practical votes. We are sent here to vote. When a bill comes to the floor, as we reported the immigration bill out of committee, other Members are entitled to offer amendments to see if they can persuade 60 Senators to vote their way or, if cloture is necessary, to cut off debate, to see if they can get 60 Senators to vote their way, and then to change a committee bill.

The committee doesn't speak for the Senate. The committee makes a recommendation. The Senate must speak for itself, in accordance with our procedures, with 51 votes to pass amendments or a bill, or 60 votes if it involves cutting off debate. But it is totally an unacceptable practice to stymie a bill by refusing to give votes. That is what has happened here.

In the negotiations between Senator FRIST and Senator Reid yesterday, Senator Reid said that a number of votes that would be permitted was three. I don't think he was concrete on three, but he wasn't going to go much beyond three—perhaps, as a suggestion was made, there might be a number six. But on the Republican side, Senators wanted to offer a minimum of 20 amendments. An arrangement could not be agreed upon, and, obviously, Senator Reid could not accept three votes, any votes. The position we have taken to avoid having Democratic Senators take tough votes. In committee, Republicans and Democrats took tough
votes—57 votes, with 14 rollcall votes, during a marathon session on that Monday on the markup.

It is an open secret that there are many people who do not want to have an immigration bill. I think it is a fair comment—that is not a subject about which we can put into any argument—that the Democrats have to have an immigration bill. We are the party of immigration, it is a Democrat president, and it is a Democrat president who wants to have an immigration bill. We have to have an immigration bill. We have to have one that is strong enough to carry the country with us.

The Senate bill, of course, directs our attention to that bill, and the Judiciary Committee bill has a very rational, humanitarian, sensible approach—not amnesty, because there is no forgiveness, but the undocumented aliens have to pay a fine, have to pay back taxes, have to learn English, have to work for 6 years; they have to undertake many conditions in order to be on the citizenship track. With refinements put in by the Judiciary Committee, they are at the end of the line.

Then, in order to achieve an accommodation, changes were made on suggestions by Senator HAGEL and Senator MARTINEZ to modify that proposal, treating those who have been in the country more than 5 years differently from those who have been here less than 5 years. Frankly, I preferred the Judiciary Committee bill; I preferred our bill without amendments. But people have to make amendments. I was prepared to accept the compromise that brought into play the ideas of Senators HAGEL and MARTINEZ so we would have a bill. The issue that a legislator faces is not whether it is a bill he would prefer but whether the bill is better than the current system.

In my mind, there is no doubt that had we moved forward with the compromise that was struck yesterday, it would be a vast improvement over the current system. It would secure the border and provide a rational way to handle the 11 million undocumented aliens. It would provide a rational way to handle the guest worker situation. And it should have gone forward. It has not gone forward because there is political advantage for the Democrats not to have an immigration bill, not to take tough votes, to have the opprobrium of the House bill, which is objected to by the Hispanic population, illustrated by the massive rallies, to have that as the Republican position, which is what has happened had the Senate produced a bill which was bipartisan, which was sponsored by Republicans, then the opprobrium, the edge would have been taken from the House bill.

So we are going to leave here, by all indications, without having completed action on the immigration bill or without having come to a point where we could have a definite list of amendments, to have an agreement that on our return from the recess we could, in short order, finish the bill. That is totally unacceptable.

Again, I emphasize that the partisanship, the partisanship of both sides, is a blight on the country. When I say the Democrats are wrong on this bill to avoid hard votes, I say simultaneously that we Republicans have been wrong in the past to deny Democrats votes on amendments which they wanted to offer. The distinction has been made by some of my colleagues—and I think it is accurate—that they have been denied votes in most situations on matters where they are nongermane to the bill.

Senator Reid mentioned stem cells, and I agree with him to resolve the stem cell issue. I don’t know if there was ever a stem cell vote offered in a way which would be nongermane, but we ought not take up an issue such as stem cells on the Transportation bill, for example.

There have been amendments offered by Democrats which were germane. They wanted to offer amendments which were germane, which have been denied.

It is my hope that we can come together. I have already talked with the distinguished Democratic leader this morning saying that we ought to come to some agreement that neither side will use the technicalities at our disposal to deny the other side votes. The Democratic leader has been very lavish in praise in supporting the work Senator LEAHY and I have done. That spirit of accommodation ought to be carried forward to the floor of the Senate and the House in the way which would be nongermane, but which would have an agreement, we have a bill, pushing one another aside to get to the microphone so they could announce the success of our efforts.

I was there. I stood back and thought: There must be those of us on the Republican side and said: Can you accept these modifications, and then can we move forward together? We agreed. We stood together.

I think the most dangerous place in America for a politician is the front row of the St. Patrick’s Day parade in the city of Chicago. I have been there. I have been pushed and shoved and elbowed aside by men and women who follow in the grand Chicago tradition of Dave Butkus and Brian Urlacher. But there is a second place I recall as the most dangerous for politicians in America, and it was in the press gallery yesterday as Senators were preening and sprouting themselves to appear before the cameras and announce we have an agreement, we have a bill, and sent the cameras and announce we have done something before we congratulated ourselves.

I stand before the cameras, and I agree. We are the Senate Judiciary Committee, we have done something before we congratulated ourselves.

I am standing here today uncertain about where the Republican Party of the United States of America stands on the issue of immigration. I know where the House Republicans stand. They are very clear. It is a punitive, mean-spirited approach to immigration, which most Republicans in the Senate have rejected. The idea of charging volunteers, nurses, and people of faith who
help the poorest among us with a fel-
ony if one of those poor people happens
to be an undocumented immigrant
is the ultimate. That is the position of
the House Republicans.

For the life of me, I don’t know what
the position of the Senate Republicans
is on immigration. Their leader stood
before us yesterday and accepted this
bipartisan compromise, came before
the cameras and said this was his bill,
too. He filed a motion so that we could
limit debate and move to final passage
too. He filed a motion so that we could
accept this bipartisan compromise, came before
before us yesterday and accepted this
is on immigration. Their leader stood
the position of the Senate Republicans
the House Republicans.

And do they believe that the people
braced. Where are they? Who are they?
They have taken the most punitive
consumed 8 minutes. The Senator from
cape us.

I will work, put every ounce of my
strength into making it as good as
As I stand here today, I think we have
allowed this historic opportunity to es-
cape us.

The ACTING PRESIDENT pro tem-
pore. The Senator from Illinois has
spoken. The Senator from Idaho has
recognized.

Mr. CRAIG. Mr. President, it is an in-
teresting time on the floor of the Sen-
ate. We just heard the most fascinating
speech about fingerprinting I have
heard in this chamber for several years.
I don’t have much hope that we will either have the time or
the will to overcome what we have seen
on the floor in the last several days.

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Mr. CRAIG. Mr. President, it is an in-
teresting time on the floor of the Sen-
ate. We just heard the most fascinating
speech about fingerprinting I have
heard in this chamber for several years.
I don’t have much hope that we will either have the time or
the will to overcome what we have seen
on the floor in the last several days.

I will work, put every ounce of my
strength into making it as good as
As I stand here today, I think we have
allowed this historic opportunity to es-
cape us.
can’t become that. But you can become an American. Why? Because this great country was never one nationality, never one religion; it was the place where freedom was discovered and could be enjoyed by those who chose to use its individual freedoms. It is the place of a constitutional system that established laws.

What are we attempting to do here today? We are attempting to clarify a law, to strengthen a law, to make sure that the world understands that we have a free society and that the United States is a nation that respects the rights of individuals. We also must make sure that the world understands that we have a free society and that the United States is a nation that respects the rights of individuals.

Senator Feinstein has been a person of enormous knowledge, understanding, and awareness of the range of immigration issues, with very special attention to California, which presents such challenges. She has not only been in this business for a long time but has been a leader in this business. She has worked with Senator Craig and others in a bipartisan way. She has worked on this issue since I first came to the Senate, and she has been a leader in this business.

Immigration reform has been—let me repeat—and will always be and must be a comprehensive approach, a bipartisan issue where we work together to resolve what is in itself a major national issue. We have asked that we do this. While they are divided by our effort in every way, we attempt to bring together that division in what we hope is a comprehensive, responsible, legal approach that first embodies national security and secondly, and as importantly, though, represents a balance for our economy, a reasonable and responsible approach toward humanity for those who come to work and for those who want to be citizens. In my opinion, that is a responsible position.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized for 8 minutes.

Mr. KENNEDY. Would the Chair tell me when I have 2 minutes remaining, please?

The ACTING PRESIDENT pro tempore. The Chair will so advise.

Mr. KENNEDY. Mr. President, at this stage of comprehensive immigration reform, I wish to mention my friend and colleague, Senator McCAIN, whom I have had the good opportunity to work with—I have worked with many others but particularly with Senator McCAIN over the last 3 years—in terms of developing a comprehensive approach on this issue.

There was a bipartisan group that came together, including members of our Judiciary Committee and people who had an interest who were outside of our committee. I am very grateful to them and the chairman of our committee, Senator SPECTER, and, as always, a valued friend and also a leader, Senator LEAHY, I thank my own leader, Senator Reid, for all of his good work and counsel and advice. The Senator from Illinois, Mr. DURBIN, and Senators SALAZAR, MENENDEZ, LIEBERMAN, and OBAMA have all been good supporters during this period of time.

On the other side, Senators GRAHAM, BROWNBACK, DEWINE, MARTINEZ, and HAGEL have worked very closely with us.
What is at stake is not just our security but our humanity as well. We can't set that aside. We vote today on our security but also on our humanity. We cast a vote on what Congress will do about Sheila, an undocumented immigrant originally from Cork, Ireland, who crossed the border from County Cork 10 years ago. Sheila listened to her grandmother's funeral through a cell phone because she wasn't able to travel to Ireland. A talented musician, she has worked and paid taxes for the past decade as a carpet cleaner and a secretary.

We vote today about what to do about William, who came to Massachusetts 14 years ago from Guatemala to make a better life for his family. He is a factory worker who has paid taxes for the past decade. He has a 7-year-old son, David, with cerebral palsy. David is severely blind, disabled, and can't walk. William is his sole provider.

The PRESIDING OFFICER (Mr. ISAACSON). The Chair would remind the Senator that he still has 1 minute remaining.

Mr. KENNEDY. Mr. President, I am reminded now, in these last moments, Cardinal Mahony, the Archbishop of Los Angeles, has been a courageous voice on these issues: Now is a historic moment for our country. We need to come together and enact immigration reform that protects our national security and upholds our basic human rights and dignity. That is the challenge before us.

Fifty years ago President Kennedy wrote a book called "A Nation of Immigrants." In this book—I will just mention a very brief part—he writes:

"In just over 350 years, a nation of nearly 200 million people has grown up, populated almost exclusively by persons who either came from other lands or whose forefathers came from other lands. As President Franklin D. Roosevelt reminded a convention of the Daughters of the American Revolution, remember, remember always, that all of us, and you and I especially, are descended from immigrants and revolutionists."

As Walt Whitman said:

"These States are the amplest poem, Here is not merely a nation but a teeming Nation of Nations."

To know America, then, it is necessary to understand this peculiarly American social revolution. It is necessary to know why over 42 million people gave up their settled lives to start anew in a strange land. We must know how they met the new land and how it met them, and, most important, we must know what these things mean for our present and our future.

Those words are as alive today as they were at that time. The challenge is here. We want to give assurances to those who have given us great support over this period of time that we are in the business of enacting this.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. REID. Mr. President, I am yielding 1 minute of my leader time to Senator FEINSTEIN and 1 minute of my leader time to Senator MCCONNELL.

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

The Senator from California is recognized for 1 minute.

Mrs. FEINSTEIN. Mr. President, I offer these words on behalf of Senator BOXER, my friend and colleague, and myself. Senator CRAIG said it correctly. Senator BOXER and I have more illegal people in one county than most nations of the world. Therefore, what happens here is of serious consequence for the people of California and for us as well.

We are both going to vote for this motion to commit. We are going to vote for it with the hope that the ensuing weeks are going to enable some parts of it to be worked out more clearly.

I serve on Judiciary. I serve on the Immigration subcommittee. The beauty of the original McCain-Kennedy legislation is that once you accepted that approach, you accepted an approach of balance which was simple and which was able to be carried out.

My concern is by developing the three tiers of individuals, as the Mar- timeon proposal advocated, that much more complicated scenario in terms of enforcement and therefore run the risk that it cannot be carried out well, particularly for those here for less than 2 years—who are in the millions. They simply disappear into the fabric of the country, of America, and you have the same problem all over again.

I hope during the 2 weeks cool minds will prevail and that we will be able to work on this legislation further. We have been on rather a forced march, a forced march in Judiciary to mark up a bill. There have been more than a half dozen guest worker plans in committee. It has been a difficult and complicated path.

I urge that we come together as one body, that we work together as one body. I think the lives to be affected by what we do are perhaps more deeply affected than with virtually any other piece of legislation. Both Senator BOXER and I offer our time and our energy to try to help in this.

We will vote yes on cloture. It is our hope a majority of this body will do so also.

I yield the floor.

Mr. GHOSHALLY. Mr. President, I would like to speak for 20 minutes on immigration.

Immersed in the routines of daily life, many people don't make an extra effort to track legislation as it winds through Congress. It usually takes an issue that has appeared in the news before it motivates people to take notice.

This issue has hit home to many. We have dive into a very passionate and emotional debate in the U. S. Senate.

"Our country is founded on the rule of law. And it is evident by the number of people who want to come here.

But it is hard to empathize with those who thumb their noses at the rule of law. Estimates say more than 11 million undocumented immigrants alone legally live in the country. They deliberately bypassed the proper channels and broke our laws to enter the country.

We are a nation of laws. Our country was founded on the rule of law. And now our welcome mat is being trampled on.

I am a member of the Judiciary Committee, and I was a part of the 5-week markup session. I voted against the committee bill. But I think we made great strides on the border security and interior enforcement titles.

I supported amendments to provide more authority and resources to our State and local law enforcement. One of my amendments increased the number of ICE agents we have in each State. I supported amendments dealing with expedited removal and increased detention space.

We enhanced border security and increased our manpower to patrol the border. We reformed the L visa program and the Temporary Protected Status program. We addressed the problem with countries which don't take back their illegal citizens by denying them visas.

We did a lot of positive things. But these reforms will mean nothing if an amnesty in sheep's clothing goes forward.

Some say that our enforcement-only approach in 1996 didn't work. Let me remind my colleagues that the 1996 bill contained measures that still have not been implemented. The best example is the entry-exit system. It is not fully operational because Congress and our bureaucrats keep delaying its implementation.

The compromise before us may contain enforcement measures, but they mean nothing if Congress and the administration don't make the commitment to follow through. And our strong enforcement measures are worthless if we pardon every illegal alien.

I was here in 1986. I voted for the amnesty during the Reagan years. I know now that it was a big mistake. I have been here long enough to know the consequences of rewarding illegal behavior.

Let me take a moment to raise some concerns about the compromise before us.

The compromise provides for a three-tier system. It puts illegal aliens into three categories. Those who have been here for 5 years or more automatically get a glide path to citizenship. Those who have been here for 2 to 5 years
have to go home—at some point in the future—and re-enter through a legal channel. Those who have been here for less than 24 months are illegal aliens, and we assume that they will return to their home country.

Some have estimated that there are 7.7 to 8.5 million illegal aliens who have been here for more than 5 years. That is more than 75 percent of the illegal population. But that is not all. The compromise says that the family of the illegal alien—spouses and children—can also apply. It doesn’t say that their family has to be in this country. In fact, those back in their home countries are now getting a free pass to cross the border. They, too, are on their way to a citizenship.

Those in the second tier who are required to go home and re-enter through a legal channel won’t go home. Why would they if their neighbors are getting citizenship? They will hold out for their reward. They will wait for Congress to make an amnesty bill. Those sending a signal. We are saying some can get amnesty and some cannot.

I know my colleagues say this isn’t amnesty, but it is. I know some say that to pay their taxes, pay a fine, have worked for 3 years, and learn English. They say that the aliens are earning their citizenship, I respectfully disagree.

Yes, an alien has to pay $2,000 to come out of the shadows. But individuals under 18 don’t have to pay. And the fine probably won’t cover the costs of implementing the program, nor will it cover the costs of a background check.

I have said it before, and I repeat it now: $2,000 is chump change. These same people probably paid a smuggler $15,000 to get them across the border. We are selling citizenship.

The proponents say that illegal aliens owe their taxes. Don’t let them fool you. Sure, they have to pay all outstanding Federal and State taxes before their status is adjusted, but they only have to pay the taxes they owe for 3 years that they are required to work. What about the other years? They have been here for at least 5. What about those under the age of 20 who are exempt from having to work? What if they work? Don’t they have to pay their taxes?

The purpose about this provision on taxes is that it is going to be a burden on the IRS. As chairman of the Finance Committee, which oversees the IRS, I can tell you that the taxman is going to have a difficult time verifying whether an individual owes any taxes. It will be impossible for the IRS to truly enforce this because they cannot audit every single person in this country. We need to place the burden on the alien, not the Federal Government. We need to require them to come forward and show us their tax returns.

When an alien applies for legal status, they have to prove that they have been working for 3 out of the last 5 years. If an illegal alien can’t get their IRS records or an employer to attest to their working, then they can get a friend to attest. They can have anybody on the street sign a sworn affidavit to attest for them. That is fraud and corruption waiting to happen. Do you think the government is going to have time to check out their sources and prove their claims?

The proponents of amnesty also say that the alien is not eligible if they do not meet certain health standards. It does not say that the alien has to undergo a medical exam. In fact, those who fall under the second tier, who have been here for 2 to 5 years, may be required to take a medical exam.

My home State of Iowa is currently dealing with a mumps epidemic. Some speculate that the disease was brought over by a foreign student. That is the point of a medical exam. This compromise would place heavier burdens on our public health departments because of the current immigration bill. These individuals have. They should be required to undergo a medical exam at their own expense. We need to require them upfront in order to prevent outbreaks of contagious diseases.

The English requirement is weak. It is weaker than current naturalization requirements. Under current law, an immigrant has to demonstrate an understanding of the English language and a knowledge of the fundamentals of our history and government. Under this compromise, an alien only has to prove that they are pursuing a course of study in English, history, and U.S. Government. Anybody could make that claim.

The compromise would require the Department of Homeland Security to do a background check on the illegal aliens in the United States. In fact, this compromise has placed a time limit on its requirements. They have 90 days to complete them. That is unrealistic. It is possible. It is a huge burden. And it is a huge expense.

Homeland Security will surely try to hurry with these background checks. They will be pressured by Congress to rush them. They will rubberstamp applications despite possible gang participation, criminal activity, terrorist ties, and other violations of our laws. This is a national security concern.

The compromise prohibits the Government from using the information in an application against an alien. So if an illegal alien writes in their application that they voted, or that they smuggled in drugs, or that they are related to Osama bin Laden, then our Government cannot use that information for critical investigations. In fact, the compromise would fine bureaucrats $10,000 if they use the information in an application for purposes other than adjudication.

But wait there is more. If an alien has been ordered removed, and is sitting in jail ready to be deported, the alien still gets the chance to apply for this amnesty. The thousands of illegal aliens with orders to leave the country can apply. Their country won’t take them back, so our country will give them citizenship. That doesn’t make sense.

Everything that I have spoken about so far is based on the amnesty program for those who are currently in the United States. I would like to express two concerns about the future flow provisions. When we say future flow we mean those who are here but who can apply for legal entry through a "temporary" guestworker program.

First, on day 1 of their entry into the U.S., an employer can sponsor the alien for a green card. If they are not sponsored within 4 years, then the alien can petition for him or herself. Yes, this temporary program for temporary workers becomes a citizenship program for anybody and everybody.

There is a numerical limit of 400,000. It is intellectually dishonest to say that this is the ceiling. The cap can be increased automatically without congressional approval if the limit is reached. It will never decrease; it can only increase.

This compromise will have enormous economic and employment implications for the Nation. If we enact it, we will sell out the middle class in America. We would also push aside the lower, uneducated class of American citizens.

Foreign workers won’t have to take low-skilled jobs anymore. They won’t be required to do the jobs that Americans supposedly won’t do. Their spouses and children will permanently take jobs away. These aren’t temporary workers anymore.

What happens when this country goes into recession? Americans will be banging on our door, asking why we did this to them.

We are allowing businesses to hire people at lower wages because they are illegal, rather than hire Americans at a salary a little higher. Maybe this country needs to focus more on training and educating our own people, and less on how businesses can make more money by hiring illegals. By opening the floodgates for these kinds of low-skilled immigrants, we are taking away opportunities for our own.

Businesses have no problems paying under the table or paying lower wages. They also don’t have problems paying CEOs and executives astronomical salaries. There is something wrong with this equation.

I have an amendment to create an Employer Verification System. This amendment, worked out between the Finance and Judiciary Committees, will require employers to check the eligibility of their workers.

It will give businesses the tools they need to be compliant with the law. Right now, the system is voluntary, but it is time to make this system a staple in the workplace. We will increase worksite enforcement and penalties, safeguards and privacy protections.
But this system needs to be in place if we are going to have a guest worker program. Employers are put on notice—we will hold them accountable, and we will penalize them if they violate the law.

We are taking a huge step here in shaping the future of our country. What we do here with immigration will impact every aspect of our daily lives.

An amnesty program for millions of people will increase the fiscal burden on our nation and further strain our health care, education, and infrastructure systems. If these folks are not paying their taxes, then American citizens will have to pick up the tab. Americans will have to build bigger schools, and pay for the huge medical expenses of these people.

So I ask my colleagues to think twice. Read the fine print. Ask yourself this: What about fairness? What about those who waited their turn in line? What about those who abide by the rules? I know many of my colleagues will support the compromise that was agreed to in the last day. I know they are saying to themselves: This is better than nothing. We had to do something. I ask my colleagues this: Do you think voting for this without the process of amending and debating is what we were elected to do? Voting for this bill because it is supposedly the best thing out there is not good enough reasoning.

As a U.S. Senator, I took an oath of office to honor the Constitution. I bear a fundamental allegiance to uphold the rule of law. And that is why I cannot in good conscience support granting legal status to illegal immigrants who have violated our laws. Lawbreakers should not be rewarded. The compromise sends the wrong message to millions of people around the world. If you vote for this compromise, you obviously don’t respect the rule of law.

With a wink and a nod, Uncle Sam would turn America’s historic welcome mat into a doormat trampled upon by millions and millions of illegal immigrants.

Mr. FEINGOLD. Mr. President, today I voted in favor of cloture on the Hagel-Martinez compromise on the immigration bill. I did not like the changes that this compromise made to the Senate Judiciary Committee bill, and I would vastly prefer that the Senate pass the committee bill intact. But we lost the cloture vote on the committee bill yesterday, and I saw this as the only way to move forward with comprehensive immigration reform this year. I remain hopeful that after this coming recess, we will be able to come to some agreement on meaningful, comprehensive reform. This issue is too significant to put off—too important to our national security, to our economy, and most importantly to the millions of people whose lives will be affected by any of my many colleagues. I am willing to work on a bipartisan basis to address the critical problems facing our Nation with regard to immigration, just as the Judiciary Committee was able to do.

I do want to lay out some of my concerns about the Hagel-Martinez substitute. But first, I should note that this compromise leaves intact most of the overly broad, ridiculously important provision like the guest worker program for foreign workers who want to enter the country in the future for jobs that Americans are not filling, the family reunification provisions, the AgJOBS title that helps agricultural workers, and the DREAM Act to provide higher education opportunities for children who are long-term U.S. residents and came to this country illegally through no fault of their own.

Nonetheless, the compromise makes some troubling revisions to how we would deal with undocumented individuals who are currently in the country. I appreciate that Senator KENNEDY was able to secure some important changes to the original Hagel-Martinez proposal. In addition, there are provisions, such as stronger wage protections. Those were important concessions. But I am concerned about the core modification that the compromise makes to the committee bill; that is, treating differently those people who have been here for more than 5 years and those who entered the country illegally in the last 2 to 5 years. This approach is overly complicated and difficult to administer, and it is unfair to treat these two groups of people differently.

Mr. President, this bill is not the exact, realistic, comprehensive reform, and I will continue to work with my colleagues toward a solution. I hope that we can accomplish that this year.

The PRESIDING OFFICER. The time of the minority has expired.

Mr. MCCONNELL. Am I correct there is now 4 minutes left on this side?

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCONNELL. I yield 2 minutes to the Senator from Alabama.

Mr. SESSIONS. Mr. President, let me say the bill that came out of the committee, the Kennedy-McCaín bill, was substituted there over the Specter bill. It lurched the bill even further toward amnesty than we already were heading. When it came up for a vote yesterday, it needed 60 votes to proceed. It got 60 votes against it—not, only 39 to proceed. It was defeated overwhelmingly.

Then they hatched a compromise among Members who already supported the Kennedy bill and they claimed they were producing a compromise that could be supported. But people who should have been involved in that compromise also worked toward this. Such as Senator Kyl, Senator CORNYN, Senator FEINSTEIN, Senator DORGAN, Senator NELSON, and Senator KAY BAILEY HUTCHISON, who is here—I am not aware they were involved in it. So they bring that up now and expect us to support it.

Ninety-five percent of what was in the bill rejected yesterday is in this one and there is no substantial change in matters of amnesty. In fact, with regard to green cards, it increases significantly the number that would be granted over the bill we rejected yesterday. It is an unprecedented approach, in my view, and not a well thought out plan.

With regard to this question, who will say on the floor of this Senate that the enforcement provisions will be carried out and we will have actually enforced on the border? That is why the President, Senator ISAKSON, had a perfectly important amendment. That was not allowed to be voted on. It would at least have taken a strong step toward ensuring that whatever we pass becomes law.

Finally, when asked what the cost was, nobody knew until last night and we find that the cost of this bill is $29 billion over 5 years. Nobody had even thought about it. That clearly is a budget-busting matter.

This bill is a dead horse, in my view. It should be rejected because amendments have not been allowed, and it should be rejected most importantly because it does not do what it purports to do.

I yield.

The PRESIDING OFFICER. The majority whip is recognized for 2 minutes.

Mr. MCCONNELL. Mr. President, no one has been the beneficiary of legal immigration more than this Senator. My wife, who has the privilege of serving in the President’s Cabinet, came to this country at age 8 not speaking a word of English and has realized the American dream and been an important part of my life, obviously, as my partner for a number of years. So I am one Senator who wishes to see a comprehensive immigration reform bill pass.

But the Hagel-Martinez bill is a lengthy, complicated measure, and it was suggested last night by my good friend, the Democratic leader, that somehow it is extraordinary to request 20 amendments on a bill of this magnitude and complexity.

Routinely on bills of this size we have at least this many amendments. In this Congress alone, for example, we had 21 votes on the Energy bill, 37 votes on the budget resolution, and 31 votes on the bankruptcy bill, including a couple of nongermane amendments on minimum wage. All of those bills, of course, were arguably complex, but certainly this one is not.

We have been allowed to have only three votes on amendments to this bill, and we have been on this bill well in excess of a week. So what Republicans are arguing for today is fairness in the process, the routine, normal way with which we deal with complex legislation here on the floor of the Senate, after which we will produce, hopefully, a comprehensive bill that will be passed on a bipartisan basis. In the meantime, it is my hope and expectation that all Republican Senators will oppose closure until we are allowed to offer this rather reasonable and modest number of amendments—about 20.
I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Democratic leader.

Mr. REID. If the majority agrees here, I will make a brief statement and use my leader time.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. Mr. President, I spoke yesterday about the American people’s need for a win on immigration—not the Republicans, not the Democrats. Today we have another chance to give them that win if we vote for cloture and move forward on legislation that will protect our borders and fix our badly broken immigration system. All of us, Democrats and Republicans—we all need the courage to do what is required of us now. It is time to move forward on tough and smart immigration reform.

The amendment before us does what we need of an immigration bill. An immigration bill will secure our borders, crack down on employers who break the law, and allow us to find who is living here by giving 12 million undocumented workers a reason to come out of the darkness, out of the shadows, pay taxes, go through a background check, stay out of trouble, have a job, pay the penalties, and become legal when their number is called, even though it is many years from now. America has demonstrated literally in the streets for a bill like this. They have spoken. It is up to the majority to answer their call. If tough, comprehensive immigration reform fails to move forward, it will be the Republicans’ burden to bear. Virtually all Democrats supported the Specter bill that came before the Senate. Virtually all Democrats support the Martinez substitute. So the majority must explain to the American people why they are permitting a filibuster of immigration legislation, a filibuster by amendment.

On such an important national security issue, this is no place for stonewalling and obstruction. Yet that is where we are. We are ready today to fix our broken immigration system and give Americans the real security they deserve. They are looking for a win. They deserve a win. We can do it with a vote to invoke cloture.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, a lot of people are asking what happened between the optimism of yesterday morning that centered on real progress, as people did come around working together, both sides of the aisle, on a Hagel-Martinez amendment, and this morning where it looks as if everything has been obstructed, stopped, stonewalled. There are talks of obstruction from the other side of the aisle. What has happened is no amendment has been filed from the background side of the aisle to come to the floor to be debated, to be discussed, to be voted upon. Rollcall votes or voice votes—zero over the last 24 hours, where the clear understanding yesterday morning was that we would have an opportunity to allow Senators to express themselves on votes.

The Democratic leadership has effectively stopped, put a halt to that great progress that was being made yesterday morning, by not allowing amendments. Yes, they put a stranglehold on the right of every Senator to offer amendments. Here is what we in the Senate have done. Committee Democrats last night refused to accept an amendment that I offered yesterday—Democrats have effectively obstructed, stopped, put a halt to that debate and amendment process. Of 400 amendments, 3 have been considered over the last 9 days. It is a process that has been broken. It is a process we have to fix if we are going to address the issues before us, whether it is immigration or other important bills.

It has been interesting, listening to some of the comments this morning and last night, and as has been reflected in the almost 20 million Americans now and many more in the future, we have only been allowed to have three votes over the last 9 days. Viewers, I know, ask, people at home ask all the time: How can that possibly be, if you have good support and people look as though they are working together and all? And the answer is if anything takes unanimous consent around here, anything does, the Democratic leadership can effectively stop, put a halt to that debate and amendment process. Of 400 amendments, 3 have been considered over the last 9 days. It is a process that has been broken. It is a process we have to fix if we are going to address the issues before us, whether it is immigration or other important bills.

I asked unanimous consent last night—but it is frustrating having 400 amendments over there and in 9 days or less, have only 3 of 400 amendments allowed by the other side of the aisle to come to the floor to be voted upon. Only 3 out of 400. That tells the whole story. In the process on a bill that is a challenging bill, a large bill, a bill that has 12 million Americans now and many more in the future, we have only been allowed to have three votes over the last 9 days.

Mr. REID. Mr. President, a lot of people are asking what happened yesterday morning asked: Why aren’t we allowing these amendments to come forth from the other side? Indeed, out of 400, I said: Can’t we consider 20 of them at some point in the future? The answer was no. Why don’t we consider amendments? Why are we shutting down the amendment process because some Members might not agree with everything in that 425-page bill?

There are going to be things in there that need to be fixed, modified. There may be some dangerous things in there in many people’s minds. And to not even allow them to bring them to the floor to debate them is just flat out wrong.

I can understand the other side trying to advantage themselves in the outcome in their favor, but to shut out all amendments, to say that only 3 of 400 amendments are to be considered is simply wrong. It really does come down to a matter of fairness.

I began this debate a week and a half ago saying: Let’s have a civil process, a dignified process. It is an important issue with many millions of people coming across our borders. We need to secure our borders. We need to have worksite enforcement and interior enforcement. We need to have a temporary worker program. There are 12 million people in the shadows. We need to bring them out.

It has effectively been brought to a halt by the other side. It is unfair to deny Members on both sides of the aisle the right to express their voice and have their amendments considered. It is unfair to the authors of the bill and the Judiciary Committee that generated this bill. It is unfair to this body, and I believe to the institution as a whole and to the American people.

Although I am strongly supportive of a border security bill—tighten those borders in a bill that addresses worksite enforcement, a temporary worker plan, and one that brings people out of the shadows, I feel it is important that we oppose bringing debate on the Hagel-Martinez amendment to a close in order to protect the rights of Members to offer amendments and to have them debated and voted on.

I yield the floor.
The PRESIDING OFFICER. The unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the pending motion to commit S. 2454, the Securing America’s Borders Act, to the Committee on the Judiciary with instructions to report back forthwith shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Alaska (Mr. STEVENS).

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 yeas and nays resulted—yeas 38, nays 60, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—38

Akaka
Bayh
Biden
Bingaman
Boxer
Cantwell
Carper
Clinton
Dodd
Durbin
Feinstein
Eckstein
Rockefeller

NAYS—60

Alexander
Allard
Allen
Baucus
Benett
Bond
Brownback
Bunning
Burns
Burk
Byrd
Chafee
Chambliss
Chambliss
Coehn
Burns
Burns
Burns
Burns
Bunning
Burk
Byrd
Chambliss
Chambliss
Cochran
Cochran
Collins
Cornyn
Craig

NOT VOTING—2

Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 38, the nays are 60. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. FRIST. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion is entered.

Mr. FRIST. Mr. President, I ask unanimous consent that the next vote be a 10-minute rollcall vote.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. FRIST. Mr. President, for the information of our colleagues, the next vote will be a 10-minute rollcall vote. If cloture is not invoked, we are working on an agreement that will have about 55 minutes—hopefully less—before we will have another rollcall vote. That will be immediately followed by another rollcall vote, and then, depending on the outcome of that vote, that would either be the last vote or we might have one more vote. So a 10-minute vote, about 55 minutes, two rollcall votes, and then we will have more to say.

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 state.

The 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. 376, S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform, and for other purposes.

Bill Frist, George Allen, Mitch McConnell, Pete Domenici, R.F. Bennett, Jim Talent, Elizabeth Dole, Conrad Burns, Jim DeMint, Saxby Chambliss, Johnny Isakson, Ted Stevens, Wayne Allard, Norm Coleman, Trent Lott, John Thune.

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

The question is, Is it the sense of the Senate that debate on S. 2454, the Securing America’s Borders Act, 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 Alaska (Mr. STEVENS).

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?

Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 36, the nays are 62. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Other Federal district judges in my home State. In fiscal year 2005, more than 1800 immigration cases were filed in the District of New Mexico. We must have more Federal judges to handle this caseload that the Judicial Conference has referred to this every day we hear from constituents who must deal with illegal entries into our country. We have a crisis on our borders and the status quo is not acceptable. We need to address this situation but are not being allowed to do so because of the refusal to allow votes on amendments to border security legislation on the Senate floor.

Their refusal to allow votes means that my amendments, which are very important to New Mexico, the southwest border, and the Nation, cannot be considered. Those amendments would have provided for two more Federal judges in New Mexico to deal with immigration cases, provided 250 new deputies U.S. Marshals to transport and guard criminal illegal aliens, authorized $385 million for land port of entry infrastructure and technology, and called for Mexico’s cooperation on border security.

My amendments are based on needs that are imperative to border security. I have been told of the need for new Federal district judges in New Mexico by the Chief Judge for the Tenth Circuit Court of Appeals, the Chief Judge of the New Mexico District, and several other Federal district judges in my home State. In fiscal year 2005, more than 1800 immigration cases were filed in the District of New Mexico. We must have more Federal judges to handle this caseload that the Judicial Conference has referred to this every day we hear from constituents who must deal with illegal entries into our country. We have a crisis on our borders and the status quo is not acceptable. I have been told of the need for new deputy U.S. Marshals by the U.S. Marshal for New Mexico. His deputies are responsible for transporting illegal aliens to court and guarding them when they appear in Federal district court. I have seen firsthand the need for port of entry improvements in New Mexico, and since I worked with Senator DeConcini on the last major land port of entry overhaul in 1986, I know that the time has come to again address our land port needs. Lastly, I am convinced that we must have Mexico’s cooperation to secure our porous southwest border, and my amendment
would have provided a path to secure that cooperation.

The refusal of Democrats to allow consideration of these amendments is nothing short of irresponsible behavior towards the security of America.

The Democrats' refusal to limit debate on the majority leader's border security bill today confirms their lack of understanding regarding the need for border security. Senator Frist's Securing America's Borders Act includes 1,250 new customs and border protection officers, 1,000 new DHS investigative personnel, 1,250 new DHS port of entry inspectors, 1,000 new immigration and customs enforcement inspectors, and 2,400 new border patrol agents. The bill authorizes funding for new border security technologies and assets, including new unmanned aerial vehicles, vehicle barriers, cameras, sensors, and all-weather roads. This bill would have addressed many of our border security needs, and I am frustrated that we were not allowed to vote on this bill.

As it stands now, we will not see any of the comprehensive border security improvements that New Mexico and other States desperately need. I could not be more disappointed.

On February 10, 2005, I introduced legislation to create additional Federal district judgeships in the State of New Mexico.

On November 17, 2005, I introduced the Border Security and Modernization Act of 2005, S. 2049, with bipartisan support. That bill calls for improvements to our port of entry infrastructure, increased Department of Homeland Security, DHS, and Department of Justice personnel, new technologies and assets for border security, increased detention capacity, and additional Federal assistance for States.

On February 17, 2006, I introduced the Welcoming Immigrants to a Secure Homeland Act. That bill calls for an increase in the number of DHS personnel who investigate human smuggling laws, employment of immigrants, and immigration fraud and increased penalties for violations of immigration laws. It also creates a new guest worker visa that lets individuals who want to, come to the United States to work. Lastly, it creates a way to account for the millions of undocumented aliens residing in the United States without creating an automatic path to citizenship.

I supported the efforts to jointly address border security and immigration reform legislation, but I am convinced that if we cannot agree regarding immigration reform, we must still secure our borders. The President must budget for our border needs, and Congress must appropriate for those needs.

EXECUTIVE SESSION

NOMINATION OF DORRANCE SMITH TO BE AN ASSISTANT SECRETARY OF DEFENSE

Mr. Frist. Mr. President, in executive session, I ask unanimous consent that the cloture motion be withdrawn with respect to Calendar No. 485, and that the Senate proceed to its consideration; provided further that there be 55 minutes for debate as follows: Senator Warner 10 minutes, Senator Levin 25 minutes, Senator Harkin 10 minutes, and Senator Reed 10 minutes.

I further ask that following the use or yielding back of time, the Senate proceed to vote on the confirmation of the nomination; provided further that the Senate then proceed to the vote on invoking cloture on the nomination of Calendar No. 252.

Finally, I ask unanimous consent that if either nomination is confirmed, the President should immediately notify the Senate of his action.

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

The clerk will report the nomination.

The assistant legislative clerk read the nomination of Dorrance Smith, of Virginia, to be an Assistant Secretary of Defense.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

Mrs. Hutchison. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. Hutchison. Mr. President, I ask unanimous consent to speak for up to 5 minutes as in morning business.

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

IMMIGRATION REFORM

Mrs. Hutchison. Mr. President, I want to comment on what has happened over the last 2 weeks on a very important bill—maybe the most important bill for the future of our country that we will take up this year, and that is immigration reform.

I was very disappointed that we were not able to have a vehicle on which we can have amendments in the normal course of action that we have on the floor of the Senate. I cannot think of a more complicated, comprehensive issue that we could amend and make a better bill that would have the support of the vast majority of the Senate. Yet we have spent 2 weeks and were only able to have three amendments.

There are many differing views on what to do with the 12 million illegal immigrants that are in our country. But I think there is a consensus that we need better control of our borders, that we need security measures to know who is in our country, and that we need a guest worker permit program that would allow people to come into our country legally to work and earn a living for their families, contribute to the economy of the United States, and perhaps become citizens, if they decide to, or not become citizens if they wish to remain citizens of their home country.

However, the issue of what to do with the 12 million people was not able to be discussed, debated, or refined on the Senate floor. I think that is a mistake, and I think we have missed a very important opportunity. Millions of people got down to allowing 20 amendments—20 amendments—on one of the most complicated bills that we will take up this year. We take up appropriations bills that have 70 amendments. We take up authorization bills that have 40 amendments. The negotiation was down to allowing 20 amendments, and we were not able to get the consent of the minority to take up 20 amendments to try to refine a bill that would allow the Senate to speak with an overwhelming majority. If we have all the voices heard so that we could start beginning to craft a bill that would help with an issue in our country of security and economics.

Mr. President, I am very disappointed. I think we have missed an opportunity. I hope very much that, as we go home for a 2-week break, we will think about how we can come together, come back here and not give up on having an immigration reform bill that secures our borders, that creates a guest worker program that will be productive for the participants and for the economy of our country, that will not displace American jobs but will welcome the immigrants who seek to come here, as we have done for over 200 years in our country on a regularized basis.

I thank the chairman of the Armed Services Committee, Mr. Inhofe, for doing on to very important work. I hope that we can address this issue when we return, and I hope the minority will work with the majority not to block future amendments that would make this a better bill.

I yield the floor.

The PRESIDING OFFICER (Mr. Ensign). The Senator from Virginia is recognized.

Mr. Warner. Mr. President, we wish to confine ourselves strictly to the time the joint leadership agreed upon in the event we need recorded votes.

Mr. President, Dorrance Smith, the nominee, is designated to be the principal advisor to the Secretary of Defense on matters relating to public affairs in the media. Mr. Smith is a four-time Emmy Award-winning television producer, a political consultant, and a media strategist who has worked for over 30 years in television and politics. He spent 9 months in Iraq in the years 2003 and 2004, where he served as senior media advisor to the setup at that time.
He was responsible for developing a state-of-the-art communications facility in Baghdad for the Coalition Provisional Authority and a public diplomacy strategy for the U.S. Government. In addition, Mr. Smith was asked to overhaul certain aspects of the Iraqi media. He was very successful, such that they had a television channel that was launched on satellite.

For those efforts, he was awarded the Secretary of Defense a medal for exceptional公共服务.

I have met with Mr. Smith on several occasions. I believe him to be highly qualified, and I fully support his nomination.

At a full Senate Armed Services Committee hearing on October 25, 2005, and later, at an Executive Session on December 13th, at which Mr. Smith was present, he was questioned about an Op Ed article he wrote that appeared in the Wall Street Journal on April 25, 2005, which I also attach. In this article, based on his in the trenches experience as Ambassador Bremer’s Senior Media Adviser in Baghdad, Mr. Smith questioned the practice relied on by major media outlets in the United States of airing video of insurgent attacks supplied by the Arab satellite news channel Al Jazeera. Mr. Smith has clarified his intent about the role of U.S. Networks in his in raising these issues for discussion and public scrutiny. He has emphasized that he never written or stated that the United States networks aid and abet terrorists. In this regard, I have attached Mr. Smith’s response to a question for the record he provided after the hearing.

I ask unanimous consent that a biography of Dorrance Smith, and some questions and answers during his nomination hearing be printed in the RECORD.

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

Dorrance Smith

Dorrance Smith is a four-time Emmy award winning television producer, political consultant, and media strategist who has worked over 30 years in television and politics.

Mr. Smith spent nine months in Iraq in 2004 Senior Media Adviser. He was responsible for developing a state of the art communications facility in Baghdad for the Coalition Provisional Authority and a public diplomacy strategy for the United States government. In addition, Mr. Smith was asked to overhaul the fledgling Iraqi Media Network in Baghdad, giving me insight into the communications strategy of our enemy. Raising the tactics of the enemy in a newspaper piece was an effort to spur public discourse. I believe the public, the networks and policy makers should examine the tactics of the enemy including providing video to the Arab satellite network with the knowledge that it will be broadcast in the United States as well. Understanding the communications strategy of the enemy is a prerequisite to developing a communications strategy that is effective. In the WSJ, I was not writing as a policy maker or government official, nor was I a candidate for the Public Affairs job at the Pentagon.

Newspaper accounts that I believe the U.S. networks aid and abet terrorists are incorrect. When asked at the confirmation hearing “But you think it’s a fair characterization now to say that the networks in the United States aid and abet terrorists by airing that.” I said, “No, I do not.” That is and always has been my belief.

I worked in network television for over 22 years and I maintain a working relationship with the today. During my nine months with the CPA in Iraq, I worked very closely with U.S. networks to meet their coverage needs. Most recently I was a media consultant to the United States Senate for the Joint Congressional Committee for Inaugural Ceremonies (JCCIC). For four months I promised that important network pool with the aim of producing the best event for both parties. After the inauguration Tom Shales wrote in the Washington Post, “ABC’s Peter Bergen noted that for the relatively few viewers able to see them in high-definition TV, the images were often “fabulous.” Indeed they were. A network executive appreciates the difficult decisions facing journalists during wartime especially potential confl qts between journalistic integrity and national security. If confirmed, I look forward to conducting my relationship with U.S. networks in a professional and respectful manner as I did when working in Iraq for nine months and for JCCIC. I also look forward to working closely with this committee on these important issues.

Do you agree with these goals?

Yes, I support the goals of the Congress in enacting the reforms of the Goldwater-Nichols legislation.

Do you anticipate that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

Yes, I support the goals of the Congress in enacting the reforms of the Goldwater-Nichols legislation.

Do you anticipate that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

Yes, I support the goals of the Congress in enacting the reforms of the Goldwater-Nichols legislation.
DUTIES

What is your understanding of the duties and functions of the Assistant Secretary of Defense for International Security Policy?

I understand that, if I were confirmed as Assistant Secretary of Defense for International Security Policy, I will be expected to serve as the principal assistant and advisor to the Secretary of Defense in formulating and implementing national security and defense policy in a wide range of areas, including: nuclear forces; technology security; arms control, non-proliferation, and counter-proliferation. I will also be responsible for the implementation of national security and defense policy in the areas noted in the response to the previous question.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I yield myself 15 minutes to speak on the nomination of Dorrance Smith to be Assistant Secretary of Defense for Public Affairs.

I oppose this nomination for a very critical reason, which is that Dorrance Smith has spoken out against the very media in the United States that he would be involved with, engaged in, as the principal spokesperson for the Department of Defense. He has gone so far as to accuse our major networks of acting in partnership with terrorists.

That extreme position is not appropriate for the spokesperson of the Department of Defense. This is what Mr. Smith said in his April 25, 2005, article in the Wall Street Journal, entitled “The Enemy on Our Airwaves,” in which he complained about what he called “the ongoing relationship between terrorists, Al-Jazeera, and the [major U.S. television] networks.” The basis of this alleged relationship is the fact that the networks played video of hostages held by Al-Jazeera, allegedly obtained from terrorist sources.

The text of Mr. Smith’s article leaves little doubt about his belief that the “enemy on our airwaves” are our major television networks, all of them—ABC, NBC, CBS, FOX, CNN—all of them. Here is what Mr. Smith said in this article:

Osama bin Laden, Abu Musab al-Zarqawi, and al-Qaida have a partner in Al-Jazeera and, by extension, all of our networks in the United States. This partnership is a powerful tool for the terrorists in the war in Iraq.

That is the view taken by the proposed spokesperson for the Department of Defense—that our networks are partners with Osama bin Laden, the man who orchestrated the slaughter on 9/11.

The smear then continues as Mr. Smith raises “ethics” issues about the conduct of the media.

The arrangement between the U.S. networks and Al-Jazeera raises questions of journalistic ethics. Do the U.S. networks know the terms of the relationship that Al-Jazeera has with the terrorists? Do they want to know?

What if one of the networks had taken a stand and refused to air [video of an American hostage] on the grounds that it was aiding and abetting the enemy, and from that point forward would not be a tool of terrorism propaganda?

Mr. Smith is entitled to his views. I will defend that right any day and any place. But we should not confirm him to represent the Department of Defense to the very media that he calls a part of the problem.

Mr. Smith testified that he would aggressively work with al-Qaida. That is the top. It is extreme. It is not the kind of view that should be represented by the Department of Defense in their dealings with the media.

The Armed Services Committee held a hearing on Mr. Smith’s nomination on October 22, 2005. At that time, I asked Mr. Smith about his statement that Osama bin Laden and al-Qaida “have a partner in Al-Jazeera and, by extension, most networks in the United States.” Mr. Smith testified that he believed this characterization of the relationship between the networks and al-Qaida. He insisted that “there is a relationship that exists” and “the relationship is a cooperative one.”

I pressed him:

Does this “relationship” make the networks partners of our terrorist enemies, as you wrote? Do you really believe this, that they are partners?

Mr. Smith declined to provide a direct answer to that question.

I then asked him about his rhetorical question:

What if one of the networks had taken a stand and refused to air the [video of an American hostage] on the grounds that it was aiding and abetting the enemy, and that from this point forward it would not be a tool of terrorist propaganda?

Mr. Smith testified he does not believe that the networks aid and abet terrorism by showing film of hostages. He insists that he was “raising the point that you never know where this video comes from and that . . . simply because it plays on al-Jazeera does not mean that it should necessarily play on any given network.”

That is not being straight with the committee. That is not what his question clearly implied. There is only one implication from the question which he wrote, and that is that networks are aiding and abetting terrorism by airing this video. So if Mr. Smith does not believe this to be the case, it appears that Mr. Smith was willing to smear our television networks by implying something that he does not actually believe.

On December 13, 2005, the committee met with Mr. Smith in executive session to afford him a further opportunity to explain his position. And without question, Mr. Smith’s statements in closed session. I believe it is fair to say that it was consistent with his testimony in open session.

Mr. President, the free press in this country is not our enemy. Freedom of the press is not only guaranteed in our Bill of Rights, it is a fundamental part of what we stand for as a country. Every one of us disagrees with stories and characteristics that appear in the press from time to time, but to label our networks as partners with those who attacked us on September 11 is over the top. It is extreme, it is unacceptable, and it is not the kind of position that is going to be useful for a representative of the Department of Defense.

The Assistant Secretary of Defense for Public Affairs is the primary Department of Defense official responsible for providing timely and accurate information to the public about the activities of the Department of Defense. A person who believes that the U.S. media is the enemy is not the right person for this position. A person who shows a willingness to try to intimidate the press, to try to limit or color its cover, is not the right person to serve in this position. That is why I urge my colleagues to oppose this nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, it is my understanding that our distinguished colleague from Rhode Island will be addressing another matter.

Mr. LEVIN. No, this matter.

Mr. WARNER. Let me interject an observation or two, and then I will be happy to yield the floor.

Mr. President, the good Senator from Michigan and I have been partners on this committee now the 26th year and rarely do we have matters of—particularly with executive positions—difference because we screen them carefully. But on this one, we do. That is the way the system works.

I cannot impress upon my colleagues too strongly several points.

One, we did have an executive session. I shall observe the confidentiality of that session, but I got quite a different impression when Senator LEVIN and I largely—I think Senator REED was present—cross-examined Mr. Smith very carefully. I felt he more or less acknowledged a better selection of words in hindsight he should have made.

In no way do I believe he was trying to smear the press. I think the best evidence I can produce for my colleagues that it wasn’t sort of a smear is that, to the best of my knowledge—and I will put the question to all Members of the Senate, most particularly my distinguished ranking member—we did not
receive—at least I did not—any comments from the media industry, individual stations, or trade associations, or anything else. I think they took this in stride as a 30-year veteran of their profession with great distinction.

Everybody makes an error now and then. Who among us on this floor has not made a public statement that he or she wishes perhaps they had couched in different words?

To hold a man the position of the Assistant Secretary for Public Affairs, having been nominated by the President of the United States, having really been personally screened by the Secretary of Defense and others for the position—the Secretary of Defense, with whom I have discussed this matter, has total confidence in this individual. He has been performing in an acting capacity in the Department now for some period of time.

I urge my colleagues to look at the overall picture, but most importantly, is anybody going to stand up and say: Oh, no, this is what the media industry communicated with me, and for that reason I feel I should oppose the nomination? I don’t think that evidence is before us.

That industry is tough, tough on itself, and it wants to maintain its reputation. The industry, as such, has accepted this as an event which happens to all of us who speak in public life.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. REED. Mr. President, I stand to support the position of Senator Levin with respect to the nomination of Dorrance Smith to be Assistant Secretary of Defense for Public Affairs. I, too, participated in his hearings. I listened to Mr. Smith, and I think he lacks the judgment necessary to be the Assistant Secretary of Defense for Public Affairs.

Senator Levin has quoted the Wall Street Journal op-ed piece. This was not the example of making an offhand statement. This is not the situation where someone was being quizzed and extemporaneously suggested something that later one regrets. This was a very carefully crafted editorial which was sent to the Wall Street Journal for publication. In it, Mr. Smith says:

Osama bin Laden, Abu Musab al-Zarqawi, and al Qaeda have a partner in al-Jazeera and, by extension, most networks in the U.S.

Mr. President, can you think of a more provocative and a more incendiary comment, to suggest that anyone is equivalent, by extension, to bin Laden and al-Zarqawi? That is essentially what he said about the media in the United States. I believe it represents extremely poor judgment. Perhaps that is why he is getting the job, because the second he shed these very loose suggestions that somebody is just like Zarqawi, somebody is just like that.

We also heard coming out of the Department of Defense the notion that we have problems not because of strategic mistakes that have been made, we have problems because the media just doesn’t get the story right. This may be part of their approach to the media, but it isn’t the judgment necessary for an individual to discharge the responsibilities of that nature for the United States and the Department of Defense.

The other point is that Mr. Smith later went on to say:

Al-Jazeera continues to broadcast because it reportedly receives $100 million a year from the government of Qatar. Without this subsidy it would be off the air, off the Internet and out of business. So, does Qatar’s funding of al-Jazeera constitute state sponsorship of terrorism?

As long as al-Jazeera continues to practice in cahoots with terrorists while we are at war, should the U.S. Government maintain normal relations with Qatar? Should the U.S. not accept a position as not doing business with Qatar as long as al-Jazeera is doing business with terrorists?

All of these quotes are from the Wall Street Journal article.

I think what he fails to recognize is that Qatar is a major base of American military operations in the region. I asked at the hearing if he seriously thinks we ought to break diplomatic relations with Qatar. The answer was rather unsatisfactory, sort of: I was just posing a question. But these are the kinds of provocative questions that suggest he doesn’t have the judgment to do the job.

Let me just suggest our involvement with Qatar. Qatar has invested over $1 billion to build Al-Udeid Air Base, one of our principal air operations in the region. There are 2,200 U.S. air men and women stationed today at that airbase. During our operations in Afghanistan, that number was over 4,000.

U.S. military forces leave and arrive from Iraq every single day going into Qatar. All of us on the Armed Services Committee have traveled in Qatar, have stayed in Qatar, have visited with the Government of Qatar, and to suggest, even rhetorically, that we should consider abandoning our normal relations with Qatar is absurd.

This was not some cocktail-party comment where he was just thinking out loud; this was a very well-crafted editorial. Again, it just goes to my conclusion that he lacks judgment.

It is a very intricate arrangement we have with the Government of Qatar. Yes, they do support al-Jazeera. Al-Jazeera is not an entity that is trying to promote American interests in the region. That is clear. But we have to recognize not just the simple black-and-white comic book approaches to policy but the reality of our engagement with Qatar, their support of our operations, and the essential facilities that are there. Statements such as these, utterly mind, indefensible and demonstrate a gross lack of judgment. That is not the kind of individual we want in a position that is supposedly designed to craft a policy that will, through ideas and engagement, get the people of this region to be supportive of the United States and its policies. So I join my colleague in opposing this nomination.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I know of no other Senator who is going to speak with regard to Mr. Smith.

Mr. LEVIN. Mr. President, I yield myself 2 minutes more on Mr. Smith.

Mr. President, I have no better friend in the Senate, nor have I ever had a better friend in the Senate than John Warner. I respect each other’s points of view. As he has pointed out, we have been partners, and we are all familiar with the use of the word by Mr. Smith, “partner,” carries very special meaning. For him to say in writing, in a prepared op-ed piece, that Osama bin Laden and al-Qaida have a partner in al-Jazeera and, by extension, most networks in the United States—and he rattles them off: ABC, NBC, CBS, FOX, CNN, and MSNBC—is absolutely indefensible, it is extreme, it is over the top, and it is unbecoming somebody who is going to be representing the Department of Defense with the media.

If any one of us had said this on the Senate floor, that FOX News is a partner with the people who attacked us on 9/11, we would think that person not only wrong, but we would probably owe every single victim of 9/11 an apology. I find this such an extreme statement. And the use of the term “partner” and his defense of that when we pressed him on it I find to be one of the most extreme, irresponsible, and reckless kinds of statements anyone can make. Again, I will defend Mr. Smith’s right to make it; that is not the issue here. He can write any article in the Wall Street Journal or any other paper and I will defend his right to do so. But the issue here is whether someone who has this position—and the issue on the question of whether tapes of al-Jazeera should be played on American television is, it seems to me, the wrong representative for our Department of Defense.

I want to thank my friend from Virginia. As always, he is putting differences in context. We have very few of them, and when we do have them, we deal with them with great respect for each other and our points of view, and I will always not only admire him for that, but always relish this particular relationship which we have had for so many years.

Mr. WARNER. Mr. President, I thank my long-time friend and good colleague for his thoughtful remarks, and I assure you, I offer the same long-term...
feels for you. But in this instance, I come back to the simple proposition that there is not a one of us who has not at times in our public career uttered or written statements that we wish we could have revised. I felt in execution sufficiently constrained and acknowledged the need not only to explain but to acknowledge. I have and will have the basic concerns about al-Jazeera, and I share those concerns, but a better choice of words might have avoided it. Then all of the networks he enumerated, I didn’t get any communications on it from any of them. I suggest at this time, so that we can move and accommodate all of our colleagues—and I am very grateful to the majority leader and the Democratic leader for allowing these nominations to be acted upon today. For all Members, last night, I am pleased to say, we voice voted the Deputy Secretary of Defense Gordon England, so we made good progress in putting into position those persons who have been designated by the President for the Department of Defense.

I suggest at this time, so that we can move and accommodate all of our colleagues—and I am very grateful to the majority leader and the Democratic leader for allowing these nominations to be acted upon today. For all Members, last night, I am pleased to say, we voice voted the Deputy Secretary of Defense Gordon England, so we made good progress in putting into position those persons who have been designated by the President for the Department of Defense.

REQUEST TO THE DEPARTMENT OF DEFENSE IN NOVEMBER OF 2003 SEEKING DOCUMENTS RELATING TO THE ACTIVITIES OF THE OFFICE OF UNDER SECRETARY OF DEFENSE FOR POLICY

NOMINATION OF PETER CYRIL WYCHE FLORY TO BE AN ASSISTANT SECRETARY OF DEFENSE

Mr. WARNER. We now turn to Peter C. W. Flory who became the principal Deputy Assistant Secretary of Defense for International Security Affairs in 2001. In this capacity he serves as the principal assistant to the Assistant Secretary of International Security Affairs who is the principal adviser to the Secretary of Defense on the formulation and coordination of international security strategy and policy for East Asia, South Asia, the Middle East, the Persian Gulf, Africa, and Latin America. I wish to put further facts regarding this distinguished gentleman into the record. I am very anxious to keep the momentum. I think the concern of my colleagues can be best expressed by himself momentarily, perhaps not to Mr. Flory himself but to the matter of process, and that process is an issue that in some respects I share with my distinguished colleague. I yield the floor.

Mr. LEVIN. Mr. President, how many minutes remain?

The PRESIDING OFFICER. There is 14 minutes remaining.

Mr. LEVIN. Mr. President, I want to explain to my colleagues why the Senate should not proceed to the nomination of Peter Flory to be the Assistant Secretary of Defense for International Security Policy.

At its core, this is an issue of the executive branch refusing to provide the Senate with documents that are relevant to the confirmation proceeding.

This issue dates back to the summer of 2003 when I directed the minority staff of the Committee on Armed Services to conduct an inquiry into the flawed intelligence prior to the war in Iraq. As part of that inquiry, I wrote a request to the Department of Defense in November of 2003 seeking documents relating to the activities of the Office of Under Secretary of Defense for Policy Douglas Feith concerning Iraq. Mr. Flory was a part of that office. It took 18 months of struggle to get as many documents as we could receive all the documents that were relevant to the inquiry and which are now relevant to the Flory nomination.

The Department of Defense has refused to provide documents regarding the efforts of that office to develop and disseminate an alternative intelligence assessment which exaggerated the relationship between Iraq and al-Qaida. That assessment went directly to senior administration policymakers, bypassing the ordinary intelligence community procedure. These documents are critical to understanding exaggerated statements which were made by senior administration officials that al-Qaida and Iraq were allies, building on the intelligence community that there was no such link between the two.

Here is the critical connection between the Feith office and Mr. Flory: Mr. Flory worked in the office of Under Secretary Feith at the time the alternative assessment was developed and disseminated. Some of the internal e-mails we have been able to obtain indicate Mr. Flory requested and received briefings on the collection of intelligence from the Iraq National Congress in December 2002. The INC material should have been evaluated by the intelligence community and filtered through their screen. Instead, it went to the Feith policy shop, which included Mr. Flory.

Mr. Flory was also a member of Mr. Feith’s briefing team which came to the Senate in June of 2003 to explain to the Senate Committee on Armed Services staff the origins and work of the Office of Policy, Planning, and Counterterrorism Evaluation Group. Those were the two entities within Secretary Feith’s office that were very much involved in characterizing the prewar intelligence.

In addition to the denial of relevant documents, the inspector general of the Department of Defense is currently conducting a review to determine whether Mr. Feith’s office conducted unauthorized, unlawful, or inappropriate activity. We do not know what, if anything, that review may reveal about the role Mr. Flory may have played in such activities. What we do know is that his name appears in a number of relevant documents we have been able to obtain so far.

Before the Senate proceeds to his nomination, the Defense Department should provide the documents they have previously denied, or resolve the matter in a satisfactory manner, and the inspector general’s office should be allowed to complete its investigation of the activities of Under Secretary Feith’s office. That investigation may shed additional light on Mr. Flory’s activities. It may show absolutely nothing about Mr. Flory’s activities, but we will have to await its conclusion to know.

This is not a case of blocking Mr. Flory from occupying the office to which he has been nominated. I want to emphasize this for our colleagues: Mr. Flory has received a recess appointment. He occupies the office. He is currently serving in the position to which he was nominated, so there should be no argument that we need to give up a vital institutional right to obtain documents relevant to our carrying out of our confirmation function.

Again, Mr. Flory occupies the office to which he has been nominated. The issue here is whether we are going to have access to documents that are relevant or may be relevant to this nomination.

I want to provide a little bit of additional background and context for this issue to indicate the seriousness of these matters to this institution’s obligations and responsibilities. In the period before the war, the intelligence community did not find a substantial link between Iraq and al-Qaida. The intelligence community did not find that relationship “appears to more closely resemble that of two independent actors trying to exploit each other,” and that “al-Qaida, including bin Laden personally, and Saddam were leery of close cooperation.” Nonetheless, senior administration officials alleged at times that Iraq and al-Qaida were “allies” and that there was a close connection and cooperative context between Iraqi officials and members of al-Qaida.

How could that happen? How could there be such a disconnect between what the intelligence community believed and what some of the senior administration officials were saying? For a number of years, there is evidence that there was an alternative intelligence assessment, an alternative assessment that did not go through the intelligence community or the CIA; an alternative assessment that was prepared by Under Secretary Feith and his office, and that this was an important source for those administration statements. For example, the Vice President specifically stated that an article based on a leaked version of the Feith shop analysis was “closer to the mark” on this issue. The Feith assessment was presented directly to senior administration officials by Secretary Feith, including White House officials, a very different assessment from that of the CIA.

This issue of the alleged Iraq-al-Qaida connection was central to the administration’s efforts to make its case for war against Iraq. And according to public opinion polling, more than 60 percent of Americans believed there was a connection between Saddam and the horrific attacks of 9/11, although there has never been any evidence of such a connection. The Feith
operation product, which bypassed the intelligence community, went directly to top leaders and, it quite clearly appears, had a major impact on the lives of Americans and on the course of events in Iraq.

The process of seeking the relevant documents on this matter from the Department of Defense has been painfully slow and laborious. I have written many letters and raised the issue of the Department's slow response on numerous occasions. I have also Jose the issue at hearings of the Committee on Armed Services with senior Defense Department officials. I raised it with Mr. Flory at his nomination hearing in July 2004, but the Department was still slow to respond. Sometimes the Department of Defense indicated there were no additional documents responsive to my request, only to be followed by acknowledged letters. There were twelve documents. Documents were dribbled out. It always was a struggle. This chart behind me indicates the list of some of the efforts that were made to get documents. It would be the institution of which Mr. Flory was a part, and some of the documents that we have been able to receive in which Mr. Flory is named.

I finally met with Acting Deputy Secretary of Defense Gordon England in June of 2005 to discuss the documents I was seeking. Secretary England was able to provide a large number of additional documents in July. He also stated that at that time they were the last documents in the Department with release, and that there were 58 additional documents the Department would not release. So that is what it came down to: 58 documents that they have, responsive to my continuing request, only to be followed by acknowledged letters. There were twelve documents. Documents were dribbled out. It was always a struggle. This chart behind me indicates the list of some of the efforts that were made to get documents. It would be the institution of which Mr. Flory was a part, and some of the documents that we have been able to receive in which Mr. Flory is named.

In late July 2005, I offered to lift my objections to proceeding with the Flory nomination if the administration would simply provide a list of the 58 documents they are not going to provide. Just give us the list, together with an indication that the President's senior aides were not going to recommend that he invoke executive privilege with regard to these documents, because that is what we were told orally. All we wanted was the accounting, the inventory. We didn't need the substance. Just give us the list, how many documents? Who wrote whom on what date? Don't give us the substance, we will get along without that, providing you tell us that senior administration officials are going to recommend to the President that executive privilege be asserted.

Defense Department officials, by the way, indicated their willingness to do this, but it was the administration that declined to agree.

Then Mr. Flory received a recess appointment. So once again, he is in office. By the way, I want to thank my friend from Virginia. He has tried on a number of occasions to help me obtain these documents.

The administration has had the opportunity to resolve this matter in a very simple way. It has chosen not to. I offered a compromise which I have just outlined that the administration finally rejected.

Mr. Flory was a Principal Deputy Assistant Secretary in the Feith office. That office produced an alternative intelligence assessment. That is No. 1. That is his connection to the Feith office.

Second, he is mentioned in a number of the documents which have been made available, and he participated in briefing the Senate Armed Services Committee on behalf of that office, relative to the subject matter we are talking about here today.

I have said that I believe the Senate has a right to know the relevant documents may be relevant to a confirmation process. This should not be a partisan issue. We have supported each other's rights to documents consistently. As long as I have been here, I have defended each other's rights to access to documents.

Senator McCains last year or the year before held up promotions and transfers of senior officers in the Air Force because the Department of Defense refused to release documents which he sought which was relevant to a proposed Air Force lease of tanker aircraft. We supported him. He was right; he is entitled to that information.

We all supported the nominations, or most of us did. But it was the way in which he chose to obtain relevant information, and we—I think probably every member of the Armed Services Committee—stood up for his right to access to documents. I am surprised that this issue is about. Are we as an institution going to stand up for the right of Senators to get documents that are relevant to a confirmation process or which may be relevant to a confirmation process? That is the issue here.

The issue here is this body and what we have a right to, or whether the executive branch—and I don't care who is in the executive branch, Democrat or Republican—can stonewall those provisions of producing documents that may be relevant to a confirmation process.

There is example after example where Senators have taken the position that we should not vote on the nomination until relevant documents have been provided. In 1996, Senators said they didn't want to vote on the confirmation of William Rehnquist to be a Supreme Court Justice until documents were provided. The administration finally provided the information.

Senator Helms in 1991 blocked the nomination of an ambassador until he received State Department cables in which one of Senator Helms' aides was accused of leaking U.S. intelligence to the Pinocchio government.

Mr. President, how much time does Senator HARKIN have?

The PRESIDING OFFICER. Senator HARKIN has 10 minutes remaining.

Mr. LEVIN. He has indicated his willingness to me, and I ask unanimous consent, that I have 3 of those minutes at this time.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. I will not object, but I wish to advise my colleague a number of colleagues this afternoon at this time. I am proposing, on the conclusion of the debate on Flory, we immediately go to an up-or-down vote on Smith followed by a cloture vote on Flory. Is that understood?

Mr. LEVIN. That is the existing unanimous-consent agreement.

Mr. WARNER. If cloture is obtained, will the Senate be willing to have a vote vote on Flory?

Mr. LEVIN. If cloture is obtained, I would be willing. I have to make sure that is acceptable to others.

Mr. WARNER. We will reserve that for leadership, but I think that would be my position. I must impress upon colleagues—they are all here, those able to remain for the votes—in order to accommodate a great many, let us hold rigidly to the time schedules. I am the last one who wants to hold up our colleagues from leaving, and I will abide by the suggestion of the good Senator from Virginia.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 3 additional minutes.

Mr. LEVIN. Senators Helms, KENNEDY, Jeffords, all of us—not all of us, many of us at times—have said we should not vote on a nomination until relevant documents have been obtained by the interested Senator, relevant to the confirmation process. We have supported those Senators in getting those documents. It has been an institutional position that Senators should be able to get documents that relate to a confirmation of a particular nomination.

These are documents which relate to this nomination or may relate to this confirmation process. We don't know until we see the documents, but we do know things. Mr. Flory was a Principal Deputy Assistant Secretary in the Feith office and he was actively involved in the discussions and the matters to which these documents pertain and that he is named in a number of the documents which we have been able to obtain as being involved in this subject matter. That much we know. That is more than enough, it seems to me, for this body to insist that these documents be made available before we vote on his confirmation.

Finally, I am in office now. We are not blocking him from going into that office. He got a recess appointment.
To reiterate, there is nothing novel or unique about holding up a nomination in order to obtain information that is being withheld by executive branch officials. This defense of Senate prerogatives goes back a long way, probably to the time of Thomas Jefferson.

In 1972, Senator Sam Ervin insisted that the Senate would not vote on the nomination of Richard Kleindienst to be Attorney General until the administration provided information on a deal to divert case against PTP in return for a $400,000 campaign contribution. The administration eventually provided the information and the nomination was confirmed.

In 1991, Senator Helms blocked the nomination of George Fleming Jones to be U.S. Ambassador to Guyana until he received State Department cables in which one of Helms’ aides was accused of leaking U.S. intelligence to the Pinochet government. The administration provided the information and the nomination was confirmed.

In 2004, Senator Jeffords placed a hold on nominations for four top jobs at the anti-terrorism Protection Agency because of 12 unmet requests for documents over the previous three years. The documents in question related to the Bush administration’s changes to air pollution rules.

In short, the Senate has a long-standing practice of holding up nominations in order to obtain documents relevant to confirmation and oversight responsibilities. This has been done by both parties, in both Houses, controlled by both parties, and with administrations controlled by both parties.

It is in the interest of the Senate as a whole to uphold our right to documentation, when at times essential to our obtaining the information we need to do our jobs. All colleagues should protect the right of any colleague to documents relevant to a nominee in a confirmation proceeding.

The information that we seek is directly relevant to the nomination of Mr. Flory. The entire Senate should, as an institutional matter, insist on access to the relevant information before we act on his nomination. We should speak with one Senatorial voice against executive branch stonewalling on access to relevant information.

Mr. Flory has received a recess appointment to the position to which he has been nominated. By refusing to act on his nomination until we receive this information, we are not preventing this individual from carrying out his executive duties. On the contrary, it is the Executive Branch which is obstructing the Senate’s efforts to carry out our confirmation responsibilities when they deny us relevant documents.

I hope every member of the Senate will stand together to defend the right of the Senate to have access to the relevant documents that bear on this nomination.

Mr. WARNER. Mr. President, by way of wrapup, Mr. Flory is nominated to be Assistant Secretary of Defense for International Security Policy. Peter C.W. Flory, by recess appointment on August 2, 2005, became Assistant Secretary of Defense for International Security Policy. He previously served from 2001 to the present as the principal assistant to the Assistant Secretary for International Security Affairs, who is the principal advisor to the Secretary of Defense on the formulation and coordination of international security strategy and policy for East Asia, South Asia, the Middle East and Persian Gulf, Africa, and Latin America.

From April 1997 to July 2001, Mr. Flory was Chief Investigative Counsel and Special Counsel to the Senate Select Committee on Intelligence, SSCI. Mr. Flory had responsibility for the People’s Republic of China and other regional issues, as well as counterintelligence, covert action, denial and deception, and other intelligence oversight matters.

An Honors Graduate of McGill University, Mr. Flory received his law degree from Georgetown University Law Center. After working as a journalist, he served as a national security advisor to Members of the House Foreign Affairs Committee and Senate Defense Appropriations Subcommittee. From 1989 to 1992, Mr. Flory served as the Special Assistant to Under Secretary of Defense for Policy Paul D. Wolfowitz. From 1992 to 1993, he was an Associate Coordinator for Counter-Terrorism in the Department of State with the rank of Deputy Assistant Secretary. From 1993 until he joined the SSCI staff in 1997, Mr. Flory practiced law with the firm of Hughes, Hubbard & Reed LLP.

Mr. Flory speaks German and French. He and his wife Kathleen have six children, and reside in Nokesville, Virginia.

I would simply conclude, this is somewhat of a dilemma for those not following it. This man is eminently qualified to discharge the responsibilities to which the President has nominated him. There is no doubt in my mind.

I have worked with my colleague. I will continue to work with my colleague. It is no different than other chairmen and ranking members, irrespective of party. We are always in a push-pull contest with the executive branch regarding the documents we need to perform oversight. I do not in any way disparage or criticize my colleague’s observations. I think he is meticulously correct in what he has set forward to the Chamber. But the problem is, I am not sure this gentleman was party to in any way the obstruction of those documents coming forward. Those decisions primarily were made by his superiors. I think it would penalize him for actions of superiors, which would not be a problem as they believed in the best interests of the United States, and within the parameters of the time-honored traditions between the executive and legislative branches about the privacy of certain documents.

I hope now we could move on. I see my friend, the Senator from Rhode Island. Does he have a few concluding words?

Mr. LEVIN. If the Senator will yield, I apologize for being distracted and not able to hear the Senator, but apparently it was announced already that this would be the last vote today. I think we have leave it at that. Mr. WARNER, my time, I must get from my side a clarification on that. My understanding is there were two votes.

Mr. LEVIN. The last two votes today. Mr. WARNER. You said the last vote. Let’s be clear.

Mr. LEVIN. I apologize. I think the Senator is correct. It has been announced these will be the last two votes, depending on the outcome of the second vote.

Mr. WARNER. We could consequently have a voice vote. I doubt if it will be necessary.

Mr. LEVIN. Let me see if we can accomplish that. Mr. WARNER. I see the Senator from Rhode Island.

Mr. REED. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Five minutes.

Mr. REED. Mr. President, there are two issues with respect to Mr. Flory. The first is access to documents which are necessary for the Senate to do its job. We can’t formulate policy, we can’t draft legislation, we can’t properly review the activities of the Department of Defense if we are denied critical information. This Defense Department persistently, constantly, denied information of that sort. This is something about which Senator Levin has made the point very well, made the point about his attempts to get information with respect to issues that touch on the activities of Mr. Flory and the activities of others. Senator Levin has been denied. Without any justification, without any legal precedent, they simply said we are not giving it to you—and that is outrageous.

Frankly, because we have acquiesced in this policy over many years, we have not done our job in the Senate. We allowed this Defense Department to take military forces to war without a plan for occupation because we didn’t ask—demand that they give us the information in that plan. We have done this repeatedly. It has to stop because it has real consequences in the activities of our military and the effect on these young men and women across the globe. We have to do our job. Our job begins with getting this type of information.

It is outrageous that we continue to sit here and literally beg the Defense Department to give us information.
that is rightfully ours because of our responsibilities under the Constitution to supervise the activities of the Department of Defense. That is point No. 1.

Point No. 2 is Mr. Flory, by his own job description, was involved with the formulation and coordination of international security strategy and policy for several areas including the Middle East in 2001. As Senator Levin pointed out, he was part of this team that developed this alternate intelligence view—alternate in the sense that it was inaccurate, grossly inaccurate.

Now we propose to promote him. There are millions of Americans who are wondering who planned this operation in Iraq so poorly. And if they find out, it is not to give these individuals a promotion. There is real responsibility here and that is the other point I find very difficult to accept. No one seems to be accountable for palpable mistakes that have been made by the Department of Defense in the conduct of these operations—not the Secretary of Defense, not the new Secretary of State, who was the National Security Advisor—and now we are promoting someone who is deeply involved in the Feith creation that created the alternate intelligence view that was at dramatic odds with the intelligence community, with the suggestion that there were serious links between Saddam Hussein, al-Qaeda, and other terrorist groups.

I think on both these points we should not proceed to this nomination. We have to have the information necessary to do our jobs. If we do not, we are not doing our jobs. We are not doing our duty. Today I hope is an opportunity to focus attention on, No. 1, the fact we need the information from the Department of Defense, and also I think it is about time someone is held responsible for errors that have been made by the Department of Defense.

I yield my time.

The PRESIDING OFFICER. The Senator yields.

VOTE ON NOMINATION OF DORRANCE SMITH

Mr. WARNER. The Senate that debate on the nomination of Dorrance Smith has been waived.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Dorrance Smith, of Virginia, to be an Assistant Secretary of Defense?

The clerk will call the roll.

The question is, Will the Senate advise and consent to the nomination of Peter Cyril Wyche Flory, of Virginia, to be an Assistant Secretary of Defense?

Mr. LEVIN. Whether cloture is invoked or not, we have agreed this will be the last vote.

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

The yeas are for cloture under the rule.

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Florida (Mr. BOXER), the Senator from Washington (Mrs. MURRAY), and the Senator from Alaska (Mr. STEVENS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from Washington (Mrs. MURRAY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The yeas and nays resulted—yeas 52, nays 41, as follows:

[Rollcall Vote No. 92 Ex.]

YEAS—\[59\]

Alexander Domenici Martinez
Allen Enzi McCain
Allard Enzi McConnell
Bennett Feingold Markowitz
Bond Frist Nelson (NE)
Bunning Graham Pryor
Burns Grassley Sessions
Burr Gregor Smith
Chafee Hatch Snow
Chambliss Hatch Specter
Cochran Inhofe Specter
Coale Isakson Smith
Collins Kohl Snow
Cornyn Kyi Snowe
Craig Landrieu Specter
Crapo Lieberman Voinovich
DeMint Lincoln Warner
Dole Lugar Warner
Dorgan Menendez

NOT VOTING—7

Biden Murray Stevens
Boxer Roberts Stevens
Brownback Rockefeller

The nomination was agreed to.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate’s action.

NOMINATION OF PETER CYRIL WYCHE FLORY TO BE AN ASSISTANT SECRETARY OF DEFENSE

Mr. WARNER. I urge we proceed immediately to the second vote, a cloture vote on Peter Flory.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The 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 the nomination of Peter Cyril Wyche Flory to be an Assistant Secretary of Defense.

Bill Frist, Lamar Alexander, Mike Crapo, Jim Bunning, Richard Burr, Wayne Allard, Johnny Isakson, Richard Shelby, Craig Thomas, Ted Stevens, David Vitter, James Inhofe, Chuck Hagel, Norm Coleman, Mike DeWine, Robert P. Bennett, John Thune.

Mr. WARNER. Mr. President, this will be the last recorded vote of the day. There could be a voice vote subsequently, but this will be the last recorded vote for the record.

Mr. LEVIN. Whether cloture is invoked or not, we have agreed this will be the last vote.

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

The question is, Is it the sense of the Senate that debate on the nomination of Peter Cyril Wyche Flory, of Virginia, to be an Assistant Secretary of Defense, be brought to a close?

The yeas are for cloture under the rule.

The clerk will call the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Florida (Mr. BOXER), the Senator from Washington (Mrs. MURRAY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The yeas and nays resulted—yeas 52, nays 41, as follows:

[Rollcall Vote No. 92 Ex.]

YEAS—\[52\]

Alexander DeWeine McCain
Allard Domenici McConnell
Allen Domenici Markowitz
Bennett Ensign Santorum
Bond Rzinski Sessions
Bunning Frist Sessions
Burns Graham Sessions
Burr Gregor Sessions
Chafee Gregor Smith
Chambliss Hatch Snow
Cochran Inhofe Sessions
Coale Isakson Smith
Collins Kohl Snowe
Craig Landrieu Specter
Crano Lieberman Voinovich
DeMint Lincoln Warner
Dole Lugar Warner
Dorgan Menendez

NOT VOTING—7

Biden Murray Stevens
Boxer Roberts Stevens
Brownback Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.
LEGISLATIVE SESSION

Mr. WARNER. I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

MORNING BUSINESS

Mr. WARNER. I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

(The remarks of Mr. WARNER pertaining to the introduction of S. 2600 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. I appreciate the courtesy of my friend, the distinguished Senator from Oregon and the leader, Senator BYRD, for allowing me to speak for a few minutes. He has been waiting a long time.

LEAK OF CLASSIFIED INFORMATION

Mr. REID. Mr. President, yesterday the American people received the shocking news that the Vice President's former chief of staff, Scooter Libby, may have acted on direct orders from President Bush when he leaked classified intelligence information to reporters. It is an understatement to say that this is a serious allegation with national security consequences. It directly contradicts previous statements made by the President. It continues a pattern of misleading America by this Bush White House. It raises somber and troubling questions about the Bush administration's candor with Congress and the American people.

Today, I come to the floor to request answers on behalf of our troops, their families, and the American people. For years President Bush has denied knowing about conversations between his top aides and Washington reporters, conversations where his aides, like Scooter Libby, sought to justify the war in Iraq and discredit the White House critics by leaking national security secrets. In fact, President Bush is on record clearly, in September of 2003, as saying:

I don't know of anybody in my administration who leaked classified information. If somebody did leak classified information, I'd like to know it, and we'll take appropriate action.

Yesterday, we found there is much more to the story. According to court records, President Bush may have personally authorized the very leaks he denied knowing about. In light of this disturbing news, we need to hear from President Bush which of these is true: His comments in 2003 or the statements made by the Vice President's chief of staff. Only the President can put this matter to rest.

Harry Truman had on his desk in the Oval Office a plaque. It said: "The buck stops here." In George Bush's White House, perhaps he should put one that says: The leaks start here.

He, the President of the United States, must tell the American people whether President Bush's Oval Office is a place where the buck stops or the leaks start. This is a question he alone must answer, not a spokesman, not a statement, only the President of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I, too, thank the Senator from West Virginia for his courtesy. I ask unanimous consent to speak this afternoon for up to 15 minutes.

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

WITHDRAWAL OF U.S. TROOPS FROM IRAQ

Mr. WYDEN. Mr. President, I rise to offer a simple proposition: Congress should act like a coequal branch of Government and vote on whether to keep American troops in Iraq for at least 3 more years. Late last month, the President told the American people that it is his intent to keep American soldiers in Iraq through the end of his term in office. He has yet to make such a sweeping commitment. When the Senate voted in October of 2002 to send troops to Iraq, few Americans believed then that the U.S. military would be in Iraq in 2006, let alone 2009 or beyond. Based on what the Bush administration said then, Americans would be justified in thinking that by now Iraq would be free and democratic. Based on what the Bush administration said then, Americans would be justified in thinking that by now Iraq would be stable and self-supporting. Based on what the Bush administration said then, Americans would be justified in thinking that by now the vast majority of U.S. forces, if not all of them, would be safely back home.

Unfortunately, the rosy forecast put out by the White House and the Pentagon in 2002 persisted in the harsh reality of Iraq.

The failure to plan for the post-war period has thus far created less security for the world, greater heartache for Iraq, and extraordinary costs for America.

As of today, neither the American people nor the Congress knows how the President intends to get American troops out of Iraq. Instead, virtually every day, the administration offers a new theory for how discouraging events on the ground in Iraq are actually positive signs.

Here is indisputable: 2,348 American soldiers are dead, 17,469 are injured, and 262 billion taxpayer dollars have been spent.

If our troops remain in Iraq for at least 3 more years, how many more will die, how many more will be injured? How many more hundreds of billions of dollars will it cost?

By all accounts, the insurgency remains strong and is constantly attacking and killing American soldiers, Iraqi soldiers, and Iraqi civilians. Every day there is another bombing, another brutal image on the TV that reflects the chaos that passes for an average day in Iraq.

Sectarian violence is rampant. The ethnic strife is so grave that Shiites and Sunnis living in mixed neighborhoods are fleeing for the safety of ethnic enclaves.

In recent months, there have been more and more groups of bodies found—hands bound, shot in the back of the head or beheaded—and many Iraqis have come to believe that their own Iraqi Interior Ministry is participating in these death squad-style killings.

According to Ambassador Khalilzad, the "potential is there" for all-out civil war. That, my friends, is an understatement. As former Prime Minister Allawi concedes, a low-level civil war is already being waged in Iraq.

The so-called "enduring bases" that the Pentagon has built in Iraq certainly create the appearance that the Bush administration intends for the United States to occupy Iraq indefinitely. It is not just among the Iraqi population, and throughout the Arab world.

Oil production, household fuel availability, and electricity production are lower than they were 2 years ago. Iraqis have electricity half of each day. About 32 percent of Iraqis are unemployed.

The list of problems that plague Iraq goes on and on.

Supporters of the war tout the Iraqi formation that are standing up and taking responsibility for security. Yet it has been reported that not a single Iraqi security force battalion can operate without U.S. assistance. The Iraqi police force is plagued by absenteeism and militia infiltration. The level of incompetence is high enough that U.S. forces are reluctant to hand over their best weapons to the Iraqis.

You will also hear supporters of the war point to the three elections as proof of progress. Yet all the elections have been deliberating for the past 3 months, unable to reach consensus over the makeup of the new Iraqi Government. In fact, elections have been postponed again and again, each time by American contractors, like Halliburton, and Iraqi ministries, including the Ministry of Oil.

Supporters of the war will also point to our reconstruction efforts. But billions of reconstruction dollars have been misused, mismanaged, and lost by American contractors, like Halliburton, and Iraqi ministries, including the Ministry of Oil.
While in Iraq recently, as a member of the Senate Select Committee on Intelligence, I sat down with representatives of the Oil Ministry to discuss the issue of graft. After I repeatedly pointed to independent analyses documenting the serious corruption problems in the oil sector, the Iraqi officials finally acknowledged that there were “small” problems with graft in this sector. Considering that oil accounts for more than 90 percent of the country’s revenues, this ought to be embarrassing to both the Congress and people all across America.

Just as the President made the case to go to war, he owes it to Congress and the American people to come to Congress and lay out his plan and his budget for achieving a lasting peace in Iraq.

Congress owes it to the American people and the institution to vote. If the President refuses to come to Congress in the coming weeks with his plan and his budget to win the peace in Iraq, Congress owes it to the American people to vote up or down on whether to keep American troops in Iraq for at least 3 more years.

The President’s case for winning the peace in Iraq should address these concerns:

First, how the President can help make the Iraqis self-reliant so that they can defeat the deadly insurgency.

Second, how the President intends to help rebuild the economy so that the American and Kurdish leaders break the political impasse so that they can form a unity government.

Third, how the President intends to pull the Iraqi people back from the brink of all-out civil war and the specter of another Rwanda or Darfur.

Fourth, how the President intends to help rebuild the Iraqi infrastructure and ensure that Iraqis have access to basic services like electricity and clean water.

And fifth, how the President intends to bring the troops home from Iraq.

If need be, to be sensitive to national security matters, I would not be averse to the Senate moving into Executive Session to consider portions of the President’s plan and his budget for securing the peace in Iraq.

I simply ask the President to come to Congress and describe his plan and his budget specifically, and let Congress consider its potential to succeed before the Congress, with the American people, leaves, a symbol of triumph and the nation.

The vote I call for today, if held, won’t be about cutting-and-running. It won’t be about who comes up with the best spin. It will be about holding the President and Congress accountable. The vote will hold the President accountable for presenting a plan and a budget for securing the peace. And the vote will hold Congress accountable by making it finally act like a co-equal branch of government.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.
And so it is because of this great gift, this promise—yes, this promise of everlasting life and the heart-bearing proof through sacrifice that Christianity survived the passing of its founder. Nearly 2,000 years later, the words and example of Jesus are honored and supported over 2 billion—over 2 billion—people around the world. Governments have tried to stamp Him out, but still He endures in the hearts of His devout followers. Technology has tried to distract us, but still His word and support over 2 billion—people are around the world. Amen.

In thanks to Jay and Sharon Rockefeller

Mr. President, at this time of Easter, at this time of rejoicing in the promise of eternal life, I also rejoice in the friendship that I share with my colleague from West Virginia, Senator Jay Rockefeller, and his loving wife, Sharon. Jay and Sharon Rockefeller are jewels. They have always opened their doors and their hearts to me and to my darling wife, Erma. For more than 20 years, Jay Rockefeller and I have worked in partnership for the people of West Virginia. There have been good times and bad; they have always been there for me.

In the past few years, when my wife battled against illness, Jay Rockefeller always took the time to ask about her. He and Sharon always wanted to know how Erma was. Stand her side-by-side with Jay, and Erma probably didn’t reach his chest. But she had a place in his heart, just as he and Sharon did in hers.

Today, Senator Jay Rockefeller is recovering from back surgery. He has missed some time in the Senate, and we have missed him here. I know that Jay will be back on his feet soon. And, when he walks through the Senate door, I shall welcome him with open arms.

I wish Senator Jay Rockefeller and his charming wife, Sharon, a most blessed Easter, and I thank them for their long and warm friendship toward Erma and me. I thank all Senators, and I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Remembering Paul Coverdell

Mr. CHAMBLISS. Mr. President, I rise today with a little bit of sadness in my voice, but also with a lot of happiness about an occasion that is going to be taking place in about 30 minutes at the University of Georgia in Athens, GA, where I had hoped to be today, but, unfortunately, the business of the Senate required me to remain in Washington. Today at 2 o’clock there will be a dedication of the Paul Coverdell Center for Biomedical and Health Sciences at the University of Georgia in Athens. This building is going to be named for a man who was not only a close friend of mine, but he was a close political ally. He is a man who served in the Georgia Legislature for almost two decades and served in the U.S. Senate for 8 years, from 1992 to 2000, when, unfortunately, he died much too early as a result of a very sudden illness that he developed.

Paul Coverdell was a man of great vision. He was one of the hardest working individuals I have ever known in my life, and a man who truly believed in what was best for his country. He was a man who served, not just in the Senate in Washington, but he also was a director of the Peace Corps. President George Herbert Walker Bush, today, President Bush and Mrs. Bush are in Athens to be the keynote speakers at the dedication of this building.

Paul Coverdell was a man who really took the Peace Corps to a different level. I was very pleased, along with a number of other Members of this body—particularly his close friend, Phil Gramm, the former Senator from Texas who was not only a close friend of mine, but he was a close political ally. His wife Nancy was very active in Paul’s political life. She continues to be a very vivacious woman. She happens to serve as the chairman of my military academy appointment committee, and does she ever do a terrific job. She is a great lady in and of herself, but Paul Coverdell was a special person.

While it is sad to think of the fact that Paul is no longer with us, for him to be remembered as he is being remembered today, once again, on the campus of the University of Georgia, which is my alma mater, gives me a great feeling about carrying on the life, the vision, and the hope that Paul Coverdell had for our country.

His wife Nancy was very active in Paul’s political life. She continues to be a very vivacious woman. She happens to serve as the chairman of my military academy appointment committee, and does she ever do a terrific job. She is a great lady in and of herself, but Paul Coverdell was a special person.

He rose very rapidly in the leadership of the Senate after his election. He became the secretary of the conference and served his conference well. He served not only his colleagues well, but he was an individual who, on virtually every occasion when he worked on an issue, reached across the aisle to Members on the Democratic side to make sure they were included in the process, and that his ideas and his visions for a greater America would always be shared and there would be cooperation with the folks on both sides of the aisle.

Today I stand with a little bit of a heavy heart but with a wonderful remembrance of a great friend, a man with whom I spent so much time, talking about not only politics. During the
8 years I served in the House, Paul was here in the Senate for most of those years. We had occasion to talk by telephone at least once a week. We made it a point to visit about things that were happening both in our State as well as here in Washington.

He is a man with whom I also had the opportunity to talk about life and about how to not only set examples, as Paul did—and I have always subscribed to but have never reached the level that Paul did— but he is a man who also just gave you a great feeling about the direction in which our country was headed.

When I had the opportunity to talk with Nancy Coverdell this morning, I expressed my significant disappointment in not being there today but, thank goodness, she being a wife of a former Member of the Senate, understood that our life up here is not controlled by our wishes and desires but often driven on both sides of the aisle. I am really pleased that we are once again honoring the name and the memory of Paul Coverdell with the dedication of this building on the campus of the University of Georgia today. I support the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. 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. LAUTENBERG. Mr. President, there has been a fairly lively debate. I ask unanimous consent I have such time as needed to make my remarks, should my remarks run more than 10 minutes, under the morning business rules. I need possibly 15 minutes.

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

Mr. LAUTENBERG. Thank you, Mr. President.

IRAQ

Mr. LAUTENBERG. Mr. President, there has been almost a raging debate around here these last couple of days on evaluations of what is taking place in Iraq, where do we stand in this war—almost a war of attrition, as I see it.

And included in the reports on deaths, killings, this morning we heard about an explosion, with suicide bombers detonating a bomb in a mosque that killed around 40 people. It is almost a daily thing that we hear and see, the horror of families being torn apart by the loss of a loved one. Children, men, women, it does not matter. It is just killing and demolition. It is a terrible act to witness.

Now we have some different news that has come about to accompany those stories of horror from Iraq. Everybody now knows that the Vice President's former chief of staff, Scooter Libby, has been indicted as part of the investigation into the leak of classified material from the White House. I remember when this controversy broke. President Bush acted incredibly that anyone would leak classified national security information. In fact, in September 2003, the President said: 'There's just too many leaks, and if there is a leak out of my administration, I want to know who it is.'

But now we find out—I think embarrassingly for the President, embarrassingly for the United States—we now find out that the President himself was ordering a leak of classified material. And he leaked that classified information for political reasons. He was trying to undo some of the political damage caused by the disclosure that the intelligence community did not believe Iraq was trying to purchase uranium. There it was: the reason we went to Iraq in the first place, and substantial doubts.

People who supported that view are now challenging the intelligence that led us there, or at least the intelligence reports we have. Still bogged down in Iraq, with no hope in sight to fix the mess we have caused there.

Yesterday, there was debate between two of our colleagues. One was Senator Kerry, who Vietnam, decorated for that service, the other was the Senator from Colorado, who was harsh in his criticism of Senator Kerry's speech on Iraq.

Now, Senator Kerry and I are both veterans. I am a veteran of World War II, and I served in Europe during the war. His, again, distinguished service in Vietnam is well known. So we are both veterans, and we are very interested in the military analysis of the Senator from Colorado.

The speech of the Senator from Colorado sounded much like White House talking points: short on facts, long on innuendo and fantasy.

While politicians in Washington sometimes wear rose-colored glasses and fantasize about the situation in Iraq, American troops are dying. American troops are wounded. One need only visit Walter Reed Hospital to see how serious some of those wounds are. People have lost limbs. People lose their sight. People suffer very severely from post-traumatic stress, invisible wounds that penetrate, nevertheless, very deeply.

I have gone to many memorial services and funerals for young people from New Jersey who died in Iraq. Seventy-three soldiers from my home State of New Jersey have died in Iraq and Afghanistan. As I mentioned, I have visited Walter Reed Army Hospital here in Washington several times, and I have been struck by the incredible resilience and dedication to our country of those young Americans, those who want to be able to pick up arms again so they can do their duty. And while these brave men and women put their lives on the line, the administration is simply ignoring reality.

Paul Eaton, a former commanding general of the Coalition Military Assistance and Training Team, wrote in the New York Times on March 19, recently, that Secretary of Defense Donald Rumsfeld is—and here I quote the Times—'not competent to lead our armed forces.'

I furthered that Rumsfeld has shown himself incompetent strategically, operationally and tactically, and is far more than anyone else responsible for what has happened to our important mission in Iraq. Mr. Rumsfeld, step down.

This past Sunday on 'Meet The Press,' retired General Anthony Zinni, who just published a book, repeated the call for Mr. Rumsfeld to resign. General Zinni, who served as the Chief of the joint members of the senior staff and recalled that he said that in Iraq we would need perhaps 300,000 troops or more. He was right. And we never delivered on that commitment. As a consequence, in many military circles it is believed that lack of force is responsible for some of the problems we currently see.

Several days after General Zinni spoke, President Bush dismissed calls for Rumsfeld to step down, saying he was ‘satisfied’ with his performance.

How in the world can the Commander-in-Chief, President Bush, be satisfied with the situation in Iraq? It is chaotic. It is near a civil war. The definition of a ‘civil war’ is that people within the same country are fighting one another. My gosh, it could not be clearer.

So how can he be satisfied with Secretary Rumsfeld's miscalculations, with his profound errors in judgment, with his stubborn unwillingness to admit mistakes?

These mistakes have had tragic consequences—tragic for the nearly 2,400 American men and women who have died in Iraq and Afghanistan, tragic for the families they have left behind.

To examine the incompetence a little bit further—I have not been in Iraq in the last couple of days. There, then, and I met with troops, and they were asking for better body armor. They were asking for better Humvee armor. And it took 2 years to loosen up those products to protect our troops. How can he be satisfied for the President not to be up in arms?

After my visit, I said I was going to the Defense Department, and did, requesting expedited treatment for these articles that our troops needed to protect themselves and to fight the war fully.

We know that most of the claims of the Bush administration in the leadup...
to war were simply false. The administration claimed there was a connection between Saddam Hussein and al-Qaeda. Not true.

The Bush administration claimed that there were weapons of mass destruction in Iraq. Not true.

The Bush administration claimed that the oil revenues from Iraq brought before the Congress in coming weeks, will total a half a trillion dollars, nearly $7 billion a month spent just in Iraq.

The Bush administration claimed before the Congress in coming weeks that the war would cost "in the range of 50 to 60 billion dollars." Not true.

The wars in Iraq and Afghanistan, including the next supplemental to be brought before the Congress in coming weeks, will total a half a trillion dollars, nearly $7 billion a month spent just in Iraq.

The wars in Iraq and Afghanistan, including the next supplemental, will total a half a trillion dollars, nearly $7 billion a month spent just in Iraq.

The President of the United States, Mr. Martinez, turns now to a subject we have been involved in all this week, the subject of immigration. I am very pleased that Leader Frist and Chairman Specter have chosen to utilize this issue for the product of Senator Hagel for a number of years, for over 5 years, on this issue of immigration, an effort which I was glad to join in over the last couple of weeks and which now appears to be poised to be a basis of a sensible and reasonable compromise. I am pleased that this will be the vehicle which will be on the Senate floor when we return to this topic sometime in the next month. I am grateful to Senator McCain and Senator Kennedy for their leadership in this issue, for the work they have done. Others who have worked with us on this—Senators Brownback, Graham, Salazar, and Lieberman—have all been a huge help as we tried to put together a way in which we can deal better with this complicated and very much broken down system of immigration.

We approach this issue by securing the borders, by dealing with a guest worker program, and by recognizing that 1 million people are in this country living under the radar, in the shadows, need a way out, need a way for us to welcome them into the mainstream of American life where they have now been, many of them, living for years and years, contributing, working, making a difference.

It does not give them amnesty. It requires a number of steps for them to go through. For those who have been here 2 years or less, it does not provide for them a vehicle to remain. For those who have been here 5 years or less, it requires that they return to a port of entry and make a legal entry into the United States before they can then follow a path toward normalized and regularized status.

The provisions of this bill have the support and encouragement of a large majority of the Senate. I hope over the next several days the procedural issues which prevented this matter from being voted upon, which I am grateful to Senator Hagel—and I speak for all the work we have done. Others who have worked with us on this—Senators Brownback, Graham, Salazar, and Lieberman—have all been a huge help as we tried to put together a way in which we can deal better with this complicated and very much broken down system of immigration.

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too important to the country. It is an issue that deserves a response. It deserves an answer and needs a solution. I am very pleased to be working with the Presiding Officer on this issue. I hope in the next few days and weeks we will have an opportunity for full, fair debate and a vote up or down on what is something of great need so we can engage with the House of Representatives in a conference committee and final resolution to this difficult issue for America. I yield the floor.

The PRESIDING OFFICER. The distinguished assistant majority leader.

Mr. MCConNEll. Mr. President, let me commend the Senator from Florida and the occupant of the chair for their extraordinary leadership on this difficult issue the Senate has been wrestling with for the last couple of weeks. I join the Senator from Florida and the occupant of the chair, the distinguished Senator from Nebraska, in hoping that this issue will come back before the Senate and we will be able to deal with it in a comprehensive manner sometime in the very near future.

CONFERENCE ON THE PENSION REFORM BILL

Mr. REID. Mr. President, I am concerned with the lack of progress being made in conference on reaching a final agreement on the pension bill. To this point, little movement has been made to bridge the differences between the House and Senate bills.

This process does not need to be a partisan one. Throughout consideration of the pension bill, Democrats have worked with Republicans to move forward on pension reform. The Senate, working in a bipartisan manner, was able to produce a strong bill that passed by a vote of 97 to 2.

Democrats are eager to participate in the conference negotiations and are committed to enacting a strong pension reform bill. It is my hope that a conference agreement can be completed in a timely manner so that the uncertainty surrounding pensions can be resolved.

However, House Republicans seem intent on producing a bill without including Democrats. That would be unfortunate and is likely to produce a bill that would fail to pass the principles supported by the Democratic caucus.

The Senate pension bill was crafted with bipartisan participation, and that approach produced a bill that received almost unanimous support in the Senate. Working together, the conference can produce a conference agreement that would garner an equally strong vote.

Attached is a set of principles that our caucus has supported throughout consideration of this important bill. I believe these principles should be the basis for any agreement reported by the conference. I ask unanimous consent that it be printed in the RECORD.

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

The conference agreement should include balanced funding rules

The conference agreement should strike a proper balance between improving pension funding and keeping plans an attractive benefit option for employers. While there is a trend away from defined benefit pension plans and this trend is likely to continue, rules should not be enacted that exacerbate this problem.

The key is to establish new rules that impose meaningful funding requirements while maintaining incentives for employers to continue these plans. The Administration missed the mark on this. Their focus was primarily on the health of the PBGC and the ramifications for the future of defined benefit pension plans were considered collateral damage.

Democrats in the Senate share the concern over the PBGC’s finances, but they also want help to preserve the traditional defined benefit system.

The conference agreement should protect older workers clarifying the status of cash balance plans

As a type of defined benefit pension plan, cash balance plans contain protections for participants that Democrats support.

Cash balance plans are insured by the PBGC. They provide greater portability for workers. And they are more easily understood by participants.

On the other hand, some companies used conversions to cash balance plans to hide the fact that they were cutting benefits for older workers. In some instances, workers saw their future pension accrual freeze for many years as a result of “wearaway” provisions of the new plans.

Recent court decisions on the legality of cash balance plans have created uncertainty for employers who maintain cash balance plans. Congress should clear up this uncertainty, but Senate Democrats will insist that rules be established to protect older workers.

The conference agreement should include targeted relief for troubled industries

The airline industry, and more importantly its retirees, has faced difficulties the past few years. Those difficulties are likely to continue for some time.

In recognition of these difficulties, the Senate bill gave more time before the new stricter funding rules apply. This idea also has strong support in the House where a motion to instruct the House conferences to accept the Senate provision was passed by a vote of 265–158.

The conference agreement must include relief to troubled industries.

The conference agreement should improve employer-based retirement savings plans

The Senate bill includes changes to defined contribution plans that address the problems uncovered as a result of the collapse of Enron.

These changes include getting better and timelier information to plan participants and giving participants greater ability to diversify away from employer stock.

The Senate bill also includes provisions allowing employers to incorporate automatic enrollment in their plans. The overwhelming evidence suggests that auto enrollment will significantly increase worker participation in DC plans.

Many 401(k) plan participants are looking for specific ways they can invest their plan assets. Employers who would like to provide this to their employers are usually advised not to do so because it could subject the employer to liability for investment losses. The Senate bill provides employers relief from this liability so long as the investment advisors are independent.

The conference agreement should include reforms of multiemployer pension plans

Multiemployer plans are defined benefit plans maintained by multiple employers. One in four pension plan participants are members of multiemployer plans.

Employers, employer associations, unions and multiemployer plans have come together on a package of changes to improve multiemployer plan funding.

The conference agreement must include reforms that give these plans the tools they need to address their funding needs.

The conference agreement cannot include provisions that undermine patient’s rights

At the 11th hour the House leadership inserted a special interest provision into the pension bill to benefit the insurance industry.

This provision would put insurance companies ahead of injured patients in any claim against wrongdoers.

The conference agreement should modernize the S 414 without weakening worker protections

In the 32 years since ERISA was enacted it has served pension plan participants quite well. The Senate bill is compliant with these rules while retaining important worker protections.

Conferees should be very cautious about going further than the Senate bill.

The financial strain facing pension plans makes it even more critical to retain provisions that guard against self dealing and conflicts of interest.

Recent scandals involving some mutual funds and other financial services providers highlights that these protections are vital to protecting our current and future retirees.

The conference agreement should be fiscally responsible

The Senate bill’s cost is modest at $12 billion, attributable to the changes made to the funding rules and the cost of the automatic enrollment changes.

The House loaded up its pension reform bill with nearly $87 billion in tax cuts over the next ten years.

The Savers credit, which helps low- and middle income families save for retirement expires at the end of this year. It certainly should be extended, and is included in the list of expiring provisions that are part of the conference negotiations on the tax reconciliation bill.

The House also included permanent extension of the higher contribution limits for 401(k) plans and IRAs that were part of the 2001 tax cut bill. These provisions are popular, but they don’t expire for another four years. There are many equally popular tax provisions that have already expired and should be considered first. For example, the research credit, the estate and local sales tax deduction, the credit for hiring disadvantaged workers, and the deduction for classroom expenses paid by students have all already expired.

Before we consider provisions that won’t expire for another four years, we need to extend these important items.

The remaining tax cuts in the House bill relate to health care. Health care affordability is an important issue, which deserves to be addressed in its own right on a comprehensive, not piecemeal basis, not by sneaking it as an afterthought to this pension bill.

CFIUS REFORM LEGISLATION

Mr. REID. Mr. President, I wish to take a moment to acknowledge Senators SHELBY and SARBANES in their
work to ensure national security is at the forefront of the critical Government review process that is triggered when a foreign-owned company attempts to purchase U.S. companies and assets. At the same time, Senators SHELBY and SARBANES struck a balance that will not unnecessarily hinder investment in America.

The Dubai Ports fiasco shined a light on a flawed process at the Committee on Foreign Investment in the United States—referred to as CFIUS. It raised questions regarding the competence of those in the Bush administration to review these matters and make decisions about the purchase of strategic U.S. assets. It also raised questions about a process that did not trigger a full investigation into a transaction that was so important to our national security.

Members of Congress, Governors, and even the President found out about the approval only through newspaper reports. Notwithstanding the President’s knee-jerk threats to veto legislation overturning the deal and frantic efforts by the Treasury and Homeland Security to justify this sale, the American public is rightly convinced that something needs to be changed about the CFIUS process.

First, this process has to place a far greater emphasis on national security. Second, the process has to have more legitimacy—so the American public will have confidence that these sales of strategic assets are reviewed as they should be by Government. Third, the CFIUS process must require a greater level of accountability from those who administer the program so that we ensure that the process is followed as designed. Finally, the process must be balanced to ensure that the vast majority of transactions that raise no concerns are not inadvertently undermined.

The Senate Banking Committee on Thursday voted to report legislation unanimously that would reform the CFIUS process. It was a difficult job. I commend Senators SHELBY and SARBANES for putting together bipartisan, consensus legislation that puts security first, while striking a balance that continues to welcome foreign investment. America has benefited a tremendous amount from foreign investment into our economy, so I am glad that we have not overreacted to the Bush administration’s mistakes and mismanagement in their review of these important transactions.

As with other legislation we deal with, this legislation is not perfect. And, as it moves forward, I hope we can work together to make further improvements. I urge the majority leader to schedule floor consideration as soon as possible so that we can complete action on this bill before we adjourn this fall.

**SCHOOL SAFETY PATROLLERS**

Mr. REID. Mr. President, I rise today to recognize several young people who were recently selected by the American Automobile Association, AAA, to receive the Lifesaver Award for their outstanding work as school safety patrolers.

More than 500,000 students in 50,000 schools worldwide participate in AAA’s School Safety program. These young people have taken on the important responsibility of making the streets around their schools safer for their classmates. Though their responsibilities and offices on occasion must place themselves in harm’s way in order to save lives. Today, I want to recognize four students who received the AAA Lifesaver Award for selfless and heroic actions while fulfilling their duties as patrolers.

Nico DelGraco and Mitchell Davis of Simpson Elementary School in Bridgeport, WV, are the first two recipients of this year’s awards. In the second week of November 2005, Nico and Mitchell were watching for traffic; a first-grader on his way home from school began to cross the street. As the student walked just past the center of the street, Nico noticed an SUV coming toward the red light that showed over the top of the building. Nico quickly left his post, took hold of the child, and directed him toward Mitchell. Mitchell then grabbed the first-grader from Nico and dragged him back toward the sidewalk. No one was injured in the incident.

The third AAA Lifesaver Award recipient is Molly Kaiser, a fifth-grade student from Defer Elementary School in Grosse Pointe Park, MI. On the morning of November 9, 2005, Molly pulled a second-grader out of the street as a bus was turning. Molly had tried to verbally caution the student that he was in danger. After this was met with no response, she pulled the student out of the intersection and the path of the school bus that was making its turns. The bus swerved to avoid the child and drove on without stopping.

The fourth AAA Lifesaver Award recipient is also from the State of Michigan. Her name is Emma Elise Binegar, and she is a student at Morenci Elementary School in Morenci. On December 9, 2005, Emma quickly noticed that 5-year-old William Leeryo Webster was in danger as he was crossing the street in the path of a fast-approaching car. Emma saved him by pulling him out of the path of a vehicle about 10 feet away.

I would like to thank AAA for making the school safety program possible. The program has helped save many lives over the years and has made our schools safer for our students. As the stories of the Lifesaver Award recipients demonstrate, the streets around our schools are not safe enough. That is why I have worked for the last 2 years to create a national Safe Routes to School legislation. The program was adopted as part of the Federal transportation bill on July 29, 2005. The $612 million allotted for the program can now help communities construct new bike lanes, pathways, and sidewalks, as well as to launch Safe Routes education and promotion campaigns in elementary and middle schools.

**KATAHDIN IRONWORKS**

Ms. COLLINS. Mr. President, I rise today to correct the record regarding conservation funding I secured last year under the Forest Legacy Program.

During debate on the fiscal year 2006 Interior Appropriations Act, I worked with Senator OLYMPIA SNOWE to obtain $4.5 million to protect 37,000 acres of forested land in the State of Maine. I was very pleased that these crucial resources were allocated for this section of the 100-mile wilderness, which in addition to its natural beauty provides critical habitat to a variety of species, providing vital breeding, feeding, and resting grounds.

The site of a long-deserted factory, Katahdin Ironworks, marks the gateway to this treasured expanse of wooded land. It was from this notable Piscataquis County landmark that others supporting legislation to change the name “Katahdin Ironworks Forest Legacy Program” to refer to this effort to protect and preserve this stretch of forest. As the old adage goes, so much is in a name. And this name has sparked un-founded criticism from colleagues and outside interest groups who have jumped to the assumption that funding secured for this project was to be utilized for the upkeep of an abandoned building. Today, I wish to set the record straight and assure my fellow Senators and other interested parties that this highly competitive program funding will be used to ensure the survival of thousands of acres of precious forest.

There are many things that make America great, but it is our commitment to safeguarding our open spaces and wooded lands that make us unique as an industrialized Nation. Sadly, the growing trend of urban sprawl, along with the increased pressure to exploit our natural resources, has placed the survival of these invaluable lands in jeopardy. General agreement that we must undertake conservation efforts to ensure the preservation of these precious natural landscapes for future generations has led to the development of conservation programs like Forest Legacy. This initiative has afforded us a needed mechanism to facilitate the survival of these lands. Supported by the Wilderness Society, the Appalachian Trail Conservancy, and other respected environmental protection groups, the Forest Legacy Program enjoys a wide range of support among organizations committed to natural preservation causes.

I told my colleagues today that we must decline our ability to defend all endangered wilderness areas through this program, and it thus remains appropriately competitive. For this reason, I was extremely
pleased that both the President’s budget and the Senate Appropriations Committee recognized the importance of maintaining this pristine wilderness in my home state, and included funding to protect it through the tight Forest Legacy Program down. In fact, this project has been recognized as one of the most meritorious in the country by a distinguished panel of experts at the United States Forest Service.

I am hopeful that through increased understanding of the Forest Legacy Program and a more accurate depiction of the Katahdin Ironworks project that my colleagues will appropriately recognize and appreciate my commitment to preserving our wooded lands.

**"MEXICO AND THE MIGRATION PHENOMENON" DOCUMENT**

Mr. DODD. Mr. President, yesterday I spoke about the need to pass a comprehensive immigration reform bill. In the course of those remarks, I described a document signed by all five of Mexico’s Presidential candidates in the run-up to this July’s Presidential elections, as well as leaders from every major party in Mexico. That document makes clear that leaders on both sides of the border understand that border security is a fundamental necessity. I ask unanimous consent that, ‘Mexico and the Migration Phenomenon,’ be printed in the RECORD.

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

**MEXICO AND THE MIGRATION PHENOMENON**

In Mexico, as in other countries and regions of the world, migration is a complex and difficult phenomenon to approach. The diverse migration processes of exit, entry, and return, which are the result of the migratory situation of the majority of migrants, are present in all our country.

Given the extent and the characteristics of today’s migration phenomenon, it is logical that it continue in the immediate future and given the implications that it represents for our country’s development, a new vision and a change in the way Mexico’s society has approached, thus far, its responsibilities toward the migration phenomenon.

Over the last years, the magnitude reached by Mexican migration and its complex effects on the economic and social life of Mexico and the United States, have made the migration phenomenon increasingly important for the national agendas of both countries, and a priority issue in the bilateral agenda.

From the outset of the Administration, the government of President Fox put forward a proposal to the Mexican public opinion and to the highest authorities in the United States, regarding a comprehensive plan aimed at dealing with the diverse aspects of migration between the two countries. Mexico based its proposal on the principle of shared responsibility, which acknowledges that both countries are still required to obtain the best results from the bilateral management of the migration phenomenon.

In 2001, the governments of both nations initiated a dialogue and set in motion the process of bilateral negotiations with the intent of finding ways to face the multiple challenges and opportunities of the phenomenon. Mexico and the United States took the objective of establishing a new migration framework between the two countries.

However, the terrorist attacks of September 2001 against the United States, criminal acts which were unmistakably deplorable, altered the bilateral agenda on migration. On the one hand, the migration and national security—mainly along the shared border—is now an essential issue of that agenda. On the other hand, the participation of a variety of political actors—especially legislators of both countries—has increased.

The debate that is currently taking place in the United States, concerning a possible migration reform, represents an opportunity for Mexico and for the bilateral handling of the phenomenon. It also encourages a deep analysis of the phenomena that this crisis poses for our country and its migration policy.

Based on a joint initiative by the Executive Branch and the Senate of Mexico, a group of federal authorities responsible for the management of the migration phenomenon, senators and congressmen, members of the academia, experts in migration issues, and representatives of civil society organizations, agreed to initiate an effort that seeks to build a national migration policy, founded on cooperation and platforms. Accordingly, the group has held a series of discussions titled Prospects and Design of Platforms for the Construction of a Mexican Migration Policy.

The ideas expressed in this document are the result of those discussions. They intend to bring up to date Mexico’s migration position and to offer some specific guidance regarding the process of migration reform in the United States.

**PRINCIPLES**

Based on the discussions held, the participants agreed upon the following set of principles that should guide Mexico’s migration policy:

1. **Migration phenomenon** should be fully understood by the Mexican State—society and government—because it demands actions and commitments that respond to the prevailing conditions.

2. The migration phenomenon has international implications that demand from Mexico actions and international commitments—in particular with the neighboring countries—considering in accordance with the spirit of international cooperation, should be guided by the principle of shared responsibility.

3. Mexico’s migration policy acknowledges that as long as a large number of Mexicans do not find in their own country an economic and social environment that will allow them full development and well-being, and that encourages people to stay in the country, conditions for emigrating abroad will exist, Mexico must develop and enforce its migration laws and policy with full respect for the human rights of the migrants and their relatives, notwithstanding their nationality and migratory status, as well as respecting the refugee and asylum rights. In accordance with the applicable international instruments.

4. The increased linkage between migration, borders and security on the international level, is a reality present in the relationship with our neighboring countries. Hence, it is necessary to consider those three elements when drawing up immigration policies.

Mexico is committed to fighting all forms of human smuggling and related criminal activities, to protecting the integrity and safety of persons, and to deepening the appropriate cooperation with the governments of the neighboring countries.

The migration processes that prevail in Mexico are regionally articulated—in particular with Central America—and therefore the Mexican migration policy should deepen its regional approach.

**RECOMMENDATIONS REGARDING THE COMMITMENTS THAT MEXICO SHOULD AGREE ON**

Main recommendations considered by the group in order to update Mexico’s migration policy:

- Based on the new regional and international realities regarding immigration, transnational organized crime, and in order to adequately address the phenomenon, it is necessary to evaluate and to update the present migration policy of the Mexican State, as well as its legal and normative framework, with a baseline of fifteen years of stressful times.

- It is necessary to impel the economical and social development that, among other positive effects, will encourage people to stay in Mexico.

- If a guest country offers a sufficient number of appropriate visas to cover the biggest possible number of workers and their families, which until now cross the border with out documents because of the impossibility of obtaining them, Mexico should be responsible for guaranteeing that each person that decides to leave its territory does so following legal channels.

- Based on international cooperation, Mexico must strengthen the combat against criminal organizations specialized in migrant smuggling and in the use or false documents, as well as the policies and the legal and normative framework for the prevention and prosecution of human smuggling, especially women and children, and the protection of the victims of that crime.

- It is necessary to promote the return and adequate reincorporation of migrants and their families to national territory.

Mexico’s migration policy must be adjusted taking into account the characteristics of our neighboring countries, in order to safeguard the border and to facilitate the legal, safe and orderly flow of people, under the principles of shared responsibility and respect for human rights.

Order and security in Mexico’s north and south borders must be fortified, with an emphasis on the development of the border regions.

Reinforce cooperation with the United States and Canada through the Security and Prosperity Partnership for North America, and with the regional bodies and mechanisms for the treatment of the phenomenon, like the Regional Conference on Migration and the Cumbre Iberoamericana.

The review and, if necessary, adjustment of the juridical and institutional framework, in order to adequately represent the present and foreseeable conditions of the migration phenomenon; this will require the creation of a specialized inter-institutional mechanism of collaboration.

The creation of permanent work mechanisms for the Executive and Legislative Branches, with the participation of academic and civil society representatives that allow the development and fulfillment of Mexico’s migration agenda.

**ELEMENTS RELATED TO A POSSIBLE MIGRATION REFORM IN THE UNITED STATES**

Mexico does not present a well-articulated migration and is eager to participate in finding solutions that will help us face the migration phenomenon. Accordingly, the group of experts expressed concern about what is the Mexico’s position in case a migration reform takes place in the United States:

- Acknowledging the sovereign right of each country to regulate the entrance of foreigners and the conditions of their stay, it is indispensable to find a solution for the unregulated population, especially those in the United States and contributes to the development of the country, so that people can be
fully incorporated into their actual communities, with the same rights and duties.

Support the proposal of a far-reaching guest workers scheme, which should be one of the parts of a larger process that includes the attention of the undocumented Mexicans that live in the United States.

In order for a guest workers program to be viable, Mexico should participate in its design, management supervision and evaluation, under the principle of shared responsibility. A scheme aimed to process the legal temporary flow of persons, will allow Mexico and the United States to better combat criminal organizations specialized in the smuggling of migrants, to design false documents, and to combat, in general, the violence and the insecurity that prevail in the shared border. Likewise, Mexico would be in a better position to exhort potential migrants to abide by the proper rules and to adopt measures in order to reduce undocumented migration.

Mexico should conclude the studies that are being conducted to know which tasks will help with the implementation of a guest workers program, regarding the proper management of the supply of potential participants that want to migrate, the assessment of the identification mechanisms, and the supervision and evaluation of its development.

Mexico acknowledges that a crucial aspect for the temporary workers program refers to the capacity to guarantee the circular flow of the participants, as well as the development of incentives that encourage migrants to return to our country. Mexico could significantly enhance its tax-preferred housing programs, so that migrants can construct a house in their home communities while they work in the United States.

Other mechanisms that should be developed are the establishment of a bilateral medical insurance system to cover migrants and their dependents, as well as the agreement of totalization of pension benefits, which will allow Mexicans working in the United States to collect their pension benefits in Mexico.

Mexico could also enhance the programs of its Labor and Social Development Ministries, in order to establish social and working conditions that encourage and ease the return and reincorporation of Mexicans into their home communities.

This process aims to become a permanent body of study, debate and development of public policies for the handling of the migration phenomenon.

**NOMINATION OF GORDON ENGLAND**

Mr. LEVIN. Mr. President, I support the nomination of Gordon England to the position of Deputy Secretary of Defense.

Secretary England has been the Department’s problem-solver for the last 5 years. In this brief period of time, he has served as Secretary of the Navy, Deputy Secretary of the Department of Homeland Security, Secretary of the Navy again, and—after being under consideration to serve as Secretary of the Air Force—as Deputy Secretary of Defense. At the request of the Secretary of Defense, he has also taken on such critical jobs as designing the new National Security Personnel System and overseeing the evacuation of the status of DOD detainees at Guantanamo.

Secretary England has always made himself available for hearings, meetings with Members, and discussions with the wide array of others who have interests and concerns about the operations and activities of the Department of Defense. He is a good listener, open to compromise, willing to take on tough problems and characteristics which are always in great demand and short supply at DOD.

The Deputy Secretary of Defense serves in a position of awesome responsibility. He is the alter ego of the Secretary. In this capacity, the Deputy Secretary plays a key role in determining how our country will face critical national security challenges.

At the same time, the Deputy Secretary of Defense has traditionally served as the chief manager of the Defense Department. A wide array of management challenges, including financial management, acquisition management, and human capital issues, cut across functional areas in the Department, such an extent that no official other than the Secretary or the Deputy Secretary has the authority needed to address them.

Fortunately, Secretary England brings the kind of strong management background and commitment to addressing these issues that are needed in the Deputy Secretary position.

For the last several months, Secretary England has served as Deputy Secretary of Defense under a recess appointment by the President. I believe that his service to the Department and the Nation over the last 5 years merit a favorable vote on his nomination by the full Senate.

**U.S. DECISION ON UNITED NATIONS HUMAN RIGHTS COUNCIL**

Mr. FEINGOLD. Mr. President, I wish to express my regret that the administration has decided to decline the opportunity for candidacy on the newly formed U.N. Human Rights Council. I supported the creation of the Human Rights Council because I believe that we need to create a system where human rights abusers are held accountable for the atrocities they commit. It was for that same reason that there was overwhelming international support for the creation of the Human Rights Council.

In choosing not to join the council, the U.S. Government has signaled its intention to address worldwide human rights abuses unilaterally. This decision will damage our U.S. credibility when weighing in on the human rights debates of the future and further isolate the United States from multilateral decisions.

Human rights abuses should be addressed through an international strategy to ensure that there are internationally agreed-upon standards to protect all members of society. I am deeply concerned that the administration’s decision will undermine our human rights agenda, rather than advance it.

I have repeatedly expressed my concern about the approach to the U.N. taken by this administration and am further disappointed by this most recent decision. The U.N. is by no means perfect, but a world without a global human rights body would be a more dangerous one for people everywhere and would serve to undermine fundamental human rights principles.

I urge the administration to reconsider its decision.

**ADDITIONAL STATEMENTS**

**COMMEMORATING THE 150TH ANNIVERSARY OF EUREKA, CALIFORNIA**

Mrs. FEINSTEIN. I wish to take this opportunity to recognize the city of Eureka as it prepares to celebrate the 150th anniversary of the city’s formation.

The city of Eureka has a long history. Even often parallels California’s past. Founded during the time of the gold rush, it became an important port city for northern California’s logging and commercial fishing industries because of its proximity to a rich supply of natural resources. Eureka was incorporated on April 18, 1856, and was designated by the State legislature as the county seat for Humboldt County.

On a more personal note, Eureka is an important part of my family’s history. My mother’s family left St. Petersburg during the Russian Revolution and traveled by cart through Siberia and boarded a boat finally landing in Eureka.

Today, with a population of over 25,000, Eureka is a city on the move and the cultural center of the California’s north coast region. It is the destination for many people wanting to explore miles of unspoiled coastline and visit the world-famous coastal redwoods that are within close proximity of the city.

The city’s famed historic architecture has been preserved, earning it the designation as a “Victorian Seaport.” The historic Eureka Inn is currently undergoing renovations that will make it once again the center of many community events such as the location of the city’s Christmas celebrations.

I congratulate the city of Eureka on your special day and extend my regards to all of the citizens who will be celebrating this important milestone in the city’s history. You should feel proud of your past, and I wish you the very best in the future.

**RECOGNITION OF ASIL**

Mr. KERRY. Mr. President, I would like to take this opportunity to congratulate the American Society of International Law, ASIL, on its 100th anniversary celebrated on January 12, 2006.

The ASIL was founded in 1906 as a nonprofit, nonpartisan association to advance the study of international law and encourage the establishment and
Thank the volunteers, and all of the staff and organizers of National Youth Service Day.

Speaking directly to the youth participating in National Youth Service Day, in Colorado and around the world, I commend you and thank you, for the positive difference you will make not only in the lives of the people you help directly, but for all the people within your neighborhoods and communities.

I would also like to remind you that your service and commitment is needed not just for just a few days but year round. I encourage you to carry forth your excitement, energy and goodwill into the future. I urge you to turn your sense of civic responsibility into a habit that will last for a lifetime.

The youth participating in National Youth Service Day today are our future doctors, lawyers, police officers, senators, teachers, community leaders of tomorrow. Instilling an early sense of service, involvement and dedication toward the betterment of their neighbors and communities is essential to continuing the caring and compassionate tradition embraced in America.


NATIONAL YOUTH SERVICE DAY

Mr. SALAZAR. Mr. President, I rise today to commend the millions of young people across the United States—and in other countries—who will participate in National Youth Service Day on April 21, 2006. There is no doubt that community will continue to be positively impacted by the dedication and kindness of children that participate in this annual celebration.

Earlier this week, the Senate enacted S. Res. 422, which designated April 21, 2006, National and Global Youth Service Day. I was proud to be a cosponsor of this resolution, which we unanimously passed. However, I am even more proud of the thousands of youth in my native Colorado who will participate in National Youth Service Day.

In Timnath, second graders at Timnath Elementary School are holding a schoolwide donation drive. During this drive, they will be collecting shampoo, soap, toothpaste, and toothbrushes to be donated to the local food bank to give to individuals in need.

In Thornton, volunteer youth are organizing an afternoon of service for frail, disabled, and chronically ill seniors throughout Adams County by helping them with the maintenance of their homes and gardens. They will clean up yards, garages, and homes, and work to beautify their community. This valuable service will be performed in conjunction with the local Big Brother-Big Sister program.

In Aurora, the Mile High Youth Corps will help the Denver Urban Gardens fix up their farm. The Denver Urban Gardens is one of the only organic farms in the Denver Metro area which offers unique educational opportunities and low-cost organic food to people of all economic levels. Youth volunteers will seed, weed, till, paint, plant, fix, mend, build, and any other valuable and needed volunteer activities to keep the farm in shape.

These are just a few examples of the incredible volunteer efforts that are occurring throughout Colorado. I thank the volunteers, and all of the staff and organizers of National Youth Service Day.

Speaking directly to the youth participating in National Youth Service Day, in Colorado and around the world, I commend you and thank you, for the positive difference you will make not only in the lives of the people you help directly, but for all the people within your neighborhoods and communities.

I would also like to remind you that your service and commitment is needed not just for just a few days but year round. I encourage you to carry forth your excitement, energy and goodwill into the future. I urge you to turn your sense of civic responsibility into a habit that will last for a lifetime.

The youth participating in National Youth Service Day today are our future doctors, lawyers, police officers, senators, teachers, community leaders of tomorrow. Instilling an early sense of service, involvement and dedication toward the betterment of their neighbors and communities is essential to continuing the caring and compassionate tradition embraced in America.

AMERICAN COMMUNITY SCHOOL

AT BEIRUT CENTENNIAL YEAR

Mr. SUNUNU. Mr. President, I wish to recognize an important milestone for an institution in the Middle East that brings American-style education to the region.

This academic year, the American Community School at Beirut celebrates 100 years of providing quality education in Lebanon. Founded in 1905 by a group of American missionary families living in the country, and supported by the American University of Beirut and Aramco, ACS was the first American K–12 school to open in Lebanon. An independent, nonprofit, coeducational institution chartered in the State of New York, about 1,000 students are now enrolled at the school.

ACS aims to provide an American education for Lebanese and international families. Similar to many schools in the United States, the school’s mission clearly states that it: “...seeks to educate the whole person and to lay the foundations for lifelong learning... Students are encouraged to take responsibility for their thoughts, words, and actions, to act with honor and purpose, and to make a difference in our diverse, complex global society...” The school’s alumni have distinguished themselves in a range of fields, including serving the United States government and in Lebanon-American relations.

ACS, which appreciates the support of Congress through U.S. Agency for International Development and ASHA grants, starts a new century with a legacy of academic excellence, committed faculty, and a mission to educate, to inspire, and to prepare them for success. For their efforts, I congratulate the school on this impressive achievement, and extend my best wishes for its next 100 years.

RECOGNIZING KENT STATE UNIVERSITY PRESIDENT CAROL CARTWRIGHT

Mr. VOINOVICH. Mr. President, I rise today to commend and congratulate Dr. Carol Cartwright who, after 15 outstanding years, is set to retire as president of Kent State University in Kent, OH.

Kent State was originally founded in 1910 as a teacher-training school. It has a proud history of meeting the evolving needs of northeast Ohio and the Nation. Through its 104 campus, President Cartwright worked hard to ensure that this commitment to history was preserved.

I would like to take this opportunity to congratulate President Cartwright in successfully overseeing one of the Nation’s largest university systems with an annual budget of more than $161.1 million and eight campuses serving about 34,000 students from throughout Ohio and the Nation, and from more than 90 countries.

Dr. Cartwright has earned many distinctions in her tenure at Kent State University—she was the first female president of a State university in Ohio when she took the helm in 1991 as the university’s 10th president. Her presidency has been marked by innovations that have fostered economic growth on the campus and in the community. I am especially thankful for her work to attract students from all across the United States, and international students from underpopulated fields, and focus on unique courses of study to accommodate all students.

As a member of the Greater Akron Chamber and the Northeast Ohio Council for Higher Education; a chair of the Ohio Technology in Education Committee; the Governor’s Commission on Higher Education and the Economy; and the Ohio Business Development Coalition, President Cartwright worked to ensure that a cooperative relationship between students and industry was strong on her campus. In fact, she welcomed the Northeast Ohio Trade & Economic Consorium, NEOtec, an economic development partnership that promotes trade, business, and economic opportunities for northeast Ohio to Kent State University’s campus to further students’ connection to future employment opportunities.

In 2004, the Kent Campus also became the site for NEOtec’s new regional International Trade Assistance Center, providing free information, resources, referrals, and counseling to small businesses, and expanded services such as market research. Also, in 2004, a new, market-driven Division of Regional Development was created to allow Kent State to serve a much wider constituency, develop mutually beneficial partnerships, and do an even better job of matching faculty and staff expertise with northeast Ohio’s educational and economic needs.

I would like to commend and congratulate President Cartwright for her leadership and dedication to Kent State University and the community in Kent Ohio.
students are now exposed to real-world experiences while providing business and industry with essential new ideas and out-of-the-box thinking.

These kinds of partnerships and innovations will carry Ohio into the next era of progress and development, and Kent State will be an important part of that success. Already, 10 start-up companies have been created in the last 6 years to capitalize on Kent State faculty research and add to the economic growth in the region. This is real-world research that benefits society, commerce andiversity.

Under Carol Cartwright’s leadership, Kent State was named by the Association of University Technology Managers as fourth in the Nation for the number of start-up companies formed per $10 million in research spending. Kent State also plays an important leadership role in JumpStart Inc., a new organization to help advance technology commercialization and foster economic development in Ohio.

Overall, President Cartwright’s presidency has been marked by a commitment to developing students who are leaders and thinkers innovating in an innovative and entrepreneurial service. Kent State has launched degree programs in high-demand and emerging fields, including an interdisciplin ary undergraduate program in biotechnology that is unique in the State of Ohio; an interdisciplinary bachelor’s program in American Sign Language; a baccalaureate program in paralegal studies; and the first graduate programs in Russian and Japanese at a public university in northeast Ohio. The revolutionary joint doctoral program in biom edicine with the Cleveland Clinic Foundation matches some of America’s best and brightest students with world-class medical training opportunities, and Kent State is a partner in the Nation’s only joint, 4-year doctoral program in audiology.

Her commitment to preparing students for the future and working with regional economic growth initiatives should be a model for colleges and universities across the country to emulate.

I ask my colleagues to join me in recognizing and commending President Cartwright on an excellent job of leading Kent State through an age of innovation and extraordinary achievement during her tenure. I wish her well on her upcoming retirement.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:


EC-6342. A communication from the Regional Forester, Forest Service, Department of Agriculture, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Subsistence Management Regulations for Public Lands in Alaska, Subpart A” (RIN1018–AT781) received on April 6, 2006, to the Committee on Environment and Public Works.

EC-6343. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Protection of Stratospheric Ozone: Record of Proposed Requirements for the Import of Halon-1301 Aircraft Fire Extinguishing Vessels” (RIN2060–A464) (FRL No. 8157–5) received on April 6, 2006, to the Committee on Environment and Public Works.

EC-6344. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revisions to the Arizona State Implementation Plan, Arizona Department of Environmental Quality” (FRL No. 8054–6) received on April 6, 2006, to the Committee on Environment and Public Works.

EC-6345. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Interim Final Determination to Stay and/or Defer Sanctions, Arizona Department of Environmental Quality” (FRL No. 8054–9) received on April 6, 2006, to the Committee on Environment and Public Works.

EC-6346. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District and South Coast Air Quality Management District” (FRL No. 8053–2) received on April 6, 2006, to the Committee on Environment and Public Works.

EC-6347. A communication from the General Counsel, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled “Final Rule: Standard for the Flammability (Open Flame) of Mattress Sets” (RIN3001–AC02) received on April 6, 2006, to the Committee on Commerce, Science, and Transportation.

EC-6348. A communication from the Legislative Affairs Branch Chief, Natural Resources Inspector General, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Healthy For- ests Reserve Program Interim Final Rule” (7 CFR Part 625) received on April 6, 2006, to the Committee on Agriculture, Nutrition, and Forestry.

EC-6349. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Pendimethalin; Pesticide Tolerance” (FRL No. 7770–4) received on April 6, 2006, to the Committee on Agriculture, Nutrition, and Forestry.

EC-6350. A communication from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled “Excepted Service—Student Program” (RIN2006–AK939) received on April 6, 2006, to the Committee on Homeland Security and Governmental Affairs.

EC-6351. A communication from the Archivist of the United States, transmitting, pursuant to law, the Report on the Proposed Richard Nixon Library to the Committee on Homeland Security and Governmental Affairs.

EC-6352. A communication from the Assistant General Counsel for Regulatory Service, Department of Education, transmitting, pursuant to law, the report of a rule entitled “Parental Information and Resource Centers—Notice of Final Priorities and Eligibility Requirements” received on April 6, 2006, to the Committee on Health, Education, Labor, and Pensions.

EC-6353. A communication from the Assistant General Counsel for Regulatory Service, Department of Education, transmitting, pursuant to law, the report of a rule entitled “State Charter School Facilities Incentive Program” received on April 6, 2006, to the Committee on Health, Education, Labor, and Pensions.

EC-6354. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, authorization of 2 officers to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777, to the Committee on Armed Services.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate, and was referred or ordered to lie on the table as indicated:

POM–291. A joint memorial adopted by the Legislature of the State of Washington relating to international trade; to the Committee on Finance.

ENGROSSED SENATE JOURNAL MEMORIAL 8019

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

Whereas, The trade liberalization efforts of the early 1990s and trade agreements such as the North American Free Trade Agreement and the World Trade Organization Uruguay Round agreements have increased the role of state policymakers in international trade decisions; and

Whereas, Trade liberalization has transformed the historical state-federal division and local interests to such an extent that state policymakers are considered agents of the world’s largest trading entities, and

Whereas, Trade liberalization has transformed the historical state-federal division and local interests to such an extent that state policymakers are considered agents of the world’s largest trading entities, and

Whereas, States often lack a clearly defined institutional trade policy structure,
making it difficult to handle requests from trading partners and federal agencies and to articulate a unified state stance on trade issues; and
Whereas, International lawsuits may be brought against states and governments found to be in violation of trade agreements; and
Whereas, There is a need for a stronger federal-state trade policy consultation mechanism; and
Whereas, Many state and local executive, legislative, and judicial branch officials have voiced the need for an informed, nonpartisan trade policy dialogue at a national level; and
Whereas, Federal-state communication and cooperation in the implementation of trade agreements is needed now more than ever before; and
Whereas, In August 2004, the Intergovernmental Policy Advisory Committee, a state-appointed advisory committee to the United States Trade Representative, recommended that a Federal-State International Trade Policy Commission would be an ideal resource for objective trade policy analysis and would foster communication among federal and state officials.

Whereas, The creation of a federal-state trade policy infrastructure would assist states in understanding the scope of federal trade policy and assist federal agencies in understanding the various state trade processes: Now therefore,

Your Memorialists respectfully request that the United States Trade Representative create a Federal-State International Trade Policy Commission with membership to be drawn from federal and state trade policy officials and be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the Speaker of the House, the President of the Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. STABENOW (for herself and Mr. VITTER):
S. 2596. A bill to modify the boundaries for a certain empowerment zone designation; to the Committee on Finance.

By Mrs. CLINTON:
S. 2597. A bill to facilitate homeownership in high-cost areas; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. STABENOW:
S. 2598. A bill to require the Secretary of Veterans Affairs to establish and operate a community-based outpatient clinic in Alpena, Michigan; to the Committee on Veterans’ Affairs.

By Mr. VITTER (for himself, Mr. ENZI, Mr. SANTORUM, Mr. COBURN, Mrs. DOLFI, and Mr. SUNUNU):
S. 2599. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies; to the Committee on the Judiciary.

By Mr. WARNER (for himself and Mrs. GILLIAM):
S. 2600. A bill to equalize authorities to provide allowances, benefits, and gratuities to civilian personnel of the United States Government employed in Iraq and Afghanistan, and for other purposes; to the Committee on Armed Services.

By Mr. ALEXANDER (for himself and Mr. DEMINT):
S. 2601. A bill to amend the Social Security Act to improve choices available to Medicare eligibles who are enrolled under Medicare Advantage plans (instead of regular Medicare benefits) to receive a voucher for a health savings account, for preventative and inadmissible health insurance plan, or both and by suspending Medicare late enrollment penalties between ages 65 and 70; to the Committee on Finance.

By Ms. THUNE (for himself and Mr. ENZI):
S. 2602. A bill for the relief of Silvia Leticia Barajas-Alejandre; to the Committee on the Judiciary.

By Mr. THOMAS (for himself and Mr. ENZI):
S. 2603. A bill to reduce temporarily the royalty rates to be paid for sodium produced on Federal lands, and for other purposes; read the first time.

By Mr. ALLARD:
S. 2604. A bill to address the forest and watershed emergency in the State of Colorado that has been exacerbated by the bark beetle infestation, to provide for the conduct of activities in the State to reduce the risk of wildfire and flooding, to promote economically healthy rural communities by reinvigorating the forest products industry in the State, to ensure availability of biomass fuels for energy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ALLARD:
S. 2605. A bill to amend the Great Sand Dunes National Park and Preserve Act of 2000 to explain the purpose and provide for the administration of the Baca National Wildlife Refuge; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself and Mr. COBURN):
S. 2606. A bill to amend title XVIII of the Social Security Act to make publically available on the official Medicare Internet site medicare payment rates for frequently reimbursed hospital inpatient procedures, hospital outpatient procedures, and physicians’ services; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. BENNETT):
S. 2607. A bill to establish a 4-year small business health insurance information pilot program; to the Committee on Small Business and Entrepreneurship.

By Ms. SNOWE (for herself and Mr. VITTER):
S. 2608. A bill to ensure full partnership of small contractors in Federal disaster reconstruction and recovery programs; to the Committee on Small Business and Entrepreneurship.

By Mr. SCHUMER (for himself and Mr. LEAHY):
S. 2609. A bill to improve the oversight and regulation of tissue banks and the tissue donation process, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE:
S. 2610. A bill to enhance the management and disposal of nuclear fuel and high-level radioactive waste, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SPECTER (for himself, Mr. HAGEL, Mr. MARTINEZ, Mr. MCCAIN, Mr. KENNEDY, Mr. GRAHAM, and Mr. BROWNBACK):
S. 2611. A bill to provide for comprehensive immigration reform and for other purposes; read the first time.

By Mr. SPECTER (for himself, Mr. MARTINEZ, Mr. SPERCT, Mr. MCCAIN, Mr. KENNEDY, Mr. GRAHAM, and Mr. BROWNBACK):
S. 2612. A bill to provide for comprehensive immigration reform and for other purposes; read the first time.

By Mr. THUNE (for himself and Mr. OBAMA):
S. 2613. A bill to amend the Solid Waste Disposal Act to establish a program to provide reimbursement for the installation of alternative energy refueling systems; to the Committee on Environment and Public Works.

By Mr. THUNE (for himself and Mr. OBAMA):
S. 2614. A bill to amend the Solid Waste Disposal Act to establish a program to provide reimbursement for the installation of alternative energy refueling systems; to the Committee on Finance.

By Ms. MURKOWSKI:
S. 2615. A bill to provide equitable treatment for the people of the Village corporation of Iñupiat for Defense of Sutton, Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANTORUM (for himself and Mr. SPECTER):
S. 2616. A bill to amend the Surface Mining Control and Reclamation Act of 1977 and the Federal Inland Waterways Act to improve surface mining control and reclamation, and for other purposes; to the Committee on Finance.

By Mr. LAUTenberg (for himself, Mr. HAGEL, Mr. HAGENBECK, Mrs. LINCOLN, and Mr. DeWINE):
S. 2617. A bill to amend title 10, United States Code, to limit increases in the costs to retired members of the Armed Forces of health care services under the TRICARE program, and for other purposes; to the Committee on Armed Services.

By Mr. HARKIN (for himself and Mr. Grassley):
S. 2618. A bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PRYOR:
S. 2619. A bill to authorize the Federal Emergency Management Agency to provide relief to the victims of Hurricane Katrina and Hurricane Rita by placing manufactured homes in flood plains, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. CLINTON:
S. 2620. A bill to amend the Older Americans Act of 1967 to authorize the Assistant Secretary for Aging to provide older individuals with financial assistance to select a flexible range of home and community-based care services or supports to be provided in a manner that respects the individuals’ choices and preferences; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ALEXANDER (for himself, Mr. LEAHY, Mr. Hatch, and Mr. Nelson of Florida):
S. Res. 436. A resolution expressing the sense of Congress that institutions of higher education should adopt policies and educational programs on campus which help deter and eliminate illicit copyright infringement occurring on, and encourage educational uses of, their computer systems and networks; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOOD (for himself, Mr. ALEXANDER, Mr. SNOWE, Mr. LANDRIEU, Mrs. CLINTON, Mr. BROWNBACK, Mr. MURRAY, Mr. LIEBERMAN, Mr. SALAZAR, Mr. DURBIN, and Mr. COLEMAN):
S. Res. 439. A resolution designating the third week of April 2006 as “National Shaken Baby Syndrome Awareness Week”; considered and agreed to.

S. Res. 440. A resolution congratulating and commending the members of the United States presence at the Olympic Games, the members of the United States Olympic Committee, for their success and inspired leadership; considered and agreed to.

By Mr. ALLARD (for himself and Mrs. DOLE):

S. 407. A bill to authorize the Secretary of the Navy to expand and improve certain national recreation and conservation areas and historical sites in the United States; considered and agreed to.

By Mr. FEINGOLD (for himself and Mr. BROWNBACK):

S. Con. Res. 88. A concurrent resolution urging the Government of China to reinstate all licenses of Gao Zhisheng and his law firm, remove all legal and political obstacles for lawyers attempting to defend criminal cases in China, including politically sensitive cases, and revise law and practice in China so that it conforms to international standards; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 353

At the request of Mr. SANTORUM, the name of the Senator from Montana (Mr. BAUCUS) 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. 382

At the request of Mr. JOHNSON, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled while serving in the Armed Forces of the United States.

S. 877

At the request of Mr. DOMENICI, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 877, a bill to provide for a biennial budget process and a biennial appropriations process and to determine the performance of the Federal Government.

S. 958

At the request of Mr. MCCONNELL, the name of the Senator from Indiana (Mr. LUCAR) was added as a cosponsor of S. 908, a bill to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1881

At the request of Mrs. FEINSTEIN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Virginia (Mr. ALLEN), the Senator from Montana (Mr. BAUCUS), the Senator from Utah (Mr. BENNETT), the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGHAM), the Senator from South Dakota (Mr. BORAH), the Senator from Montana (Mr. BROWNBACK), the Senator from Montana (Mr. BURKHALTER), the Senator from West Virginia (Mr. BYRD), the Senator from Washington (Ms. CANTWELL), the Senator from Delaware (Mr. CARPER), the Senator from New York (Mrs. CLINTON), the Senator from Texas (Mr. CORNYN), the Senator from Idaho (Mr. CRAIG), the Senator from Minnesota (Mr. DATTLER), the Senator from Ohio (Mr. DEWINE), the Senator from Connecticut (Mr. DODD), the Senator from New Mexico (Mr. DOMENICI), the Senator from North Dakota (Mr. DORGAN), the Senator from Wyoming (Mr. ENZI), the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Mr. GRELL), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. HATCH), the Senator from Vermont (Mr. JEFFFORDS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. KOHL), the Senator from Vermont (Mr. LEAHY), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Mississippi (Mr. LOTT), the Senator from Indiana (Mr. LUGAR), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Washington (Mrs. MURAY), the Senator from Florida (Mr. NELSON), the Senator from Nebraska (Mr. NEILSON), the Senator from Illinois (Mr. OBAMA), the Senator from Arkansas (Mr. PRYOR), the Senator from Rhode Island (Mr. REED), the Senator from Nevada (Mr. REID), the Senator from Kansas (Mr. ROBERTS), the Senator from Colorado (Mr. SALAZAR), the Senator from Alaska (Mr. SESSIONS), the Senator from Oregon (Mr. SMITH), the Senator from Maine (Ms. SNOWE), the Senator from Michigan (Ms. STABENOW), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Missouri (Mr. TALENT) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1881, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco otherwise known as the “Granite Lady”, for other purposes.

S. 2201

At the request of Mr. BAYH, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2201, a bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on oil through the use of alternative fuels and new technology, and for other purposes.

S. 2307

At the request of Mr. OBAMA, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2201, a bill to amend title 49, United States Code, to modify the mediation and implementation requirements of section 40122 regarding changes in the Federal Aviation Administration personnel management system, and for other purposes.

S. 2322

At the request of Mr. ENZI, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2322, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2363

At the request of Mr. TALENT, the name of the Senator from Missouri (Mr. BOND) 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. Res. 313

At the request of Ms. CANTWELL, the name of the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res. 313, a resolution expressing the sense of the Senate that a National Methamphetamine Prevention Week should be established to increase awareness of the danger of methamphetamine abuse and to educate the public on ways to help prevent the use of that damaging narcotic.

AMENDMENT NO. 3244

At the request of Mr. STEVENS, the name of the Senator from Alaska (Ms. AKAKA) was added as a cosponsor of amendment No. 3244 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3463

At the request of Mr. INHOFE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 3463 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3470

At the request of Mr. INHOFE, the name of the Senator from Georgia (Mr. STRICKLAND) was added as a cosponsor of amendment No. 3470 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.
Mr. ENSIGN. Mr. President, I rise to introduce legislation to help individuals, small businesses, and the uninsured purchase health insurance. Today, 60 percent of Americans obtain health insurance coverage through their employers. The system of employer-sponsored health insurance has long provided coverage to the vast majority of America's workers and their families. However, a significant number of Americans, particularly those who work for small businesses, lack access to coverage through the employment-based system. Employees of small businesses often go uninsured or purchase health insurance coverage on their own because continuing double-digit cost increases and burdensome state regulations are making it difficult for small employers to offer health insurance coverage. Health insurance is valuable for a number of reasons. People who are insured are protected against uncertain and high medical expenses and are more likely to receive needed and appropriate health care. Having health insurance is also associated with improved health outcomes and lower mortality, so employees with health insurance are more likely to be productive workers.

Health savings accounts have become an important option for individuals and small businesses who have struggled to afford health insurance coverage. The Affordability in the Individual Market Act, also known as the AIM Act, builds on the foundation of a previously passed law that established Health Savings Accounts. These accounts allow individuals with high-deductible health insurance to set aside money, tax free, up to a set limit, to use for health care expenses. You can make a contribution to Health Savings Accounts or your employer can make a contribution to the account. If you don't use all the money in a year you can roll it over, tax free, to meet future expenses.

Today, individuals trying to build up a nest egg for their retiree health expenses through a Health Savings Account may have to use their funds to purchase their health insurance, except under limited circumstances. The AIM Act would expand the definition of what is considered a "qualified medical expense" under the Internal Revenue Code to allow individuals and families who purchase high-deductible health plans on their own to use their Health Savings Accounts to pay plan premiums. It seems completely reasonable to allow these individuals to pay high-deductible health plan premiums with Health Savings Account dollars.

I ask my colleagues to consider co-sponsoring this responsible, commonsense legislation.

Mr. DEWINE. Mr. President, I am co-sponsoring a bill today, along with Senator ENSIGN and Senator Frist, to add another option for individuals and families to purchase affordable health insurance.

The law currently allows individuals and families to set aside tax-free savings for lifetime healthcare needs in Health Savings Accounts that are combined with a high deductible health insurance plan. This has already made health care more affordable. This important legislation expands on the foundation of Health Savings Accounts by allowing individuals and families to use their Health Savings Accounts to pay the premiums of their health insurance plans.

This is the right thing to do, individuals and families need affordable health insurance options. I urge my colleagues to join Senator ENSIGN, Senator Frist and me in supporting this legislation.
another 1,751 in associated industry sectors for a total loss of $106.9 million annual payroll dollars.

Some of the most distressed communities that have lost substantial population are not in the Empowerment Zone. The townships of Houlton and the neighboring townships of the Aroostook County bordering New Brunswick are the most economically distressed areas in Maine. They are contiguous with their New Brunswick counterparts and share similar economic problems. The business climate is difficult for these areas, and many of the small businesses that traditionally provided sustenance for these communities are either out of business or have moved away to other places.

The Aroostook County Empowerment Zone designation can be fully realized in northern Maine. The benefits of Empowerment Zone designation will modify the borders of the Empowerment Zone program to include the entire county. This inclusive approach recognizes that the economic and population out-migration issues are issues that the entire region must confront, and, as evidence of the success of the Round II EZ application, they are attempting to confront. I believe the challenges faced by Aroostook County are significant, but not insurmountable. This legislation would make great strides in improving this coast within communities in northern Maine, and I urge my colleagues to support this bill.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 2596

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

SECTION 1. MODIFICATION OF BOUNDARY OF AROOSTOOK COUNTY EMPOWERMENT ZONE.

(a) IN GENERAL.—The Aroostook County Empowerment Zone shall include, in addition to the area designated as of the date of enactment of this Act, the remaining area of the county not included in such designation, notwithstanding the size requirement of section 1392(a)(1)(B) of such Code.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect as of the effective date of the designation of the Aroostook County Empowerment zone by the Secretary of Agriculture.

Ms. COLLINS. Mr. President, I am pleased to join my colleague, Senator OLYMPIA SNOWE, in introducing legislation that will modify the borders of the Aroostook County Empowerment Zone to include the entire county so that the benefits of Empowerment Zone designation can be fully realized in northern Maine.

The Department of Agriculture’s Empowerment Zone program addresses a comprehensive range of community challenges, including many that have traditionally received little Federal assistance, reflecting the fact that rural problems do not come in standardized packages but can vary widely from one community to another. The Aroostook County Empowerment Zone program represents a long-term partnership between the Federal Government and rural communities so that communities have enough time to implement projects to build the capacity to sustain themselves beyond the term of the partnership. An Empowerment Zone designation gives designated regions potential access to millions of dollars in Federal grants for social services and community redevelopment as well as tax relief.

Aroostook County is the largest county east of the Mississippi River. Yet, despite the impressive character and work ethic of its citizens, the county has fallen on hard times. The 2000 Census indicated a 15-percent loss of population and employment, affecting 8,500 people and a further out-migration of families and businesses that depended on Loring for their customer base.

In response to these developments, the Northern Maine Development Commission and other economic development organizations, the private business sector, and community leaders in Aroostook County believe it is time to stabilize, diversify, and grow the area’s economy. They have attracted some new industries and jobs. As a native of Aroostook County, I can attest to the strong community support that will ensure a successful partnership with the U.S. Department of Agriculture.

Designating this region of the United States as an Empowerment Zone will help ensure its future economic prosperity. However, the restriction that the Empowerment Zone be limited to 1,000 square miles prevents all of Aroostook’s small rural communities from benefiting from this tremendous program. Aroostook covers some 6,872 square miles but has a population of only 74,000. Including all of the county in the Empowerment Zone will guarantee that parts of the county will not be left behind as economic prosperity returns to the area. It does little good to have a company move from one town to another if it is not going to stay within the county simply to take advantage of Empowerment Zone benefits.

Senator SNOWE and I introduced this legislation during the 108th Congress. In fact, we were successful in getting this legislation passed in the Senate by attaching it to the fiscal year 2004 Agriculture Appropriations bill. Unfortunately, this language was removed during conference negotiations with the House. Senator SNOWE and I remain committed to bringing the benefits of Empowerment Zone designation to all of Aroostook County’s residents and will work to pass this legislation in both Chambers during this Congress.
Services Committee this year and the appearance of our distinguished group of witnesses, and based on two—and I say this most respectfully and humbly—personal conversations I have had with the President of the United States and, indeed, the Secretary of State. I very much look forward to each that we need to get the entirety of our Federal Government into a greater degree—they have done much—of harness in our overall efforts in Iraq and Afghanistan to secure a measure of democracy for those countries.

For example, the QDR so aptly states that “success requires unified statecraft: the ability of the U.S. Government to bring to bear all elements of national power at home and to work in close cooperation with allies and partners abroad.”

General Abizaid, when he appeared before our committee this year, stated in his posture statement:

“We need significantly more non-military personnel with expertise in areas such as economic development, civil affairs, agriculture, and law.

Likewise General Pace, Chairman of the Joint Chiefs of Staff, iterated much the same message when he appeared before our committee.

I commend the President and the Cabinet officers. I ask unanimous consent for the prints that I sent you earlier.

There being no objection, the material will be printed in the RECORD, as follows:

U.S. SENATE,

COMMITTEE ON ARMED SERVICES,


HON. CONDOLEezZA RICE,
Secretary of State,
Washington, DC.

DEAR MADAM SECRETARY: Over the past few months, the President has candidly and frankly explained what is at stake in Iraq. I firmly believe that the success or failure of our efforts in Iraq may ultimately lie at how well the government is prepared to govern. For the past three years, the United States and our coalition partners have helped the Iraqi people prepare for this historic moment of self-government.

Our mission in Iraq and Afghanistan requires coordinated and integrated action among all federal departments and agencies of our government. This mission has revealed that our government is not adequately organized to conduct interagency operations. I am concerned about the slow pace of progress within our civilian departments and agencies to strengthen our interagency process and build operational readiness.

In recent months, General Peter Pace, USMC, Chairman of the Joint Chiefs of Staff, and General John P. Abizaid, USA, Commander, United States Central Command, have emphasized the importance of interagency coordination in Iraq and Afghanistan. General Abizaid stated in his 2006 posture statement to the Senate Armed Services Committee, “We need significantly more non-military personnel. . . with expertise in areas such as economic development, civil affairs, agriculture, and law.”

Strengthening interagency operations has become the foundation for the current Quadrennial Defense Review (QDR). The QDR so aptly states that, “success requires unified statecraft: the ability of the U.S. Government to bring to bear all elements of national power at home and to work in close cooperation with allies and partners abroad.” In the years since the passage of the Goldwater-Nichols Act of 1986, “joined operations” have witnessed defined direction and action of our Armed Forces. I now believe the time has come for similar changes to take place elsewhere in our federal government.

I commend the President for his leadership in issuing a directive to improve our interagency coordination by signing the National Security Presidential Directive titled “Management of Interagency Efforts Concerning Reconstruction and Stabilization,” dated December 7, 2005. I applaud each of the heads of departments and agencies for working together to develop this important and timely directive. Now that the directive has been issued, I am writing to inquire about the plan for its full implementation. In particular, what steps have each federal department or agency taken to implement this directive?

I ask for your personal review of the level of support being provided by your department or agency in support of our Nation’s objectives in Iraq and Afghanistan. Following this review, I request that you submit a report to me no later than April 10, 2006, on your current and projected activities in both theaters of operation as well as your efforts in implementing the directive and what additional authorities or resources might be necessary to carry out the responsibilities contained in the directive.

I believe it is imperative that we leverage the resident expertise in all federal departments and agencies of our government to address the challenges facing the emerging democracies in Iraq and Afghanistan. I am prepared to work with the executive branch to sponsor legislation, if necessary, to overcome challenges posed by our current organizational structures and processes that prevent an integrated national response.

I look forward to continued consultation on this important subject. With kind regards, I am Sincerely,

JOHN WARNER,
Chairman.

Mr. WARNER. In my conversations with President Bush and the Cabinet officers and others, there seems to be total support. The administration, at their initiative, asked OMB to draw up the legislation, which I submit today in the form of a bill.

I hope this will garner support across the aisle—Senator CLINTON has certainly been active in this area, as have others— and that we can include this on the forthcoming supplemental appropriations bill. The urgency is now, absolutely now. Every day it becomes more and more critical in the balance of those people succeeding with their message from December 15 in Iraq: We want a government, a unified government stood up and operating. To do that, this government, hopefully, will utilize such assets as we can provide them from across the entire spectrum of our Government. Our troops are in the forefront of the coalition forces. Their families have borne the brunt of these conflicts now for these several years. Now it is time for every individual to step forward and work to make the peace secure in those nations so they do not revert back the lands of Israel and Afghanistan to havens for terrorism and destruction to the free world.

I yield the floor.

By Mr. ALEXANDER (for himself and Mr. DEMINT):

S. 2601. A bill to amend the Social Security Act to improve choices available to Medicare eligible seniors by permitting them to elect (instead of regular Medicare benefits) to receive a voucher for a health savings account, for premiums for a high deductible health insurance plan, or both and by suspending Medicare late enrollment penalties between ages 65 and 70; to the Committee on Finance.

Mr. ALEXANDER. Mr. President, I rise today to introduce the Health Care Choices for Seniors Act. My colleague from Tennessee, Representative BLACKBURN, has taken the lead in the House of Representatives, and I am proud to join with her by introducing this bill in the Senate. Our legislation is about giving seniors a new health insurance option by making it easier for them to create or continue using a health savings account (HSA) after they reach age 65.

A growing number of Americans are using HSAs, which allow individuals to save for future medical expenses on a tax-free basis. The money you put into an HSA is tax-deductible, the money in your account grows tax-free, balances can be rolled over year-to-year, and you can take money out of the account tax-free to pay for a wide range of health care expenses. Plus HSAs are portable—you can take them with you from job to job.

Many members of the Baby Boom generation are not planning to retire at age 65 and want health care options. But the problem under current law is that seniors can’t continue using health savings accounts after turning 65 because they are penalized if they don’t join Medicare. The first penalty is that once you join Medicare, you can no longer make tax-free contributions into HSAs. The second penalty is that if you don’t join Medicare, you can’t collect your Social Security benefits. The third penalty is that if you delay enrollment in Medicare to a later age, from age 65 to age 70, almost everyone joins Medicare when they turn 65 instead of using an HSA for their health care needs.

At a time when health care costs are rising sharply, we need to move in the direction of giving Americans more options for getting health coverage at an affordable cost. Rather than forcing people into Medicare at age 65, the legislation that I am introducing today would make it easier for seniors to delay joining Medicare and to continue using HSAs. If you elect HSAs, First, you could delay joining Medicare without losing the ability to make tax-free contributions into your HSA. Those
who delay enrollment in Medicare would be eligible for a monthly voucher of up to $200 for an HSA. Second, you could delay joining Medicare without losing your Social Security benefits. Third, if you use an HSA, you would not be penalized for putting money away in HSAs. These changes to the tax code would pose a real threat to our water systems. Forest fires can cause immediate and lasting changes to the chemistry of forest waters, this happens as a result of increases in water temperature and changes to the chemistry of water during the burning process. These effects can last long after the flames have passed, affecting water quality for years after the initial fire.

Colorado should be called “the Headwaters State,” because it is the origin point of major rivers flowing both east and west and the source of a vast amount of the water of the United States. In fact the Colorado Rocky Mountains create the headwaters for 4 regional watersheds that eventually supply water to 19 Western States. Should the streams and rivers flowing out of Colorado become choked and polluted with ash and debris from a forest fire much of the United States’ water supply would be affected.

The Federal agencies that manage the majority of the affected areas need to adopt an accelerated pace to reduce the public health and safety risk as soon as possible. To address this I am introducing The Headwater Protection and Restoration Act that would work to help alleviate the pending threat to our Nation’s water supply. My legislation takes into consideration the desperate need to create healthy forests in the lands around our Nation’s water supply. This bill will not only help provide relief from this threat in the short term, but will help to create the necessary infrastructure to ensure that it does not happen again. It will give us a long term solution to this problem.

This would be achieved through steady, judicious, and effective forest management over time. This displays a much better and more cost effective strategy than dealing with the management of catastrophic events under emergency circumstances. Today we find ourselves poised in a position to take steps to help avert this potential disaster before it starts. It is my hope that I will be joined by my colleagues here in the Senate to act swiftly on my legislation before it is too late.

By Mr. BROWNBACK (for himself and Mr. COBURN):
S. 2607 A bill to establish a 4-year small business health insurance information pilot program; to the Committee on Small Business and Entrepreneurship.
Ms. SNOWE, Mr. President, as Chair of the Senate Committee on Small Business and Entrepreneurship, I have long believed that it is my responsibility and the duty of this chamber to help small businesses, as they are the driver of this Nation’s economy, responsible for generating approximately 75 percent of new net jobs annually.

Today, I rise with Senator BENNETT to introduce legislation that would address the crisis that faces small businesses when it comes to purchasing quality, affordable health insurance. This is not a new crisis. Nearly 46 million Americans are currently uninsured. We’ve now experienced double digit percentage increases in health insurance premiums in four of the past five years. Small businesses face difficult choices in seeking to provide affordable health insurance to their employees. We must act now.

By Mr. ALLARD:
S. 2604 A bill to address the forest and watershed emergency in the State of Colorado that has been exacerbated by the bark beetle infestation, to provide for the conduct of activities in the State to reduce the risk of wildfire and flooding, and to promote economically healthy rural communities by reinvigorating the forest products industry in the State, to encourage the use of biomass fuels for energy, and for other purposes; to the Committee on Energy and Natural Resources.
Mr. ALLARD. Mr. President, I rise today out of concern for the Western United States. The Rocky Mountain West is currently facing a very real threat to one of its most rare and precious resources. Out West there are few things more important than water, and it is this very important and increasingly needed resource that is in peril. This threat was in part brought upon us by a scourge barely larger than my finger tip, the bark beetle. This devious little insect spread its way through nearly 7,500,000 trees in Colorado. The beetle left these drought weakened trees dead and dying. This threat is exacerbated by the additional 6,300,000 acres of hazardous fuels that have accumulated throughout Colorado.

This devastation is concerning enough on its own, but when you consider the fire danger that it has created, and the direct threat that a catastrophic fire would pose to our watersheds, the true weight of this situation becomes clear. Much of the precipitation that falls into the forests ultimately finds its way into streams, ponds, rivers and lakes. Changes to forested lands caused by fire can have strong and devastating repercussions on the quality and quantity of water in these bodies. A forest fire is one big chemical reaction which releases a myriad of chemical elements from forest materials into the ecosystem. These chemicals are washed or leached into our water systems. Forest fires can cause immediate and lasting changes to the chemistry of forest waters, this happens as a result of increases in water temperature and changes to the chemistry of water during the burning process. These effects can last long after the flames have passed, affecting water quality for years after the initial fire.

By Ms. SNOWE (for herself and Mr. BENNETT):
S. 2606 A bill to amend title XVIII of the Medicare Part B Payment Rate Disclosure Act to make publicly available on the official Medicare Internet site Medicare payment rates for frequently reimbursed hospital inpatient procedures, hospital outpatient procedures, and physicians' services; to the Committee on Finance.
Mr. BROWNBACK. Mr. President, today, I rise to introduce the Medicare Payment Rate Disclosure Act of 2006.

This legislation tackles a key problem facing Americans today—that of rising health-related costs. It does so by empowering citizens to act as informed consumers when purchasing their health care. Countless examples in our Nation’s history demonstrate that the American consumer possesses the ability to drive prices down and quality up by making informed decisions in the marketplace. Yet the cost of health care is not easily accessible to the American consumer given the nature of our present system.

The Medicare Payment Rate Disclosure Act would create price transparency at a consumer level, allowing Americans to choose for themselves health care services that are affordable within their region. This bill ensures that there is one location on the Internet where either consumers with health savings accounts or who are uninsured can go to view the Medicare reimbursement rates for all common medical procedures and physician visits, region by region. This information will provide a critical baseline for these individuals to assess health care costs.

I believe that by removing barriers for health care consumers to “own their health care” and make the best personal choices, we empower Americans with the knowledge to take charge of their health spending and to negotiate health care prices. I should note that my home State of Kansas is also considering price-transparency initiatives.

This legislation is a good first step towards improving the quality of health care and lowering costs to consumers. I thank the original cosponsor, Senator Tom Coburn, for his support of this measure. Accordingly, I urge my colleagues to support the Medicare Payment Rate Disclosure Act of 2006.

By Ms. SNOWE (for herself and Mr. BENNETT):
S. 2605 A bill to establish a 4-year small business health insurance information pilot program; to the Committee on Small Business and Entrepreneurship.
Ms. SNOWE, Mr. President, as Chair of the Senate Committee on Small Business and Entrepreneurship, I have long believed that it is my responsibility and the duty of this chamber to help small businesses, as they are the driver of this Nation’s economy, responsible for generating approximately 75 percent of net new jobs annually.

Today, I rise with Senator BENNETT to introduce legislation that would address the crisis that faces small businesses when it comes to purchasing quality, affordable health insurance. This is not a new crisis. Nearly 46 million Americans are currently uninsured. We’ve now experienced double digit percentage increases in health insurance premiums in four of the past five years. Small businesses face difficult choices in seeking to provide affordable health insurance to their employees. We must act now.
Study after study tells us that the smallest businesses are the ones least likely to offer insurance and most in need of assistance. According to the Employee Benefit Research Institute, of the working uninsured, who make up 83 percent of our nation’s uninsured population, 60.6 percent either work for a small business with fewer than 100 employees or are self-employed.

Furthermore, many of the small businesses who we meet with tell us how they feel like the cost and complexity of the health care system has moved health insurance far beyond their reach.

That is why today we introduce the Small Business Health Education and Awareness Act of 2006. This bill establishes a pilot, competitive matching-grant program for Small Business Development Centers (SBDCs) to provide educational resources and materials to small businesses designed to increase awareness regarding health insurance options, helping them to improve their risk management and to grow, and flourish. Currently, there are over 1,100 service locations in every state and territory delivering management and technical counseling to prospective and existing small business owners.

Our legislation would require the Small Business Administration (SBA) to provide up to 20 matching grants to qualified SBDCs across the country. No more than two SBDCs, one per State, would be chosen from each of the SBA’s regions. The grants shall be more than $150,000, but less than $300,000 and shall be consistent with the matching requirement under current law. In creating the materials for their grant programs, participating SBDCs should evaluate and incorporate relevant portions existing health insurance options, including materials created by the Healthcare Leadership Council.

In addition, SBDCs participating in the pilot program would be required to submit a quarterly report to the SBA.

Enacting this legislation is an important step in the right direction towards assisting small businesses as they work to strengthen themselves, remain competitive against larger businesses that are able to offer affordable health insurance, and in turn bolster the entire economy.

We encourage our colleagues to join us in supporting this bill, and to continue to work to address the issues facing the small business community.

Thank you. I ask unanimous consent that the text of our bill be printed in the RECORD.

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

S. 2607

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Small Business Health Education and Awareness Act of 2006.”

SECTION 1. SHORT TITLE.

This Act may be cited as the “Small Business Health Education and Awareness Act of 2006.”

SEC. 2. PURPOSE.

The purpose of this Act is to establish a 4-year pilot program to provide information and educational materials to small business concerns regarding health insurance options including coverage options within the small group market.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term “Administration” means the Small Business Administration.

(2) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Small Business Administration, acting through the Associate Administrator for Small Business Development Centers.


(4) PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTER.—The term “participating small business development center” means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648) that—

(A) is certified under section 21(k)(2) of the Small Business Act (15 U.S.C. 648(k)(2)); and

(B) receives a grant under the pilot program.

(5) PILOT PROGRAM.—The term “pilot program” means the small business health insurance information pilot program established under this Act.

(6) SMALL BUSINESS CONCERN.—The term “small business concern” has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

(7) STATE.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam.

SEC. 4. SMALL BUSINESS HEALTH INSURANCE INFORMATION PILOT PROGRAM.

(a) AUTHORITY.—The Administrator shall establish a pilot program to make grants to small business development centers to provide information and educational materials regarding health insurance options, including coverage options within the small group market, to small business concerns.

(b) APPLICATION.—

(1) POSTING OF INFORMATION.—Not later than 90 days after the date of enactment of this Act, the Administrator shall post on the website of the Administration and publish in the Federal Register a guidance document describing—

(A) the requirements of an application for a grant under the pilot program; and

(B) the types of informational and educational materials regarding health insurance options to be created under the pilot program, including by referencing such materials developed by the Healthcare Leadership Council.

(2) SUBMISSION.—A small business development center desiring a grant under the pilot program shall submit an application at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

(c) SELECTION OF PARTICIPATING SBDCS.—

(1) IN GENERAL.—The Administrator shall select not more than 20 small business development centers to receive a grant under the pilot program.

(2) SELECTION OF PROGRAMS.—In selecting small business development centers under paragraph (1), the Administrator may not select—

(A) more than 2 programs from each of the groups of States described in paragraph (3); and

(B) more than 1 program in any State.

(3) GROUPS.—The groups of States described in this paragraph are the following:

(A) GROUP 1.—Group 1 shall consist of Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

(B) GROUP 2.—Group 2 shall consist of New York, New Jersey, Puerto Rico, and the Virgin Islands.

(C) GROUP 3.—Group 3 shall consist of Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

(D) GROUP 4.—Group 4 shall consist of Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

(E) GROUP 5.—Group 5 shall consist of Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

(F) GROUP 6.—Group 6 shall consist of Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

(G) GROUP 7.—Group 7 shall consist of Missouri, Iowa, Nebraska, and Kansas.

(H) GROUP 8.—Group 8 shall consist of Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

(I) GROUP 9.—Group 9 shall consist of California, Guam, American Samoa, Hawaii, Nevada, and Arizona.

(J) GROUP 10.—Group 10 shall consist of Washington, Alaska, Idaho, and Oregon.

(4) DEADLINE FOR SELECTION.—The Administrator shall make selections under this subsection not later than 6 months after the later of the date on which the information described in subsection (b)(1) is posted on the website of the Administration and the date on which the information described in subsection (b)(1) is published in the Federal Register.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A participating small business development center shall use funds provided under the pilot program to—

(A) create and distribute informational materials; and

(B) conduct training and educational activities.

(2) CONTENT OF MATERIALS.—In creating materials under the pilot program, a participating small business development center shall evaluate and incorporate relevant portions existing informational materials regarding health insurance options, such as the materials created by the Healthcare Leadership Council.

(e) GRANT AMOUNTS.—Each participating small business development center shall receive a grant in an amount equal to—

(1) not less than $150,000 per fiscal year; and

(2) not more than $300,000 per fiscal year.

(f) MATHING REQUIREMENT.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall apply to assistance made available under the pilot program.

SEC. 5. REPORTS.

Each participating small business development center shall transmit to the Administrator and the Chief Counsel for Advocacy of the Administrator, as the Administrator may direct, a quarterly report that includes—
(a) I N GENERAL.

(1) a summary of the information and educational materials regarding health insurance options provided by the participating small business development center under the pilot program and

(2) the number of small business concerns assisted under the pilot program.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(1) There are authorized to be appropriated to carry out this Act—

(A) $5,000,000 for the first fiscal year beginning after the date of enactment of this Act; and

(B) $5,000,000 for each of the 3 fiscal years following the fiscal year described in paragraph (1).

(b) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out the pilot program only with amounts appropriated in advance specifically to carry out this Act.

By Ms. SNOWE (for herself and Mr. VITTER):

S. 2608. A bill to ensure full partnership of small contractors in Federal disaster reconstruction efforts; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, as Chair of the Committee on Small Business and Entrepreneurship, I rise today to introduce The Small Business Partnerships for Disaster Recovery Act of 2008. This legislation, co-sponsored by Senator DAVID VITTER, is the product of 3 hearings held in my Committee in September and November 2006, and in February 2006, which examined the responses of the Small Business Administration, the Army Corps of Engineers, the Department of Homeland Security and its Federal Emergency Management Agency, and other Federal agencies to the devastation wrought by the Hurricanes Katrina and Rita on our Gulf Coast states.

Speaking on September 15, 2005 from New Orleans’ historic Jackson Square, President Bush declared that “It is entrepreneurship that creates jobs and opportunity; it is entrepreneurship that helps break the cycle of poverty; and we will take the side of entrepreneurs as they lead the economic revival of the Gulf region.” Unfortunately, the Federal Government’s performance has not matched the President’s declaration. This is particularly true with regards to the role of small firms, especially Gulf Coast small firms, with regards to contracts and subcontracts for recovery and reconstruction. Too often, small contractors have been treated in the disaster contracting process less like the partners in disaster recovery and economic revitalization they are, and more like unwanted stepchildren. Eight months after Hurricane Katrina, it is time for this to change.

To begin with, some Federal bureaucrats have used the Katrina and Rita disasters to exclude small business from contracting in the name of emergency and speed. Contracting with small firms, it was said, does not provide the capability that contracting officers in time of crisis. Quite the opposite is true. The Small Business Act contains flexible contracting authorities as part of the (a) program, the HUBZone program, and the service-disabled veteran-owned program, which allow Federal agencies to quickly buy goods and services in emergency situations. Indeed, on May 30, 2003, the Office of Federal Procurement Policy issued guidance on Emergency Procurement Flexibilities, which encouraged Federal agencies to use contracting flexibilities, such as the HUBZone flexibilities, which are part of the Small Business Act. This guidance was largely ignored, as billions of dollars went to large corporations through non-competitive mechanisms such as no-bid contracts or the so-called micro-purchase authority, originally intended by Congress to cover small purchase card transactions.

My legislation requires the Office of Federal Procurement Policy and the Small Business Administration to ensure that Federal contracting officials are provided full, up-to-date guidance on the full use of available small business emergency procurement flexibilities, and that such guidance is published in the Federal Register. My legislation also encourages the SBA to provide government-wide training for all Federal agencies on using small business contracting flexibilities in emergency situations, and directs the SBA to designate at least one advisor for small business emergency contracting who could be relied upon by Federal agencies to apply small business procurement flexibilities in emergency situations.

Small contractors have also been denied access to reconstruction dollars by paperwork and bureaucracy. Red tape had the most serious effect on small disadvantaged businesses. Many of these contractors have been certified to do business under the Federally-funded, Congressionally-established Disadvantaged Business Enterprise (DBE) program for construction contracting such as highway or bridge construction. In the Federal procurement system, a parallel Small Disadvantaged Business (SDB) Program exists. According to law and the Memorandum of Understanding between the SBA and the U.S. Department of Transportation, the DBE certifications are based on the SDB certification requirements under the Small Business Act. Unfortunately, DBEs have been unable to use the SDB certifications issued by the Federal agencies or by Federal prime contractors. As a result, agencies and prime contractors had little assurance that SDB goals may be met by doing business with DBEs. My measure will ensure that capable small contractors are able to use existing contracting programs instead of the red tape they currently face.

Lack of comprehensive procurement data on Katrina and Rita contracting is another flaw which my bill is trying to correct. It is hard to believe that almost 8 months since the Hurricane Katrina struck, the Federal Government’s disaster contracting ship is literally sailing blind. Both the Small Business Act and the Office of Federal Procurement Policy Act require that accurate and comprehensive data on government contracting and subcontracting, especially including small business participation, be collected and maintained. Although the government-wide procurement spending database, the Federal Procurement Data System (FPDS), collects the data related to Hurricane Katrina and Rita reconstruction spending, this data is demonstrably incomplete. According to the Government Accountability Office and admissions of Federal procurement officials, the FPDS data is not accurate and omits billions in Defense and Homeland Security contracts. As a result of these deficiencies, the Executive Branch made exaggerated claims concerning the share of reconstruction work that went to small businesses. For instance, last October, the Commerce Department claimed that small businesses received 72 percent of Katrina contracting dollars, and the SBA claimed the small business share to be at 45 percent. During hearings before my Committee, the GAO confirmed that the Administration’s claimed numbers are inaccurate and unsubstantiated. My legislation directs the Administrators of the SBA and the OFPP to ensure that the Federal Procurement Data System reflects comprehensive government-wide contracting spending on Katrina and Rita reconstruction.

For years, the Historically Underutilized Business Zone (HUBZone) program, created to direct Federal contracting dollars to small firms in economically distressed areas, has been recognized as a potent economic development stimulus. Since its inception in 1997, the HUBZone program stimulated the hiring of over 124,000 HUBZone residents and investment of over half a billion dollars in HUBZone-certified firms. With the support of the Administration, I propose extending the HUBZone designation to the disaster area. A HUBZone designation would enable small businesses located in the disaster area and employing people in that area to receive contracting preferences and price evaluation preferences to offset greater costs of doing business. Extending the HUBZone designation to the Gulf Coast would bring billions of dollars to small businesses in economically distressed areas, has been recognized as a potent economic development stimulus. Since its inception in 1997, the HUBZone program stimulated the hiring of over 124,000 HUBZone residents and investment of over half a billion dollars in HUBZone-certified firms. With the support of the Administration, I propose extending the HUBZone designation to the disaster area. A HUBZone designation would enable small businesses located in the disaster area and employing people in that area to receive contracting preferences and price evaluation preferences to offset greater costs of doing business. Extending the HUBZone designation to the Gulf Coast would bring billions of dollars to small businesses in economically distressed areas.

Small businesses vying for government contracts or subcontracts often must post bid or performance bonds in order to convince Federal contracting officials or prime contractors that small businesses are a good project risk. In turn, small firms must seek bonding from private bonding companies. The SBA, through its surety bond program,
has provided guarantees on bonds awarded to small businesses up to $2 million. But small firms need an increase in bonds to handle larger projects for hurricane relief. Local small businesses in the Gulf Coast can use this money to repair or compensate for damage to their assets from the hurricanes. My legislation would increase the maximum size of SBA surety bonds from $2 million to $5 million, and provide the SBA with authority to increase the limit to $10 million upon request of another Federal agency. In its proposal to re-build the Gulf Coast region, the Administration suggested making the $5 million increase.

My legislation also directs the SBA to create a contracting outreach program for small businesses located or willing to locate in the Katrina disaster area for the next five years. Federal contracts and subcontracts can provide critical assistance to small businesses in the areas hardest hit by the hurricanes in the form of solid business opportunities and prompt, steady pay. In addition, government procurement would open doors for many small businesses to participate in the long-term reconstruction of the Gulf Coast region. While many small businesses would benefit from other forms of disaster assistance, many of them want to get back to work and into business as soon as possible. Technical assistance and outreach through the SBA’s Procurement Technical Assistance Centers, the Federal Offices of Small and Disadvantaged Business Utilizations, and other organizations could prove invaluable to these firms.

Yet, outreach alone would not ensure fair participation of small businesses in Gulf Coast reconstruction contracts. To promote jobs creation and development in the disaster region, the Federal Government must set and follow procurement policies for small business in the areas affected by the hurricanes.

The Administration’s re-building of the Gulf Coast region, the Army Corps of Engineers, and the SBA to work with other Federal agencies in emergency procurement for hurricane-related contracts. The Army Corps of Engineers and the SBA have set aside contracts to small businesses involved in construction and other organizations could prove invaluable to these firms. But small firms need a fair playing field if they are to get contracts that are set aside as small business contracts.

My legislation also restores small business subcontracting requirements in emergency procurements. The Simplified Acquisition Threshold (SAT) on Katrina-related contracts was set at $100,000. My legislation protects the Small Business Resettlement Program (SBR) for disaster-related contracts below the Simplified Acquisition Threshold (SAT). The SAT and the SBR are normally $100,000. The Federal Acquisition Streamlining Act allowed Federal agencies to use simplified procedures for all contracts below the SAT, but only if they attempt to place, or “reserve”, these contracts to qualified small businesses. Many small businesses qualify for contracts under expedited procedures under the Small Business Act, which would help to move them forward. The SBR does not delay relief contracting. If no qualified small business is available to do the job, agencies can place the contract with any qualified supplier. This provision restores the parity between the SBR and the SAT any time the SAT is increased for disaster-related contracts.

My legislation also restores small business subcontracting requirements in emergency procurements. The Secretary of Defense established small business subcontracting requirements for small Katrina-related contracts by treating contracts for hundreds of millions of dollars as purchases of commercial items, like contracts for office supplies. This is an improper and unjustified procurement practice. The Army Corps of Engineers currently imposes a 73 percent subcontracting requirement on hurricane-related contracts, demonstrating that the subcontracting requirements act as a “good faith effort” to provide subcontracting opportunities is required. The legislation allows a grace period of 30 days to negotiate an acceptable plan (subject to a 50 percent payment limitation until the plan is concluded).

Looking forward, my legislation directs the Administrators of the OFPP and the SBA to work with other Federal agencies to ensure creation of subcontracting opportunities for small businesses in the areas affected by the hurricanes which are set aside for small business concerns. As the GAO testified before the Senate Committee on Small Business and Entrepreneurship last year, Federal agencies lacked adequate acquisition planning for hurricane disaster relief. This measure would reverse this practice both for ongoing and future disaster recovery efforts. I am a firm believer that the reconstruction process must be as efficient as possible. In this supplemental bill, the Federal Government provides central website postings for Katrina-related opportunities through the SBA’s Sub-NET. Fortunately, the SBA’s Sub-NET subcontracting database, though recommended by the Government, has been until recently unused by the Katrina prime contractors. My legislation addresses the government’s failure to direct contract dollars to those who need them the most—local small businesses. During the hearings in my Committee last November, I was deeply troubled to discover that Federal agencies failed to grant business opportunities to qualified Gulf Coast small firms. These practices make a mockery of our national commitment to rebuild the Gulf Coast. For instance, while inside Hurricane Katrina, contractors met with the Secretary of Defense to request that small businesses receive contracts. Yet, outreach alone would not ensure fair participation of small businesses in Gulf Coast reconstruction contracts.
 specialize trade contract, refuse systems and related services, landscaping, pest control, non-nuclear ship repair, and architectural and engineering services, including surveying and mapping. Historically, small businesses have been the backbone of these industries, and fueling systems and related services in demand for disaster recovery efforts. The Comp Demo Program, ostensibly a test program, denies Federal agencies the ability to do small business set-asides. Essentially, the Comp Demo Program reserves whole industries for big business. Last year, at the request of the Department of Defense and nine other agencies the ability to do small business, construction, essentially, the Comp Demo Program reserves whole industries for big business. The Senate agreed that small businesses in all industries should receive the full protections of the Small Business Act, and unanimously voted to repeal this Program. Suspending this Program for Katrina and Rita contracts would go a long way towards restoring fair treatment for small businesses affected by this disaster.

I believe this legislation will find broad support in this body. Indeed, the HUBZone designation, the outreach programs, and the surety bonding increase, have already been adopted by the Senate on a vote of 96-0 as part of my amendment to the Science, State, Commerce, and Justice Appropriations Act for Fiscal Year 2006. The provisions dealing with the small business retention of surety bonding are subcontracting in emergency procurements were cosponsored by a bi-partisan group of Senators as part of my bi-partisan disaster relief bill, S. 1807. With the Senate leadership and every Senator of both parties on the record in support of greater access of small businesses to Federal contracts, I look forward to speedy consideration of this bill and its support by the Senate.

By Mr. THUNE (for himself and Mr. OBAMA):

S. 2614. A bill to amend the Solid Waste Disposal Act to establish a program to provide reimbursement for the installation of alternative energy refueling systems; to the Committee on Finance.

Mr. THUNE. Mr. President, I rise today to introduce legislation along with my colleague from Illinois, Senator OBAMA, concerning what we believe is yet another important step in reducing our Nation’s dependence on petroleum fuels.

S. 264, the Alternative Energy Refueling Act of 2006 would provide an incentive for gas station owners across the country to install alternative refueling systems for automobiles. This legislation builds upon the existing tax credit that gas station owners can receive for installing alternative refueling systems. Most importantly, I would like to point out to my colleagues that this legislation does not require any additional taxes.

Currently, as a result of the Energy Policy Act of 2005, a tax credit of up to $30,000 is available through 2009 for gas station owners who install an alternative refueling system. Eligible alternative fuels include those that contain 85 percent by volume of ethanol, natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, or any mixture of biodiesel or diesel fuel that is composed of at least 20 percent biodiesel.

Our legislation basically allows gas station owners to be reimbursed for 30 percent of the costs—not to exceed $30,000—of installing an alternative energy system. One of the primary benefits of this legislation is that it can be used for up to two alternative refueling systems per gas station. This is important because under the tax credit that was part of last year’s energy bill, a gas station owner can only utilize the $30,000 tax credit one time—even for those individuals who own multiple refueling stations.

For example, if a gas station owner in South Dakota, Illinois, or elsewhere wanted to install three new alternative refueling systems at his or her gas station, under the current system that owner would be limited to the $30,000 tax credit for a single alternative fuel system.

Under our legislation, that same gas station owner would continue to receive the tax credit for the first alternative fuel system. However, the station owner could also be reimbursed for 30 percent of the costs—not to exceed $30,000—for up to two additional alternative refueling systems. Therefore, the legislation we have introduced today would drastically increase the incentives for gas station owners to install additional alternative fuel systems.

I am hopeful that if this bill is signed into law, gas station owners across the country will be able to use this reimbursement mechanism to help consumers who already own or are thinking about purchasing an alternative fuel vehicle.

Senator OBAMA and I are both strong supporters of alternative fuels. In fact, South Dakota and Illinois are leaders in the production of ethanol—our Nation’s leading renewable fuel. The legislation we are introducing today in no way interferes with ethanol and other alternative fuels. In fact, they are all treated equally under our bill.

Alternative fuels such as E-85, which is composed of 85 percent ethanol, are starting to gain popularity. However, while automakers such as Ford and General Motors are producing an increasing number of flex fuel vehicles, which can run on either E-85 or gasoline, there is a critical need for more alternative refueling sites across the country. Many individuals could be shocked to learn that the 180,000 gas stations across the country, only 600—far less than 1 percent—offer alternative fuels such as E-85.

There are approximately 5 million flexible fuel vehicles on the road today. The addition of alternative refueling systems—such as E-85, compressed natural gas, biodiesel, and hydrogen—will allow American consumers the ability to choose their vehicle and the alternative fuels that are better for both the environment and our Nation’s security.

As President Bush noted in his State of the Union Address earlier this year, “We can’t afford to be addicted to oil, which is often imported from unstable parts of the world.” Since being elected to Congress I have worked hard in promoting the development of alternative energy sources. In fact, last year’s energy bill marked an important milestone due to the 7.5 billion gallon renewable fuels standard that I and others advocated.

S. 2614 utilizes the interest earned from the Leaking Underground Storage Tank Trust Fund, which currently has a $7.6 billion surplus to reimburse gas station owners who add alternative refueling systems.

This trust fund continues to grow from a portion of the Federal tax on motor fuel. The amount of which amounted to roughly $190 million last year. The fund also continues to grow from the interest that is earned on the balance of the fund, which amounted to roughly $67 million in 2005. I firmly believe that the Leaking Underground Storage Tank program serves an important function in keeping our land and water safe from storage tank releases. Our legislation simply seeks to use a portion of the interest earned annually to reimburse gas station owners for a portion of the costs associated with the installation of new alternative refueling systems.

An added benefit of using a portion of the interest from this trust fund is that the installation of alternative refueling systems reduces the overall number of petroleum tanks that can cause leaks.

Additionally, this bill ensures that States are not required to use their annual allocation of appropriated funding to reimburse gas station owners for the installation of alternative refueling systems. Such reimbursement would come directly from the EPA Administrator.

Mr. President, this bill would help to lessen our Nation’s dependence on foreign sources of oil and—increase the use of alternative fuels. It is a step in the right direction at a time when we can use something I hope my colleagues will support.

Mr. OBAMA. Mr. President, I am pleased to join my distinguished colleague from South Dakota, Mr. THUNE, in introducing the Alternative Energy Refueling System Act of 2006. I applaud the work in crafting this bill and I hope my colleagues will provide their full support and work towards its swift enactment.

As members of the Senate Environment and Public Works Committee, I know the work of Senator from South Dakota and I have worked to promote the expansion of alternative fuels production capacity in the United States—most notably...
with the enactment of the Renewable Fuels Standard (RFS) included in last year’s Energy Policy Act of 2005. The RFS states that 7.5 billion gallons of ethanol must be phased into the 140-billion-gallon annual gasoline pool by the year 2012.

That’s a bold step in reducing our reliance on foreign oil, but we can’t just rely on greater production of alternative fuels if we also don’t make sure those fuels are available at gas stations. We need to make sure that when American drivers want to “fill ‘er up” with something other than petroleum, they can.

Last year, I introduced S. 918, a bill to provide a tax credit for the cost of installing alternative fuel pumps. I was pleased that this tax credit was enacted as part of the Energy Policy Act of 2005. Soon hundreds more ethanol and biodiesel pumps throughout the United States will be installed as a result of this new policy.

But we are serious about reducing our reliance on foreign oil in an expeditious fashion, we must intensify our efforts. We must double, triple, and quadruple our efforts. And that’s exactly the purpose of our bill today, which simply provides a Federal reimbursement for the installation of alternative fuel pumps that otherwise are ineligible or have received the new tax credit.

Many more alternative refueling properties will be established by this bill—a strong complement to the tax credit passed last year. And this bill is fully offset in that it is financed by using just a small slice of the approximately $70 million in annual interest generated by the Leaking Underground Storage Tank (LUST) Trust Fund. We don’t ask to use that small slice in perpetuity, but just for the next several years until enough alternative fuel refueling capacity is established across the country.

The total principal of the LUST fund is more than $2.5 billion—one of which we propose to draw down. And given that this fund has been capitalized by a one-tenth-of-a-penny fee for every gallon of petro-gas or petro-diesel purchased by the American people, it is altogether appropriate that any interest generated by any unused fractions-of-pennies be reinvested in infrastructure that weans our Nation from its dependence on foreign oil. All of this can be accomplished, while ensuring that the integrity of the LUST fund—which is used to clean up underground storage tanks—remains fully intact and untouched. In fact, I hope my colleagues on the Appropriations Committee will take note and will increase funding for LUST fund activities to the level it has long needed and deserved.

The Thune-Obama bill is a good bill that will accomplish good things for our national energy dependence, but even if enacted, this bill cannot by itself guarantee more alternative fuel refueling stations. As my colleagues are aware, alternative fuel refueling stations make up only a tiny fraction of the nationwide network of gas stations. And while that fraction is growing by leaps and bounds, the vast majority of stations within that small fraction are independently owned and operated.

By comparison, the big oil companies—the Exxons, the BPs, or the ConocoPhillips of the American petroleum industry—have not installed alternative fuel pumps. Rather, the evidence is accumulating that these companies have used institutional policies to deter the installation of alternative fuel pumps despite their retailers asking to sell these new fuels to meet growing consumer demand.

I think these practices must end. It is time for these companies to demonstrate leadership and reinvest in America. Until that day comes, however, I pledge to continue my work in Congress with like-minded colleagues to ensure that this Nation invests in a 21st Century fueling structure. The bill we are introducing today is part of that investment. I thank my colleague from South Dakota for his authorship on this bill.

By Mr. LAUTENBERG (for himself, Mr. HAGEL, Mr. KERRY, Mr. MENENDEZ, Mrs. LINCOLN, and Mr. DEWINE):

S. 2617. A bill to amend title 10, United States Code, to limit increases in the costs to retired members of the Armed Forces of health care services under the TRICARE program, and for other purposes; to the Committee on Armed Services.

Mr. LAUTENBERG. Mr. President, I rise to introduce the Military Retirees’ Health Care Protection Act along with my colleagues, Senators HAGEL, KERRY, MENENDEZ, LINCOLN, and DEWINE.

This important legislation will keep the Pentagon from dramatically raising health care fees on military retirees.

Our bill will limit increases to TRICARE military health insurance premiums, deductibles, and co-payments for those in the National Guard and Reserves who are enrolled in TRICARE. Under this legislation, increases in health care fees cannot exceed the rate of growth in uniformed services beneficiaries’ military compensation. The purpose of this legislation is to ensure that our military service members receive the benefits that a grateful Nation provides for those who choose to subordinate much of their personal life to the national interest for so many years.

(1) Career members of the Armed Forces and their families endure unique and extraordinary demands, and make extraordinary sacrifices, over the course of a 20-year to 30-year careers in protecting freedom for all Americans.

(2) The nature and extent of these demands and sacrifices are never so evident as in wartime, not only during the current Global War on Terrorism, but also during the wars of the last 60 years when current retired members of the Armed Forces were on continuous call to ‘‘harm’s way and as needed.

(3) The demands and sacrifices are such that few Americans are willing to bear or accept them for a multi-decade career.

A primary benefit of the extraordinary sacrifices inherent in a military career is a range of extraordinary retirement benefits that a grateful Nation provides for those who choose to subordinate much of their personal life to the national interest for so many years.

(5) One effect of such curtailment is that retired members of the Armed Forces are turning for health care services to the Department of Defense, and its TRICARE program, for the health care benefits in retirement that they earned by their service in the Armed Forces.

(6) In some cases, civilian employers establish financial incentives for employees who are also eligible for participation in the TRICARE program to receive health care benefits under that program rather than under the health care benefits programs of such employers.

(7) While the Department of Defense has made some efforts to contain increases in the cost of the TRICARE program, a large part of those efforts have been devoted to shifting a larger share of the costs of benefits under that program to retired members of the Armed Forces.

The cumulative increase in enrollment fees, deductibles, and copayments being proposed by the Department of Defense for extreme health care fee increases in the future.

Senators HAGEL and I want to demonstrate our commitment to our troops and future veterans by assuring them that just as they protected us, we will protect the health of their service ends. Just as our men and women in uniform vowed never to leave a soldier behind in battle, so should we commit never to leave a veteran behind when he or she needs health care.

In the three years this Congress has rejected a $250 Veterans Administration health fee increase for non-disabled veterans—doubling and tripling fees for career military is equally inappropriate.

I urge my colleagues on both sides of the aisle to support our troops by supporting this important bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2617

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 “Military Retirees’ Health Care Protection Act.”

SEC. 2. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS. — Congress makes the following findings:

(1) Career members of the Armed Forces and their families endure unique and extraordinary demands, and make extraordinary sacrifices, over the course of 20-year to 30-year careers in protecting freedom for all Americans.

(2) The nature and extent of these demands and sacrifices are never so evident as in wartime, not only during the current Global War on Terrorism, but also during the wars of the last 60 years when current retired members of the Armed Forces were on continuous call to harm’s way when and as needed.

(3) The demands and sacrifices are such that few Americans are willing to bear or accept them for a multi-decade career.

(4) A primary benefit of the extraordinary sacrifices inherent in a military career is a range of extraordinary retirement benefits that a grateful Nation provides for those who choose to subordinate much of their personal life to the national interest for so many years.

(5) One effect of such curtailment is that retired members of the Armed Forces are turning for health care services to the Department of Defense, and its TRICARE program, for the health care benefits in retirement that they earned by their service in the Armed Forces.

(6) In some cases, civilian employers establish financial incentives for employees who are also eligible for participation in the TRICARE program to receive health care benefits under that program rather than under the health care benefits programs of such employers.

(7) While the Department of Defense has made some efforts to contain increases in the cost of the TRICARE program, a large part of those efforts have been devoted to shifting a larger share of the costs of benefits under that program to retired members of the Armed Forces.

The cumulative increase in enrollment fees, deductibles, and copayments being proposed by the Department of Defense for extreme health care fee increases in the future.
health care benefits under the TRICARE program far exceeds the 31 percent increase in military retired pay since such fees, deductibles, and copayments were first required for retired members of the Armed Forces 10 years ago.

(9) Proposals of the Department of Defense for increases in the enrollment fees, deductibles, and copayments for members of the Armed Forces who are participants in the TRICARE program fail to recognize adequately that such members paid the equivalent of in-kind premiums for health care in retirement through their extended sacrifices by service in the Armed Forces.

(10) Some of the Nation’s health care providers refuse to accept participants in the TRICARE program as patients because that program pays them significantly less than commercial insurance programs, and imposes unique administrative requirements, for health care services.


(12) Senior officials of the Department of Defense leaders have reported to Congress that deposits against the budget of the Department of Defense is impinging on other readiness needs of the Armed Forces, including weapons programs, an inappropriate situation which section 1116 of title 10, United States Code, was intended expressly to prevent.

(b) Sense of Congress.—It is the sense of Congress that:

(1) the Department of Defense and the Nation have a committed obligation to provide health care benefits to retired members of the Armed Forces that exceeds the obligation of corporate employers to provide health care benefits to their employees;

(2) the Department of Defense has many additional options to constrain the growth of health care spending in ways that do not disadvantage retired members of the Armed Forces who participate or seek to participate in the TRICARE program and should not choose any and all such options rather than seeking large increases for enrollment fees, deductibles, and copayments for such retirees, annuitants, or survivors, who do participate in that program;

(3) any percentage increase in fees, deductibles, and copayments that may be considered under the TRICARE program for retired members of the Armed Forces and their families or survivors should not in any case exceed the percentage increase in military retired pay;

(4) any percentage increase in fees, deductibles, and copayments under the TRICARE program may be considered only for members of the Armed Forces who are currently serving on active duty or in the Selected Reserve, and for the families of such members, should not exceed the percentage increase in basic pay or compensation for such members.

SEC. 3. LIMITATIONS ON CERTAIN INCREASES IN HEALTH CARE COSTS FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) PHARMACY BENEFITS PROGRAM.—Section 1074g of title 10, United States Code, is amended by adding, at the end the following new subparagraph:

"(C) The amount of any cost sharing requirement under subparagraph (B) may be increased in any year by a percentage that exceeds the percentage increase of the most current previous adjustment to retired pay for members of the armed forces under section 1401a(b)(2) of this title. To the extent that such increase for any year is less than one dollar, the increase may be carried over from year to year, rounded to the nearest dollar."

(b) PREMIUMS FOR TRICARE STANDARD FOR MEMBERS OF THE SELECTED RESERVE.—Section 1074d(d)(3) of such title is amended—

(1) by striking "The monthly amount" and inserting "(A) Except as provided in subparagraph (B), the monthly amount"; and

(2) by adding at the end the following new subparagraph:

"(B) In any year after 2006, the percentage increase in the amount of the premium in effect for a month for TRICARE Standard coverage under this section may not exceed the percentage equal to the percentage of the most recent increase in the rate of basic pay authorized for members of the uniformed services for a year."

(c) COW Payment under CHAMPUS.—Section 1086(b)(3) of such title is amended in the first sentence by inserting before "Secretary of Defense under this section may not exceed the percentage increase of the most current previous adjustment to retired pay for members and former members of the armed forces under section 1401a(b)(2) of this title."—

"(1) the Department of Defense and the National Security Council shall notify the Congress 45 days before the first day of the fiscal year of the premium increase under this section.

(2) by adding at the end the following new subparagraph:

"(A) The premium increase for the fiscal year after 2006 shall not exceed the percentage increase of the most recent increase in the rate of basic pay authorized for members of the uniformed services for a year.

(b) PREMIUMS AND OTHER CHARGES UNDER TRICARE.—Section 1097(e) of such title is amended—

(1) by inserting "(1)" before "The Secretary of Defense and"

(2) by adding at the end the following new paragraph:

"(2) In any year after 2006, the percentage increase in the amount of any premium, deductible, copayment or other charge established by the Secretary of Defense under this section may not exceed the percentage increase of the most current previous adjustment to retired pay for members and former members of the armed forces under section 1401a(b)(2) of this title."

Mr. DEWINE. Mr. President, I rise today to express my support for Senator HAGEL’s bill, the Military Retirees Health Care Protection Act, which I have co-sponsored. We must ensure that our military personnel and military retirees, as well as their families, have access to affordable, quality health insurance.

Over the past 10 years, military health care benefits have been greatly expanded to include Medicare eligible retirees, Reservists, and their families. Additional options that have been added for active duty families, including an elimination of co-pays if the families use military treatment facilities instead of civilian doctors. Since 1995, health insurance costs have increased in the civilian sector, but TRICARE rates have not increased. If fees aren’t increased and other avenues for funding TRICARE aren’t explored, defense health care costs, alone, may rise to as much as $64 billion by 2015.

As part of the fiscal year 2007 budget request, the Department of Defense proposed a significant increase to the enrollment and prescription drug prices for military retirees under age 65 and survivors. This increase would more than double enrollment fees. In almost every case, that’s an unfathomable single-year increase for families who live on a very tight budget. This is particularly troublesome for DoD retirees who have many other options that it may pursue to limit the mounting costs of medicine.

In addition, last year I worked to extend military health insurance coverage to every dependent child of a deceased servicemember at no cost as if that parent were still alive and serving our Nation. The Department of Defense indicates that this important benefit could save dependents as much as $15,000 per year compared to the cost of private health insurance premiums. This cost-free extension of TRICARE Prime medical insurance to surviving minor children will alleviate one of the biggest worries on families today—and the rising health care costs. However, if premiums and fees are increased drastically for the surviving spouse, worries about health care costs will still weigh heavily on these families. TRICARE Prime premium increases must be fully offset by other avenues for funding TRICARE.

The legislation we are introducing today would begin to address the need for premiums and other health care fees to keep pace with the rise in health care costs. However, I believe that these represent fee increases for the men, women, and families who have selflessly served our country.

Unfortunately, I understand that these modest fee increases will not completely solve the rising costs of providing superior military health care. For that reason, the DoD is encouraged to use the Department of Defense to explore other options for reducing the overall cost to taxpayers of delivering this benefit. For instance, the DoD should negotiate with drug manufacturers for discounts in the TRICARE retail pharmacy network and encourage beneficiaries to use the mail-order pharmacy. There are many more options available to DoD to fund this health care system, which I strongly urge them to explore.
honor our commitment and investigate all available options for funding our military health care system, rather than strap the bill on the backs of those who already have paid for their health insurance with their blood, sweat, and tears. I will continue to work with Senator HAGEL to ensure fair treatment of these men and women.

By Mr. HARKIN (for himself and Mr. GRASSLEY):

S. 2618. A bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am pleased to join with Senator GRASSLEY today to introduce the Access to Medical Treatment Act. The idea behind this bill is to allow greater freedom of choice and increased access in the realm of medical treatments, while preventing abuses of unscrupulous entrepreneurs. The Access to Medical Treatment Act allows individual patients properly licensed health care providers to use certain alternative and complementary therapies not approved by the Food and Drug Administration (FDA), but that may be approved elsewhere. As more Americans seek out alternative and complimentary treatments for their health care, we need to be responsive. We need to see what works and what does not, but we also need to make sure that patients are protected, and are not misled about the potential benefits and risks of alternative treatments. The Access to Medical Treatment Act presents one option to help Americans make better choices, and it is my hope that this legislation can help spur a dialogue about the best way to promote safe and effective alternative medical treatments.

Importantly, the bill contains an informed consent protection for patients, modeled after the National Institutes of Health’s, NIH, human subject protection regulations. Under the protections provided for in the legislation, a patient must be fully informed, orally and in writing of the following: the nature, content and methods of the medical treatment; that the treatment is not approved by the FDA; the anticipated benefits and risks of the treatment; any reasonably foreseeable side effects that may result; the results of past applications of the treatment by the health care provider and others; the comparative benefits and risks of any FDA-approved treatment conventionally used for the patient’s condition; and any financial interest the provider has in the product. The consent documents will then become part of the patient’s medical record.

Providing these protections are required to report to the Centers for Disease Control and Prevention, CDC, any adverse effects from alternative treatments, and must immediately cease use and manufacture of the product, pending a CDC investigation. The CDC is required to conduct an investigation of any adverse effects, and if the product is shown to cause any danger to patients, the physician and manufacturers are required to inform all providers who have been using the product of the danger.

Our legislation ensures the public’s access to reliable information about complementary and alternative therapies by requiring providers and manufacturers to report to the Centers for Disease Control and Prevention, CDC, for an annual report. The bill also stipulates that the provider and manufacturer may make no advertising claims regarding the safety and effectiveness of the treatment of therapy, and grants FDA the authority to ensure that claims of the treatment is not false or misleading.

Mr. President, the goal of this legislation is to preserve the consumer’s freedom to choose alternative therapies while addressing the fundamental concern of treating patients from dangerous treatments and those who would advocate unsafe and ineffective therapies. I hope that we have struck the appropriate balance, and I welcome feedback from interested parties.

It wasn’t that William Roentgen was afraid to publish his discovery of X-rays as a diagnostic tool. He knew they would be considered an alternative medical practice and widely rejected by the medical establishment. As everyone knows, X-rays are a common diagnostic tool today. Well into this century, many scientists resisted basic antiseptic techniques as quackery because they refused to accept the germ theory of disease. I think the scientific community did not understand the medical profession came around on that one.

The underlying point is this: today’s consumers want alternatives in many medical situations for them and their families. They want less invasive, less expensive preventive options. Americans want to stay healthy. And they are speaking with their feet and their pocketbooks. Mr. President, Americans spend $30 billion annually on unconventional therapies. That is one of the reasons the National Center for Complementary and Alternative Medicine, NCCAM, at NIH in 1998. As more Americans look for alternative and complementary treatments, we needed to provide a way to see what works and what does not. This bill is another step in that direction.

This legislation simply provides patients the freedom to use—with strong consumer protections—the complementary and alternative therapies and treatments that have the potential to relieve pain and cure disease. And it provides a means to see what works and what does not. I thank Senator GRASSLEY for his continued leadership on this issue, and urge my colleagues to consider this bill.

By Mrs. CLINTON:

S. 2620. A bill to amend the Older Americans Act of 1965 to authorize the Assistant Secretary for Aging to provide older individuals with financial assistance to select a flexible range of home and community-based long-term care services or supplies, provided in a manner that respects individuals’ choices and preferences; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I am pleased today to introduce the Community-Based Choices for Older Americans Act of 2006. This legislation would take several important steps toward helping older Americans meet their long-term care needs.

This legislation will assist individuals age 60 or older who grapple with daily living activities or with a disability, yet are above a State’s Medicaid eligibility threshold, in meeting their long-term care needs. This legislation will enable the Health, Education, Labor, and Pensions, will assist individuals in meeting their long-term care needs.

Through this bill, State Agencies on Aging throughout the country will be given the tools to develop a community-based, long-term care system that will enable the elders and the providers they want so they are able to maintain independence and dignity while they age in place in the
homes and communities where they have often lived for decades.

This year marks the first year that the baby boom population turns 60. Development of a consumer-friendly, home and community-based system of long-term care is a critical step in planning for this population.

I look forward to working with all of my colleagues to ensure passage of this bill to help our seniors choose the long-term care resources and services they need and want to remain independent.

I ask unanimous consent that the text of this bill be printed in the

Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

SEC. 1. SHORT TITLE.

This Act may be cited as the “Community-Base Choices for Older Americans Act of 2006.”

SEC. 2. PURPOSE.

The purpose of this Act is to provide grants to States in order to achieve the following:

(1) To enable eligible individuals to make informed choices about the long-term care services and supplies that best meet their needs and preferences.

(2) To provide financial assistance to older individuals to purchase a flexible range of long-term care services and supplies in a manner that respects the individuals’ cultural, ethnic, and lifestyle preferences in the least restrictive settings possible.

(3) To provide the purchase of long-term care services and supplies delivered in a home or community-based setting, such as a naturally occurring retirement community, more affordable for individuals with financial need.

(4) To help families continue to care for their older relatives with long-term care needs, including older individuals with physical and cognitive impairments, and to help reduce the number of older individuals who are forced to impoverish themselves in order to pay for the long-term care services and supplies they need.

(5) To help relieve financial pressure on the Medicaid program by delaying or preventing older individuals from spending down their income and assets to Medicaid eligibility thresholds.

(6) To concentrate the resources made available under this Act to those individuals with the greatest economic need for long-term care services and supplies.

SEC. 3. ESTABLISHMENT OF THE NATIONAL LONG-TERM CARE CHOICE PROGRAM.

The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by adding at the end the following:

“TITLE VIII—NATIONAL LONG-TERM CARE CHOICE PROGRAM

SEC. 801. DEFINITIONS.

“In this title:

(1) Caregiver—The term ‘caregiver’ means an adult family member, or another individual, who is a paid or unpaid provider of home or community-based care to an eligible individual.

(2) Consumer choice—The term ‘consumer choice’ means the opportunity for an eligible individual—

(A) to have greater control over the covered long-term care services and supplies the individual receives; and

(B) to elect—

(i) to receive a payment under this title through a fiscal intermediary as described in section 806(b)(2)(B) for the purpose of purchasing covered long-term care services or supplies; or

(ii) to receive such services or supplies from a provider paid by the State involved (or its designee) as described in section 806(b)(2)(A).

(3) Covered long-term care services or supplies—

(A) in general—Subject to subparagraph (B), the term ‘covered long-term care services or supplies’ means any of the following services and supplies with respect to an eligible individual, such services or supplies are not available or not eligible for payment by any entity carrying out a program described in section 806(b)(8) or a similar third party:

(i) Adult day services (including health and social day care services).

(ii) Bill paying.

(iii) Care-related supplies and equipment.

(iv) Companion services.

(v) Congregate meals.

(vi) Environmental modifications.

(vii) Fiscal intermediary services.

(viii) Home-delivered meals.

(ix) Home health services.

(x) Homemaker services (including chore services).

(xi) Mental and behavioral health services.

(xii) Nutritional counseling.

(xiii) Personal care services.

(xiv) Personal emergency response systems.

(xv) Respite care.

(xvi) Telemedicine devices.

(xvii) Transition services for individuals who have aged in place and become older individuals if they do not have the capacity for self-care due to illness or frailty.

(xviii) Transportation.

(xix) Any service or supply that a State describes in its State plan and is approved by the Assistant Secretary.

(xxx) Any service or supply that is requested by an eligible individual (in coordination with the individual’s service coordinator) and that is approved by the State.

(B) Exclusions.

(i) Service coordination—Such term does not include a service directly provided by the service coordinator or an eligible individual as part of service coordination under this title.

(ii) Services for nursing home residents—Such term does not include any service for a resident of a nursing home, except a service described in subparagraph (A)(xxvii).

(4) Eligible individual—The term ‘eligible individual’ means an individual—

(A) who is age 60 or older;

(B) who is not eligible for medical assistance under the Medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(C) who meets such income eligibility and total asset criteria as a State may establish;

(D) who—

(i) is unable to perform (without substantial assistance from another individual) at least 2 activities of daily living (such as eating, toileting, transferring, bathing, dressing, and continence); or

(ii) at the option of the State, is unable to perform at least 3 such activities without such assistance;

(iii) has a level of disability similar (as determined by the State) to the level of disability described below;

(iv) requires substantial supervision due to cognitive or mental impairment; and

(C) who satisfies such other eligibility criteria as the State may establish in accordance with such guidance as the Assistant Secretary may provide.

(6) Fiscal intermediary.—The term fiscal intermediary means a State with an approved State plan under section 804.

(7) Fiscal intermediary service.—The term fiscal intermediary service means a service to enable an eligible individual to carry out a responsibility described in subparagraph (A)(i) or (B) of paragraph (6) or assure compliance with Federal, State, or local law, or another requirement designated by the State.

(8) Long-term care.—The term long-term care means a range of supportive health, and mental health services for individuals who do not have the capacity for self-care due to illness or frailty.

(9) Naturally occurring retirement community.—The term naturally occurring retirement community means a residential area (such as an apartment building, housing complex or development, or neighborhood) not originally built for older individuals but in which a sufficient number of individuals have aged in place and become older individuals.

(10) Nursing home.—The term nursing home means—

(A) a nursing facility, as defined in section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a));

(B) a skilled nursing facility, as defined in section 1919(a) of such Act (42 U.S.C. 1396r–3(a)); and

(C) a residential care facility that directly provides care or services described in paragraph (1) of section 1919(a) of the Social Security Act (42 U.S.C. 1396n) but does not receive payment for such care or services under the Medicare or Medicaid programs established under title XVIII and XIX, respectively, of the Social Security Act (42 U.S.C. 1395 et seq.).

(11) Qualified provider.—The term qualified provider means a provider of covered long-term care services or supplies who meets such licensing, quality, and other standards as the State may establish.

(12) Representative.—The term representative means a person appointed by the eligible individual, or acting on the individual’s behalf, to represent or advise the individual in financial or service coordination matters.

(13) Service coordinator.—The term service coordinator means a service that—

(A) is provided to an eligible individual, at the direction of the eligible individual or a representative of the eligible individual (as appropriate); and

(B) consists of facilitating consumer choice or carrying out—

(i) a function described in section 805; or

(ii) a function described in section 804(9), as determined appropriate by the State involved.

(14) Access to a service coordinator.—The term access to a service coordinator means a service that—

(A) is provided by a fiscal intermediary to a service coordinator;

(15) Access to a service coordinator.—The term access to a service coordinator means a service that—

(A) is provided by a fiscal intermediary to a service coordinator;

(16) Access to a service coordinator.—The term access to a service coordinator means a service that—

(A) is provided by a fiscal intermediary to a service coordinator;

(17) Access to a service coordinator.—The term access to a service coordinator means a service that—

(A) is provided by a fiscal intermediary to a service coordinator;
(A) provides service coordination for an eligible individual; and
(B) is trained or experienced in the skills that are required to facilitate consumer choice.
A Secretary makes the functions described in paragraph (13)(B).
(15) STATE.—The term ‘‘State’’ means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands:

SEC. 803. ALLOTMENTS TO ELIGIBLE STATES.

(a) ALLOTMENTS.—
(1) IN GENERAL.—The Assistant Secretary shall allot to each eligible State for a fiscal year, to enable the State to carry out a program that pays for the Federal share of the cost of providing covered long-term care services and supplies for eligible individuals under this title. The Assistant Secretary shall make the allotment in an amount determined under section 803.

(b) LIMITATIONS.—From an allotment made under paragraph (1) for a program carried out in a State under this title for a fiscal year, not more than 15 percent may be used to pay for administrative costs (other than service coordination) of the program.

(c) FEDERAL SHARE.—From that allotment shall be available to such State for paying a Federal share equal to such percentage as the State determines to be appropriate, but not more than 85 percent, of the cost of providing covered long-term care services and supplies for eligible individuals under this title. The Assistant Secretary shall make an allotment to each eligible State under subsection (d) in a fiscal year shall remain available for expenditure by the State for the succeeding fiscal year.

(d) REDISTRIBUTION OF UNEXPENDED FUNDS.—An amount that is not expended by an eligible State during the period in which such amount is available under subsection (c) shall be redistributed by the Assistant Secretary according to a formula determined by the Assistant Secretary that takes into account the extent to which an eligible State has exhausted its allotment for that fiscal year.

SEC. 804. STATE PLANS.

(a) IN GENERAL.—In order to receive an allotment made under section 802 for an eligible State for a fiscal year, the State shall submit to the Assistant Secretary for approval a State plan that includes the information and assurances described in subsection (b).

(b) CONTENTS.—
(1) ELIGIBILITY.—The plan shall include descriptions of the eligibility criteria and methodologies that the State will apply, consistent with section 801(4), to determine whether an individual is an eligible individual for the program carried out in the State under this title.

(2) PRIORITY FOR ELIGIBLE INDIVIDUALS WITH GREATEST ECONOMIC NEED.—The plan shall include an assurance that, in establishing and applying the eligibility criteria and methodologies described in paragraph (1), the State will give priority to providing assistance to eligible individuals who have the greatest economic need, as defined by the State.

(3) NEEDS AND PREFERENCES OF ELIGIBLE INDIVIDUALS.—The plan shall include a description of how the State will ensure that the needs and preferences of eligible individuals are addressed in all aspects of the program.

(4) PAYMENTS FOR SERVICES.—The plan shall include an assurance that the State will make payments, at the election of an eligible individual, in accordance with section 806(b)(2), and will provide a fiscal intermediary for each eligible individual electing to receive a payment as described in section 806(b)(2)(B).

(5) SERVICES AND SUPPLIES.—The plan shall describe the services and supplies that the State will make available to an eligible individual, consistent with the definition of covered long-term care services and supplies specified in section 801(3).

(6) COST-SHARING.—The plan shall include a description of the methodologies to be used—

(A) to calculate the ability of an eligible individual to pay for covered long-term care services and supplies; and

(B) based on the calculation of ability to pay, to determine the amount of cost-sharing by the eligible individual that will be responsible for under the program, set on a sliding scale based on income;

(C) to collect cost-sharing amounts, both in cases in which the State makes payments directly to a qualified provider as described in section 806(b)(2)(A), and in cases in which the State makes payments directly to a fiscal intermediary on behalf of an eligible individual, as described in section 806(b)(2)(B); and

(D) to track expenditures by eligible individuals for the purchase of covered long-term care services or supplies.

(7) COST-SHARING REQUIREMENTS FOR PROVIDERS.—The plan shall provide an assurance that the State will require those individuals who are involved in the program carried out in the State under this title—

(A) to protect the privacy and confidentiality of each eligible individual with respect to the income, and any cost-sharing amount determined under paragraph (6), of that eligible individual;

(B) to establish appropriate procedures to account for cost-sharing amounts; and

(C) to widely distribute State-created written materials in languages reflecting the reading abilities of eligible individuals that describe the criteria for cost-sharing, and the State’s sliding scale described in paragraph (6)(B).

(8) COORDINATION WITH OTHER PROGRAMS.—The plan shall include a description of the methods by which the State will, as appropriate, coordinate with other programs that provide assistance under a program carried out under this title for eligibility determinations under—

(A) the State medicaid program carried out under title XVIII of such Act (42 U.S.C. 1395 et seq.);

(B) the medicare program carried out under title XVIII of such Act (42 U.S.C. 1395 et seq.);

(C) a program funded under title XX of such Act (42 U.S.C. 1397 et seq.);

(D) other programs funded under this Act; and

(E) other Federal or State programs that provide long-term care.

(9) ENTITIES AND PROCEDURES.—The plan shall include a description of the entities and procedures that the State will use to carry out the following functions:

(A) Establishing eligibility for the program carried out under this title.

(B) Assessing the need of an eligible individual for covered long-term care services or supplies.

(C) Determining the amount of payments described in section 806(b) to be made for the eligible individual under the program.

(D) Evaluating the cost-sharing by the eligible individual under the program.

(E) In the case of an eligible individual who elects to receive payments as described in section 806(b)(2)(B), helping the eligible individual or the eligible individual’s representative (as appropriate) identify, retain, and negotiate and terminate agreements with, qualified providers of covered long-term care services or supplies.

(F) Monitoring payments made for an eligible individual to ensure the payments made by the State for the eligible individual

(i) are made in a timely fashion; and

(ii) do not exceed the annual assistance amount established for the eligible individual under section 806(a); and

(iii) when appropriate, the payments are made by the State in an expedited manner to ensure that States can take timely action for health status changes of an eligible individual that require rapid responses.

(G) Establishing a quality assurance system that assesses the quality of services and supplies provided to the eligible individual to ensure that the qualified provider of such services or supplies meets such
licensing, quality, or other standards as the State may establish in accordance with paragraph (11).

(11) Providing information to eligible individuals on the market rates for covered long-term care services or supplies.

(II) Administering payments in a timely fashion and in accordance with a written care plan under this title, at a minimum, carries out the responsibilities described in section 805, for an eligible individual that (takes into account payment rates established by the eligible individual or a representative of the eligible individual (as appropriate)), including the methods for-

(i) making payments directly to a qualified provider as described in section 806(b)(2)(B), for the purchase of such services or supplies; and

(ii) making payments to a fiscal intermediary on behalf of an eligible individual, as described in section 806(b)(2)(B), for the purchase of such services or supplies; and

(III) making payments (when appropriate) in an expedited manner to account for health status changes of the eligible individual that require rapid responses.

(IV) Carrying out such other activities as the eligible State determines are appropriate with respect to the eligible individual or the program carried out under this title; and

(V) Ensure that the service coordinator carries out the responsibilities described in section 805, including any responsibilities assigned by the State under section 805(b). (B) The plan shall include a description of any licensing, quality, or other standards for qualified providers (including both providers paid directly by the State or through payments made to a fiscal intermediary on behalf of an eligible individual, as described in section 806(b)(2)(B).

(VI) QUALITY ASSURANCE. — The plan shall include a description of the procedures to be used to ensure the quality and appropriateness of the covered long-term care services or supplies provided to an eligible individual and the program carried out under this title, which shall include —

(A) a quality assessment and improvement strategy that establishes —

(i) standards that provide for access to covered long-term care services or supplies within customary market rates and that are designed to ensure the continuity and adequacy of such services or supplies; and

(ii) procedures for monitoring and evaluating the quality and appropriateness of the covered long-term care services or supplies provided to eligible individuals under the program carried out under this title; and

(B) any mechanism for obtaining feedback from eligible individuals and others regarding their experiences with, and recommendations for improvement of, the program carried out under this title.

(VII) OUTREACH.—The plan shall include a description of the procedures by which the State will conduct outreach for enrollment (including outreach to persons residing in naturally occurring retirement communities) in the program carried out under this title.

(VIII) INDIANS.—The plan shall include a description of the procedures by which the State will ensure the provision of assistance under the program carried out under this title to Indian individuals who are eligible (as defined in section 4(c) of the Indian Health Care Improvement Act (25 U.S.C. 1603(c))) or Native Hawaiians, as defined in section 625.

(IX) DATA COLLECTION.—The plan shall include an assurance that the State will annually submit to the Assistant Secretary such data and information related to the program carried out under this title as the Assistant Secretary may require, including the information required under section 807(a)(1)(B).

SEC. 805. RESPONSIBILITIES OF SERVICE COORDINATOR.

(a) Written care plans.—Under a program carried out under this title, an eligible State shall ensure that the service coordinator for an eligible individual receiving assistance under the program carried out under this title shall:

(1) carries out the following responsibilities:

(A) Assisting an eligible individual and the eligible individual’s representative (as appropriate) with the development of a written care plan for the eligible individual that—

(i) specifies the covered long-term care services or supplies that best meet the needs and preferences of the eligible individual; and

(ii) takes into account the ability of caregivers to provide adequate and safe care.

(B) Assuring that the care plan is coordinated with other care plans that may be developed by the eligible individual for care provided in other Federal or State programs (including care plans applicable to naturally occurring retirement communities).

(2) Recommends, as appropriate, assisting with revising the care plan for the eligible individual—

(A) not less than annually; and

(B) whenever there is a change of health status or other event that requires a reassessment of the care plan.

(3) Educates—

(A) an eligible individual who elects to receive payments as described in section 806(b)(2)(B) about available qualified providers of covered long-term care services or supplies; and

(B) an eligible individual about specific covered long-term care services or supplies.

(4) Recommending, as appropriate, methods for community integration for an eligible individual who resides in a nursing home and who is relocating to a home or community-based setting.

(B) Carries out any other responsibilities assigned to the service coordinator by the State.

(b) Written care plans.—A plan for a program carried out under this title shall not be—

(1) in advance to the provider or the eligible individual; or

(2) as reimbursement for the eligible individual.

(c) LIMITATIONS.—In making payments under this section, a State shall ensure that not more than 10 percent of the funds made available to the State under section 802(a) shall be used to pay for service coordination.

(d) ELIMINATION FROM INCOME.—Payments made for an eligible individual under this section for a program carried out under this title shall not be—

(1) included in the gross income of the eligible individual for purposes of the Internal Revenue Code of 1986; or

(2) included as income, assets, or benefits, or otherwise be taken into account, for purposes of determining the individual’s eligibility for, the amount of benefits under, or the amount of cost-sharing required by, any other Federal or State program.

SEC. 807. ANNUAL REPORTS.

(a) STATE REPORTS.—

(1) IN GENERAL.—Each eligible State shall—

(A) evaluate the establishment and operation of the State plan under this title in the preceding fiscal year in which the State receives allotments under section 802; and

(B) prepare and submit to the Assistant Secretary, not later than January 1 of the succeeding fiscal year, a report that includes the following:

(i) The number of total unduplicated eligible individuals and the amount of expenditures made for the individuals, analyzed by type of payment specified in subparagraph (A) or (B) of section 806(b)(2) in the program carried out under this title in the State;

(ii) The number of individuals in the program that received each of the categories of covered long-term care services or supplies described in clauses (i) through (xx) of paragraph 403(3)(A) and, for each category by type of payment specified in subparagraph (A) or (B) of section 806(b)(2).

(iii) The total amount of cost-sharing amounts that the State received from eligible individuals in the program.

(iv) Information on the age and income of eligible individuals.

(b) FORMAT.—The Assistant Secretary shall provide guidance to eligible States regarding the format for the information included in the report required under paragraph (1) to be submitted to the Secretary for comparison of the information provided across such States.

(c) PUBLIC AVAILABILITY.—The Assistant Secretary shall make available to the public reports submitted under paragraph (1) available to the public.

(d) REPORTS BY FISCAL INTERMEDIARIES AND QUALIFIED PROVIDERS.—The State shall require fiscal intermediaries and qualified providers participating in the program carried out in the State under this title to prepare and submit to the State, not less often than twice a year, reports containing such information as is necessary for the State to fulfill its reporting requirements described in subsection (a) and as is necessary for the administration of the program.
The resolution of the House of Representatives and the Committee on Education and the Workforce of the House of Representatives and the Committee of Education and the Workforce of the Senate to help deter and eliminate illicit copyright infringement occurring on, and encourage educational uses of, their computer systems and networks.

Mr. ALEXANDER (for himself, Mr. LEAHY, Mr. HATCH, and Mr. NELSON of Florida) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

""There are authorized to be appropriated to the Secretary to carry out this title, such sums as may be necessary for each of fiscal years 2007 through 2012."

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 438—EXPRESSING THE SENSE OF CONGRESS THAT INSTITUTIONS OF HIGHER EDUCATION SHOULD ADOPT POLICIES AND EDUCATIONAL PROGRAMS ON THEIR CAMPUSES TO HELP DETER AND ELIMINATE ILICIT COPYRIGHT INFRINGEMENT OCCURRING ON, AND ENCOURAGE EDUCATIONAL USES OF, THEIR COMPUTER SYSTEMS AND NETWORKS

Whereas the colleges and universities of the United States play a critically important role in the development of the creative and ordered society founded on the rule of law;

Whereas the colleges and universities of the United States are responsible for helping to build and shape the educational foundation of their students, as well as the values of their students;

Whereas the colleges and universities of the United States play an integral role in the development of the creative and ordered society founded on the rule of law;

Whereas the colleges and universities of the United States have been the origin of much of the country's creativity and innovation throughout the history of the United States;

Whereas much of the most valued intellectual property of the United States has been developed, utilized, and distributed by colleges and universities of the United States;

Whereas the United States has, since its inception, realized the value and importance of intellectual property protection in encouraging creativity and innovation;

Whereas intellectual property is among the most valuable assets of the United States;

Whereas the importance of music, motion picture, software, and other intellectual property-based industries to the overall health of the economy of the United States is significant and well documented;

Whereas the colleges and universities of the United States are uniquely situated to advance the importance and need for strong intellectual property protection;

Whereas intellectual property-based industries are under increasing threat from all forms of global piracy, including hard goods and digital piracy;

Whereas the pervasive use of so-called peer-to-peer (P2P) file sharing networks has led to rampant illegal distribution and reproduction of copyrighted works;

Whereas the Supreme Court, in MGM Studios Inc. v. Grokster, Ltd., reviewed evidence of users' conduct on just two peer-to-peer networks and noted that, "the probable scope of copyright infringement is staggering" (125 S. Ct. 2764, 2772 (2005));

Whereas Justice Breyer, in his opinion in MGM Studios Inc. v. Grokster, Ltd., wrote that "deliberate unlawful copying is no less an unlawful taking of property than garden-variety theft" (125 S. Ct. 2764, 2793 (2005));

Whereas many computer systems of the colleges and universities of the United States are illicitly utilized by students and employees to copy copyrighted works;

Whereas throughout the course of the past few years, Federal law enforcement has repeatedly executed search warrants against computers and other devices located at colleges and universities, and has convicted students and employees of colleges and universities for their role in criminal intellectual property crimes;

Whereas in addition to illicit activity, unauthorized peer-to-peer use has multiple negative impacts on college computer systems;

Whereas individuals engaged in illegal downloading on college computer systems use significant amounts of system bandwidth which exist for the use of the general student population in pursuit of legitimate educational purposes;

Whereas peer-to-peer use on college computer systems potentially exposes those systems to a myriad of security concerns including spyware, viruses, worms or other malicious code which can be easily transmitted throughout the system by peer-to-peer networks;

Whereas peer-to-peer use on college computer systems also exposes those systems to increased volumes of pornographic or obscene material, including child pornography, which are readily available on peer-to-peer systems;

Whereas peer-to-peer systems have also been used to gain unauthorized access to personal and sensitive information, such as social security account numbers, medical information, tax returns, and bank statements;

Whereas colleges and universities must use valuable and finite resources in responding to requests from victims and law enforcement seeking to stop downloading on college computer systems;

Whereas computer systems at colleges and universities must be used for legitimate educational and research activities and should be kept free of illicit activity;

Whereas college and university systems should continue to develop and to encourage respect for the importance of protecting intellectual property and the legal consequences of unauthorized downloading of copyrighted works; and

Whereas the additional security risks associated with unauthorized peer-to-peer use; and

Whereas it should be clearly established that unauthorized peer-to-peer use is prohibited and violations punished consistent with upholding the rule of law; Now, therefore, be it

Resolved, That—

(1) colleges and universities should continue to take a leadership role in educating students regarding the detrimental consequences of online infringement of intellectual property;

(2) colleges and universities should continue to take all practicable steps to deter and eliminate unauthorized peer-to-peer use on their computer systems by undertaking or continuing policies to educate and warn students about the risks of unauthorized use, and educate students about the intrinsic value of and need to protect intellectual property;

Mr. ALEXANDER. Mr. President, today I am submitting a resolution that expresses the Sense of Congress that colleges and universities should continue to educate their students about the importance of intellectual property and the harm caused by copyright infringement, I am joined in introducing this resolution by Senators LEAHY, HATCH, and NELSON of Florida, and I thank them for their support.

The intent of this resolution is to help draw attention to the problem of digital piracy on campus through the use of university computer networks to illegally share copyrighted materials. Efforts to combat digital piracy were bolstered last year when the U.S. Supreme Court handed down its decision in MGM Studios, Inc. v. Grokster, Ltd. That ruling has allowed the movie and recording industries to take additional steps to protect intellectual property and prevent what Justice Breyer described in the Grokster decision as "no less an unlawful taking of property than garden-variety theft." However, truly stopping digital piracy requires that we challenge the widespread belief that there is nothing wrong with illegally downloading music and other copyrighted material, and that it doesn't hurt anybody except for rich performers and corporate executives who have plenty of money.

I can tell you that that's not true because I have personally met with songwriters from Nashville who have explained how illegal downloading has hurt their livelihood. There were American musicians without million-dollar bank accounts who have been hurt by copyright infringement as well.

The place to start turning that belief around is at our institutions of higher learning. For many students, a college campus is the first place where they have high-speed Internet access and are exposed to technology that allows them to trade copyrighted files with other computer users. At the same time, college campuses are the source of some of our Nation's most valuable intellectual property. The combination of these two factors makes our colleges and universities the ideal place for students to develop a respect for intellectual property and to understand the harm caused by copyright infringement.

The resolution that my colleagues and I am introducing today encourages colleges and universities to take a leadership role on educating students regarding the importance of protecting intellectual property, and to take steps to prevent unauthorized downloading on their computer systems. Through-out the country, many schools are already meeting this challenge. In my own State, Vanderbilt University has taken steps to instill respect for intellectual property in its students, while taking action to prevent its computer system from being misused. For example, Vanderbilt has created the VUMix, a music sharing franchise, to help its students understand the digital piracy issue and provide them with a legal alternative. The VUMix service is part of
the university’s Digital Life Initiative, a comprehensive approach to offering music, film, and other forms of digital media to the Vanderbilt community. Other schools are doing similar things to combat copyright infringement, and this encourages such efforts. I encourage my colleagues to support this resolution and promote respect for one of America’s most valuable assets: its intellectual property.

Mr. President, I am pleased today to stand with my colleagues, Senator Alexander, Senator Hatch, and Senator Nelson of Florida, to express the sense of this Congress that institutions of higher education should act diligently to help eliminate the harms from the illicit copyright infringement that plagues many campus computer systems.

Online piracy, especially illegal file-sharing of copyrighted works such as music and software, is a growing problem. While I always encourage technological innovation, I am also acutely aware of the need to respect the intellectual property rights and talent of those who create the works that we all rely on to keep our personal and professional lives running smoothly. Some peer-to-peer software applications allow individuals, without authorization, to copy and distribute—for free—unlimited numbers of these valuable works. The speed and convenience of our university networks, which are built for academic pursuits, have unfortunately also proved to be a lure for students seeking to engage in this illegal and detrimental behavior.

While the movie industry representatives speak with me about this problem, they describe a disturbing level of online piracy. In addition to exposing students to legal liability, illegal file-sharing on school networks, which were built for academic pursuits, have unfortunately also proved to be a lure for students seeking to engage in this illegal and detrimental behavior.

I am pleased that colleges and universities in my home state have been working for more than two years to combat these problems. In July 2004, Middlebury College, located in Middlebury VT, announced a deal with Napster to provide legitimate file-sharing services that offer online music to students. It is my hope that more institutions will follow in step, and work to provide students with the tools needed to lawfully access the wealth of information available on the web.

As this continues to advance, the issues that surround legitimately accessing online content will become increasingly important. I want to thank my colleagues on both sides of the aisle for working with me to convey this important message.

SENATE RESOLUTION 438—DESIGNATING THE THIRD WEEK OF APRIL 2006 AS “NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK”

Mr. DODD (for himself, Mr. Alexander, Ms. Snowe, Ms. Landrieu, Mrs. Clinton, Mr. Levin, Mrs. Murray, Mr. Lieberman, Mr. Salazar, Mr. Durbin, and Mr. Coleman) submitted the following resolution; which was considered and agreed to:

S. Res. 439

Whereas the third week of April has been designated “National Shaken Baby Prevention Month” as an annual tradition that was initiated in 1979 by former President Jimmy Carter;

Whereas the most recent National Child Abuse and Neglect Data System figures reveal that almost 900,000 children were victims of abuse and neglect in the United States in 2002, causing unspeakable pain and suffering to our most vulnerable citizens;

Whereas among the children who are victims of abuse and neglect, nearly 4 children die in the United States each day;

Whereas children aged 1 year or younger accounted for 41.2 percent of all child abuse and neglect fatalities in 2002, and children aged 4 years or younger accounted for 76.1 percent of all child abuse and neglect fatalities in 2002;

Whereas abusive head trauma, including the trauma known as “Shaken Baby Syndrome”, is recognized as the leading cause of death of physically abused children;

Whereas Shaken Baby Syndrome can result in loss of vision, brain damage, paralysis, seizures, or death;

Whereas a 2005 study in the Journal of the American Medical Association estimated that, in the United States, an average of 300 children will die each year, and 600 to 1,200 more will be injured, whom 5% will be babies or infants under 1 year in age, as a result of Shaken Baby Syndrome, with many cases resulting in severe and permanent disabilities;

Whereas medical professionals believe that thousands of additional cases of Shaken Baby Syndrome are being misdiagnosed or are not detected;

Whereas Shaken Baby Syndrome often results in permanent, irreparable brain damage or death to an infant and may result in more than $1,000,000 in medical costs to care for a single, disabled child in just the first few years of life;

Whereas the most effective solution for ending Shaken Baby Syndrome is to prevent the abuse, and it is clear that the minimal costs of education and prevention programs may prevent the medical and disability costs and immeasurable amounts of grief for many families;

Whereas prevention programs have demonstrated that educating new parents about the danger of shaking young children and how they can help protect their child from injury can bring about a significant reduction in the number of cases of Shaken Baby Syndrome;

Whereas education programs have been shown to raise awareness and provide critically important Shaken Baby Syndrome to parents, caregivers, daycare workers, child protection employees, law enforcement personnel, health care professionals, and legal representatives;

Whereas efforts to prevent Shaken Baby Syndrome are supported by advocacy groups across the United States that were formed by parents and relatives of children who have been killed or injured by shaking, including the National Shaken Baby Coalition, the Shaken Baby Association, the Shaking Truth Initiative, the Remember Initiative (commonly known as the “SKIPPER Initiative”), the Shaken Baby Alliance, Shaken Baby Prevention, Inc., A Voice to Mourn, the Jake Foundation, the Shaker Heights Foundation, and the Kierra Harrison Foundation, whose mission is to educate the general public and professionals about Shaken Baby Syndrome and to increase support for victims and the families of the victims in the health care and criminal justice systems;

Whereas child abuse prevention programs and “National Shaken Baby Syndrome Awareness Week” are supported by the National Shaken Baby Coalition, the National Child Abuse Prevention Coalition, the Children’s Defense Fund, the American Academy of Pediatrics, the Child Welfare League of America, Prevent Child Abuse America, the National Child Abuse Coalition, the National Exchange Club Foundation, the American Humane Association, the American Professional Society on the Abuse of Children, the Arc of the United States, the Association of University Centers on Disabilities, Children’s Healthcare is a Legal Duty, Family Partnership, Family Voices, National Alliance of Children’s Trust and Prevention Funds, United Cerebral Palsy, the National Association of Children’s Hospitals and related institutions, Never Shake a Baby Arizona, Prevent Child Abuse Arizona, the Center for Child Protection and Family Support, and many other organizations;

Whereas a 2000 survey by Prevent Child Abuse America showed that approximately half of all citizens of the United States believe that, of all the public health issues facing the United States, child abuse and neglect is the most important issue;

Whereas Congress previously designated the third week of April 2001 as “National Shaken Baby Syndrome Awareness Week”;

Whereas Congress strongly supports efforts to protect children from abuse and neglect:

Now, therefore, be it

Resolved, That the Senate—

(1) designates the third week of April 2006 as “National Shaken Baby Syndrome Awareness Week”;

(2) commends those hospitals, child care councils, schools, and other organizations that—

(A) working to increase awareness of the danger of shaking young children; and

(B) educating parents and caregivers on how they can help protect children from injuries caused by abusive shaking; and

encourages the citizens of the United States to—

(A) remember the victims of Shaken Baby Syndrome; and

(B) participate in educational programs to help prevent Shaken Baby Syndrome.

SENATE RESOLUTION 440—CONGRATULATING AND COMMENDING THE MEMBERS OF THE UNITED STATES OLYMPIC AND PARALYMPIC TEAMS, AND THE UNITED STATES OLYMPIC COMMITTEE, FOR THEIR SUCCESS AND INSPIRED LEADERSHIP

Mr. ALLARD (for himself and Mrs. Dole) submitted the following resolution; which was considered and agreed to:

S. Res. 440

Whereas athletes of the United States Winter Olympic Team captured 9 gold medals, 3 silver medals, and 7 bronze medals at the Olympic Winter Games in Torino, Italy;

Whereas the total number of medals won by the competitors of the United States placed the United States ahead of all but 1 country, Germany, in total medals awarded to teams from any 1 country;

Whereas the paralympic athletes of the United States captured 7 gold medals, 2 silver medals, and 3 bronze medals at the...
Paralympic Winter Games, which were held immediately after the Olympic Winter Games in Torino, Italy;

Whereas the total medal count for the United States Olympic and Paralympic Teams ranked the team 7th among all participating teams;

Whereas members of the United States Winter Olympic and Paralympic Teams, such as athlete Lolo Jones, and skiier Lindsey Kildow, who exhibited considerable courage by returning to the field of competition only days after a painful and horrendous accident, demonstrated the true spirit of generosity and tenacity of the United States and the Olympic Winter Games;

Whereas the leadership displayed by United States Olympic Committee Board Chairman Peter Ueberroth and Chief Executive Officer Jim Scherr has helped transform the committee into an organization that—

(1) upholds the highest ideals of the Olympic movement;

(2) discharges the responsibilities of the committee to the athletes and the citizens of the United States in the manner that Congress has directed it to charter the committee in 1978: Now, therefore, be it

Resolved, That the Senate—

(1) commends and congratulates the members of the 2006-2008 United States Winter Olympic and Paralympic Teams;

(2) expresses its appreciation for the firm, inspired, and ethical leadership displayed by the United States Olympic Committee; and

(3) extends its best wishes and encouragement to those athletes of the United States and their numerous supporters who are preparing to represent the United States at the 2008 Olympic Games, which are to be held in Beijing, China.

SENATE CONCURRENT RESOLUTION 88—URGING THE GOVERNMENT OF CHINA TO REINSTATE ALL LICENSEES OF GAO ZHISHENG AND HIS LAW FIRM, REMOVE ALL LEGAL AND POLITICAL OBSTACLES FOR LAWYERS ATTEMPTING TO DEFEND CRIMINAL CASES IN CHINA, INCLUDING POLITICALLY SENSITIVE CASES, AND REVIVE LAW AND PRACTICE IN CHINA SO THAT IT CONFORMS TO INTERNATIONAL STANDARDS

Mr. FEINGOLD (for himself and Mr. BROWNBACK) submitted the following concurrent resolution; which was referred to the Committees on Foreign Relations;

S. CON. RES. 88

Whereas, since November 2005, the Beijing Judicial Bureau has shut down the law firm and suspended the license of Mr. Gao Zhisheng, one of China’s best known lawyers and legal rights defenders;

Whereas Mr. Gao has represented citizens of China in lawsuits against various local and administrative governmental bodies of the People’s Republic of China over corruption, land seizures, police abuse, and violations of religious freedom;

Whereas Mr. Gao wrote 3 open letters to President Hu Jintao and Premier Wen Jiabao condemning the methods employed by the Government of China in implementing its ban on “evil cults”; such as the Falun Gong and an additional letter documenting severe persecution of Christians in Xinjiang Uighur Autonomous Region;

Whereas Mr. Gao’s law practice filed a petition to appeal the verdict against Cai Zhuohua, who was found guilty of “illegal business practices” based upon his distribution of Bibles and religious materials worldwide;

Whereas Mr. Gao’s home has been constantly monitored by agents from the Ministry of State Security and Mr. Gao was prevented from traveling from Beijing to New York to meet with the representatives of the United Nations Special Rapporteur on Torture during his November 2005 visit to Beijing;

Whereas agents of the Public Security Bureau of China, numbering between 10 and 20, have constantly monitored the activities and whereabouts of Mr. Gao, his wife, and his daughter since late November 2005;

Whereas, on November 10, 2005, an open letter, signed by 138 organizations on human rights, was submitted to President Bush calling on him to voice support of Mr. Gao and his legal practice during the President’s November 2005 visit to China;

Whereas other human rights lawyers, collectively known as “rights defenders”, or Wei Quan, have also faced harassment, arrest, and detention for their consistent and vigorous activities to defend the fundamental rights of the people of China, contrary to measures within the law of China protecting human rights and rights of lawyers;

Whereas Mr. Chen Guangcheng, a blind human rights lawyer who has exposed cases of violence against workers, including forced abortion and forced sterilization perpetrated by authorities of China under the 1-child policy, was beaten on October 10, 2005, and currently remains under house arrest;

Whereas law professor and People’s Political Consultative Congress Delegate, Xu Zhiyong, who advocates on behalf of petitioners filing grievances with the Central government in Beijing, was also beaten on October 10, 2005, when meeting with Chen Guangcheng;

Whereas Mr. Yang Maodong (also known as Guo Feixiong), a lawyer representing villagers in Taishi village who attempted to oust their village head in peaceful elections, has been arbitrarily detained repeatedly and remains under constant surveillance by security agents;

Whereas Mr. Tang Jingling, a Guangdong based lawyer also working on the Taishi village elections case, has been fired from his law firm and was beaten on February 2, 2006, after attempting to meet with Yang Maodong;

Whereas, according to the Department of State 2005 Country Reports on Human Rights Practices, lawyers who aggressively tried to defend their clients continued to face serious intimidation and abuse by police and procurators, and some of these lawyers were detained;

Whereas the Constitution of China states that the courts shall, in accordance with the law, exercise judicial power independently, without interference from administrative organs, social organizations, and individuals, but in practice, the judiciary is not independent and it receives policy guidance from both the Government of China and the Communist Party, whose leaders use a variety of means to direct courts in verdicts and sentences, particularly in politically sensitive cases;

Whereas the Criminal Procedure Law of China gives suspects the right to seek legal counsel and lawyers in politically sensitive cases frequently find it difficult to find an attorney;

Whereas the Lawyers Law of the People’s Republic of China states a lawyer may “accept engagement by a criminal suspect in a criminal case to provide him with legal advice and represent him in filing a petition or charge or obtaining a guarantor pending trial”;

Whereas according to Article 306 of the Criminal Law of China, lawyers can be held responsible if their clients commit perjury, and prosecutors and judges in such cases have wide discretion in determining that constitute a crime;

Whereas according to the All-China Lawyers Association, since 1997 more than 500 defense attorneys have been detained on similar charges, and such a practice during the last year despite promises made by the Government of China to amend Article 306;

Whereas the State Department’s 2005 Annual Report on China states that the Chinese government is “remained poor”, that authorities of China quickly moved to suppress those who openly expressed their political dissent, and that writers, religious activists, dissidents, lawyers, and petitioners to the Central Government were particularly targeted;

Whereas, on their August 2005 visit to China, the United States Commission on International Religious Freedom found that the Government of China actively seeks to control and suppress the activities of unregistered religious organizations;

Whereas members of the United States Congress and representatives concurring;

NOW, THEREFORE, BE IT

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

(1) Congress—

(A) the term “rights defense” lawyers and activists of China for their courage and integrity, and expresses moral support for
this grass-roots “rights defense” movement in China; and
(B) urges the Government of the People’s Republic of China, at all levels, to cease its harassment of Ms. Zhishun’s, which provides pen-
alties for lawyers whose clients are accused of perjury and has been used to curtail the active legal defense of individuals accused of political crimes;
(D) urges the Government of the People’s Republic of China to undertake measures to further amend the Lawyers Law to ensure lawyers’ rights to investigate charges brought against their clients, to provide a vigorous defense of their clients, and to re-
maintain of harassment and intimidation throughout the course of representing cli-
ents, including clients who are charged with offenses related to political or religious activ-
tivities;
(E) urges the Government of the People’s Republic of China to respect fully the uni-
versality of the right to freedom of religion or belief of other human rights;
(F) urges the Government of the People’s Republic of China to ratify and implement a law the International Covenant on Civil and Political Rights to adopt such con-
crete or other measures as may be necessary to give effect to the rights recognized in the Covenant;
(G) urges the Government of the People’s Republic of China to respect fully the uni-
versality of the right to freedom of religion or belief of other human rights;
(H) urges the Government of the People’s Republic of China to respect fully the uni-
versality of the right to freedom of religion or belief of other human rights;
(J) urges the Government of the People’s Republic of China to respect fully the uni-
versality of the right to freedom of religion or belief of other human rights;
(K) urges the Government of the People’s Republic of China to ratify and implement a law the International Covenant on Civil and Political Rights to adopt such con-
crete or other measures as may be necessary to give effect to the rights recognized in the Covenant;
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versality of the right to freedom of religion or belief of other human rights;
(M) urges the Government of the People’s Republic of China to ratify and implement a law the International Covenant on Civil and Political Rights to adopt such con-
crete or other measures as may be necessary to give effect to the rights recognized in the Covenant;
(N) urges the Government of the People’s Republic of China to respect fully the uni-
versality of the right to freedom of religion or belief of other human rights;
(O) urges the Government of the People’s Republic of China to ratify and implement a law the International Covenant on Civil and Political Rights to adopt such con-
crete or other measures as may be necessary to give effect to the rights recognized in the Covenant;
(P) urges the Government of the People’s Republic of China to respect fully the uni-
versality of the right to freedom of religion or belief of other human rights;
(Q) urges the Government of the People’s Republic of China to ratify and implement a law the International Covenant on Civil and Political Rights to adopt such con-
crete or other measures as may be necessary to give effect to the rights recognized in the Covenant;
(R) urges the Government of the People’s Republic of China to respect fully the uni-
versality of the right to freedom of religion or belief of other human rights;
(S) urges the Government of the People’s Republic of China to ratify and implement a law the International Covenant on Civil and Political Rights to adopt such con-
crete or other measures as may be necessary to give effect to the rights recognized in the Covenant;
(T) urges the Government of the People’s Republic of China to respect fully the uni-
versality of the right to freedom of religion or belief of other human rights;
(U) urges the Government of the People’s Republic of China to ratify and implement a law the International Covenant on Civil and Political Rights to adopt such con-
crete or other measures as may be necessary to give effect to the rights recognized in the Covenant;
(V) urges the Government of the People’s Republic of China to respect fully the uni-
versality of the right to freedom of religion or belief of other human rights;
(W) urges the Government of the People’s Republic of China to ratify and implement a law the International Covenant on Civil and Political Rights to adopt such con-
crete or other measures as may be necessary to give effect to the rights recognized in the Covenant;
(X) urges the Government of the People’s Republic of China to respect fully the uni-
versality of the right to freedom of religion or belief of other human rights;
(Y) urges the Government of the People’s Republic of China to ratify and implement a law the International Covenant on Civil and Political Rights to adopt such con-
crete or other measures as may be necessary to give effect to the rights recognized in the Covenant;
(Z) urges the Government of the People’s Republic of China to respect fully the uni-
versality of the right to freedom of religion or belief of other human rights;

right to the freedom of religion or belief in China; and
(c) the President should raise the issue of the Government of China’s harassment, ar-
rests, detention, and persecution of human rights defense lawyers and activists and the need for the Government of China to respect the basic human rights of its citizens and the rule of law with Chinese President Hu Jintao.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3557. Mr. McConnell (for Mr. McCain) submitted an amendment intended to be pro-
posed by Mr. McConnell to the bill H.R. 3351, to make technical corrections to laws relating to Native Americans, and for other purposes.

TEXT OF AMENDMENTS

SA 3557. Mr. McConnell (for Mr. McCain) submitted an amendment intended to be pro-
posed by Mr. McConnell to the bill H.R. 3351, to make technical corrections to laws relating to Native Americans, and for other purposes.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
(a) SHORT TITLE.—This Act may be cited as the “Native American Technical Corrections Act of 2006.”
(b) TABLE OF CONTENTS.—The table of con-
ents of this Act is as follows:

SEC. 1. Short title; table of contents.

TITLE I—TECHNICAL AMENDMENTS AND OTHER PROVISIONS RELATING TO NA-
TIVE AMERICANS

Sec. 101. Alaska Native Claims Settlement Act technical amendment.
Sec. 102. ANCSA amendment.
Sec. 103. Mississippi Band of Choctaw trans-
portation reimbursement.
Sec. 104. Fallon Paiute Shoshone tribes set-
tlement.

TITLE II—INDIAN LAND LEASING
Sec. 201. Prairie Island land conveyance.
Sec. 203. Certification of rental proceeds.

TITLE III—INDIAN NATIONAL GAMING COMMISSION FUNDING AMENDMENT
Sec. 301. National Indian Gaming Commis-
sion fund amendment.

TITLE IV—INDIAN FINANCING
Sec. 401. Indian Financing Act Amendments.

TITLE V—NATIVE AMERICAN PROBATE REFORM TECHNICAL AMENDMENT
Sec. 501. Clarification of provisions and amendments relating to inher-
tance of Indian lands.

TITLE I—TECHNICAL AMENDMENTS AND OTHER PROVISIONS RELATING TO NA-
TIVE AMERICANS

SEC. 101. ALASKA NATIVE CLAIMS SETTLEMENT AMENDMENT.
(a)(1) Section 337(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629b) is amended in subsection (f), by striking “Section 1629b of this title” and inserting “Section 1629b of the Alaska Native Claims Settlement Act (43 U.S.C. 1629b)”; and
(b)(1) Section 337(b) of the Department of the Interior and Related Agencies Appropriations Act, 2003 (Division F of Public Law 108–
7; 44 Stat. 278; February 20, 2003) is amended by striking “Section 1629b(a)(3) of title 43, United States Code,” and inserting “Section 1629b of the Alaska Native Claims Settlement Act (43 U.S.C. 1629b(a)(3))”.

SEC. 102. ANCSA AMENDMENT.
(a) Settlement Fund.—Section 102 of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) is amended by striking “(a)(4) of section 1601(b)” and inserting “(a)(4) of section 1601(b)”, and
(b) Rates.—Section 102(a)(4) of the Alaska Native Claims Settlement Act (43 U.S.C. 1601(a)) is amended by striking “as provided in section 1601(b)(ii)” and inserting “as provided in section 1601(b)(ii)”, and
(c) the amendments made by this section take effect on February 20, 2003.

SEC. 103. MISSISSIPPI BAND OF CHOCTAW TRANS-
PORTATION REIMBURSEMENT.

The Secretary of the Interior is authorized and directed, within the 3-year period begin-
ing on the date of enactment of this Act, to accept and negotiate with any self-govern-
ing or other tribe, a tribe in the State of Mississippi, and any other tribe in the State of Mississippi, or any tribe in the United States, a transportation reimbursement agreement under the authority of the Act of August 1, 1986, as amended, and the Act of April 6, 1988, as amended, or any subsequent Act.

Sec. 104. FALLON PAIUTE SHOSHONE TRIBES SETTLEMENT.

(a) Settlement Fund.—Section 102 of the Fallon Paiute Shoshone Indian Tribes Water Rights Settlement Act (43 U.S.C. 1629) is amended—

(i) by striking the matter preceding sub-
section (a) and inserting the following:

“Notwithstanding any conflicting provision in the original Fund plan during Fund fiscal years 1996 through 2002, the total amount of the Annual 6 percent Amount, plus any unexpended and unobligated portion of the Annual 6 percent Amount from any of the 3 immediately preceding Fund fiscal years that are subsequent to Fund fiscal year 2005, less any negative income that may accrue on that portion, may be expended or obligated only for the following purposes:”;

(ii) by adding at the end the following:

“(g) Fees and expenses incurred in connec-
tion with the investment of the Fund, for in-
vestment management, consulting, custodianship, and other trans-
actional services or matters;”;}
(B) by striking paragraph (4) and inserting the following:

"(4) No monies from the Fund other than the amounts authorized under paragraphs (1) and (2) may be expended or obligated for any purpose.

(5) Notwithstanding any conflicting provision in the original Fund plan, during Fund fiscal year 2006 and during each subsequent Fund fiscal year, not more than 20 percent of the Annual 6 percent Amount for the Fund fiscal year (referred to in this title as the "Annual 6 percent Amount") may be expended or obligated under paragraph (1)(c) for per capita distributions to tribal members, except that during each Fund fiscal year and during each subsequent Fund fiscal year, not more than 30 percent of the Annual 6 percent Amount from any of the 3 immediately preceding Fund fiscal years, less any negative income that may accrue on that portion, may also be expended or obligated for payroll and capital outlays.

(6) in subsection (D), by adding at the end the following:

"Notwithstanding any conflicting provision in the original Fund plan, the Fund Council, in consultation with the Secretary, shall promptly amend the original Fund plan for purposes of conforming the Fund plan to this title and making necessary modifications, improvements, or corrections to the original Fund plan.

(b) Definitions. — Section 107 of the Fallon Paiute Shoshone Indian Tribes Water Rights Settlement Act of 2001 (Public Law 107-61; 104 Stat. 3292) is amended—

(1) by redesignating subsections (D), (E), (F), and (G) as subsections (F), (G), (H), and (I), respectively;

(2) by striking subsections (B) and (C) and inserting the following:

"(B) the term 'Fund fiscal year' means a fiscal year of the Fund (as defined in the Fund plan);

"(C) the term 'Fund plan' means the plan established under section 102(f), including the original Fund plan (the 'Plan for Investment, Management, Administration and Expenditure dated December 20, 1991') and all amendments of the Fund plan under subsection (D) or (F) of section 102;

"(D) the term 'incomer' means the total net return from the investment of the Fund, consisting of all interest, dividends, realized and unrealized gains and losses, and other earnings, less all related fees and expenses incurred for investment management, investment consulting, custodianship and transactional matters;

"(E) the term 'principal' means the total amount appropriated to the Fallon Paiute Shoshone Tribal Settlement Fund under section 102(b)."

TITLE II—INDIAN LAND LEASING

SEC. 201. PRAIRIE ISLAND LAND CONVEYANCE.

(a) In General. — The Secretary of the Army shall convey all right, title, and interest of the United States in and to the land described in subsection (b), including all improvements, cultural resources, and sites on the land, subject to the flowage and sloughing easements and the conditions stated in subsection (f), to the Secretary of the Interior, to be—

(1) held in trust by the United States for the benefit of the Prairie Island Indian Community in Minnesota; and

(2) included in the Prairie Island Indian Community Reservation in Goodhue County, Minnesota.


(c) BOUNDARY SURVEY. — Not later than 5 years after the date of conveyance under subsection (a), the boundaries of the land conveyed shall be determined by survey in accordance with section 2115 of the Revised Statutes (25 U.S.C. 176).

(d) EASEMENT. —

(1) IN GENERAL. — The Corps of Engineers shall retain a flowage and sloughing easement for the purpose of navigation and purposes relating to the Lock and Dam No. 3 project over the portion of the land described in subsection (b) that lies below the elevation of 676.0.

(2) INCLUSIONS. — The easement retained under paragraph (1) includes, without limitation, the following:

(A) the perpetual right to overflow, flood, and submerge property that the District Engineer determines to be necessary in connection with the maintenance of the Mississippi River Navigation Project; and

(B) the continuing right to clear and remove any brush, debris, or natural obstructions that, in the opinion of the District Engineer, may be detrimental to the project.

(e) OWNERSHIP OF STURGEON LAKE BED. — Nothing in this section diminishes or otherwise affects the title of the State of Minnesota to the bed of Sturgeon Lake located within the tracts of land described in subsection (b).

(f) CONDITIONS. — The conveyance under subsection (a) is subject to the conditions that—

(1) the conveyed land for human habitation;

(2) construct any structure on the land without the written approval of the District Engineer; or

(3) conduct gaming (within the meaning of section 312(f) of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) on the land.

(g) NO EFFECT ON ELIGIBILITY FOR CERTAIN PROJECTS. — Notwithstanding the conveyance under subsection (a), the land shall continue to be eligible for environmental management planning and other recreational or natural resource development projects on the same basis as before the conveyance.

(h) EFFECT OF SECTION. — Nothing in this section diminishes or otherwise affects the rights granted to the United States pursuant to letter dated July 23, 1937, and November 20, 1937, from the Secretary of the Interior to the Secretary of War and the letters of the Secretary of War in response to the Secretary of the Interior dated August 18, 1937, and November 27, 1937, under which the Secretary of the Interior granted certain rights to the Corps of Engineers to overflow the Mississippi River 9-Foot Channel Project boundary and as more particularly shown and depicted on the map entitled "United States of America survey map of the Upper Mississippi River 9-Foot Project, Lock & Dam No. 3 (Red Wing), Land & Flowage Rights" and dated December 1936.

SEC. 202. AUTHORIZATION OF 90-YEAR LEASES.

(a) IN GENERAL. — Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 413(a)), is amended in the second sentence—

"(1) by striking "Moapa Indian reservation" and inserting "Moapa Indian Reservation";

(2) by inserting "the Confederated Tribes of the Umatilla Indian Reservation," before the "Chelan County, Washington," and inserting "the lands comprising the Moses Allotment Numbered 10, Chelan County, Washington," and inserting "the lands comprising the Moses Allotment Numbered 8 and the Moses Allotment Numbered 10, Chelan County, Washington," and

(3) by inserting the "before "Yavapai-Prescott;"

(4) by inserting "the Muckleshoot Indian Reservation and land trust for the Muckleshoot Indian Tribe," after the "the Cabazon Indian Reservation;"

(5) by striking "lands comprising the Moses Allotment Numbered 10, Chelan County, Washington," and

(6) by inserting "land held in trust for the Prairie Band Potawatomi Nation," before "lands held in trust for the Cherokee Nation of Oklahoma;"

(7) by inserting "land held in trust for the Fallon Paiute Shoshone Tribes," before "lands held in trust for the Pueblo of Santa Clara;" and

(8) by inserting "land held in trust for the Yurok Tribe, land held in trust for the Hopland Band of Pomo Indians of the Hopland Rancheria," after "Pueblo of Santa Clara.""

(b) EFFECTIVE DATE. — The amendments made by subsection (a) shall apply to any lease entered into or renewed after the date of enactment of this Act.

SEC. 203. CERTIFICATION OF RENTAL PROCEEDS.

Notwithstanding any other provision of law, the actual rental proceeds from the lease of land acquired under the first section of the Act entitled "An Act to provide for loans to Indian tribes and tribal corporations for the purchase of land certified by the Secretary of the Interior shall be deemed—

(1) to constitute the rental value of that land; and

(2) to satisfy the requirement for appraisal of that land.

TITLE III—NATIONAL INDIAN GAMING COMMISSION FUNDING AMENDMENT

SEC. 301. NATIONAL INDIAN GAMING COMMISSION FUNDING AMENDMENT.

(a) POWERS OF THE COMMISSION. — Section 7 of the Indian Gaming Regulatory Act (25 U.S.C. 2766) is amended by adding at the end the following:

"(d) APPLICABILITY OF GOVERNMENT PERFORMANCE AND RESULTS ACT. —

"(1) IN GENERAL. — Notwithstanding any action taken under this Act, the Commission shall be subject to the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 326).

"(2) PLANS. — In addition to any plan required under the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 326), the Commission shall submit a plan to provide technical assistance to tribal gaming operations in accordance with that Act.

(b) COMMISSION FUNDING. — Section 18(a)(2) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)(2)) is amended by striking subparagraph (B) and inserting the following:

"(B) The total amount of all fees imposed during any fiscal year under the schedule established under paragraph (1) shall not exceed 0.080 percent of the gross gaming revenues of all gaming operations subject to regulation under this Act."
**SEC. 201. LOAN GUARANTEES AND INSURANCE.***

“(a) IN GENERAL.—In order—

(1) by striking “the Secretary is authorized (a) to guarantee” and inserting “the Secretary may—

(1) guarantee”;

(2) by striking “members; and (b) in lieu of such guaranty, to insure” and inserting “members; or—

(2) insure”;

(3) by adding at the end the following:

“(4) except as provided in paragraph (3), the Secretary may guarantee or insure loans under subsection (a) to both for-profit and nonprofit borrowers.”

(b) SALE OR ASSIGNMENT OF LOANS AND UNDERLYING SECURITY.—Section 205 of the Indian Financing Act of 1974 (25 U.S.C. 1485) is amended—

(1) by striking “Sec. 205,” and all that follows through subsection (b) and inserting the following:

**SEC. 205. SALE OR ASSIGNMENT OF LOANS AND UNDERLYING SECURITY.***

“(a) IN GENERAL.—All or any portion of a loan guaranteed or insured under this title, including the security given for the loan—

“(1) may be transferred by the lender by sale or assignment to any person; and—

“(2) may be retransferred by the transferee.

“(b) TRANSFERS OF LOANS.—With respect to a transfer described in subsection (a)—

“(1) the transferee shall be consistent with such regulations as the Secretary shall promulgate under subsection (h); and—

“(2) the transferee shall give notice of the transfer to the Secretary.”;

(2) LIMITATION ON EFFECT OF PARAGRAPH—

Section 207(g) of the Indian Land Consolidation Act (25 U.S.C. 2260(g)) is amended by striking paragraph (3) and inserting the following—

“(3) LIMITATION ON EFFECT OF PARAGRAPH.—Except to the extent that this Act would amend or otherwise affect the application of a Federal law specified or described in paragraph (1) or (2), nothing in paragraph (2) limits the application of this Act to trust or restricted lands, or any other trust or restricted interests or assets.”;

(c) TRANSFER AND EXCHANGE; LAND FOR WHICH PATENTS HAVE BEEN EXECUTED AND DELIVERED.—

“(1) TRANSFER AND EXCHANGE OF LAND.—Section 4 of the American Indian Probate Reform Act of 2004 (Public Law 108–464), is amended to read as follows:

**SEC. 4. TRANSFER AND EXCHANGE OF RESTRICTED INDIAN LANDS AND SHARES OF INDIAN TRIBES AND CORPORATIONS.***

“Except as provided in this Act, no sale, devise, gift, exchange, or other transfer of restricted Indian lands or of shares in the assets of any Indian tribe or corporation organized under this Act shall be made or approved except: Provided, That such lands or interests may, with the approval of the Secretary of the Interior, be sold, devised, or otherwise transferred to the Indian tribe in which the lands or shares were located or from which the shares were derived, or to a successor corporation: Provided further, That subject to section 8(b) of the American Indian Probate Reform Act (Public Law 108–464; 25 U.S.C. 2201 note), lands and shares described in the preceding proviso shall descend or be devised to any member of an Indian tribe or corporation described in that proviso or to an heir or lineal descendant of such a member in accordance with the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.), including a tribal probate code approved, or regulations promulgated under, that Act: Provided further, That the Secretary of the Interior may authorize any voluntary exchanges of lands of equal value and the voluntary exchange of shares of equal value whenever such exchange, in the judgment of the Secretary, is expedient and beneficial for or in the best interest of Indian lands and for the benefit of cooperative organizations.”

(d) LAND FOR WHICH PATENTS HAVE BEEN EXECUTED AND DELIVERED.—Section 5 of the Act of February 8, 1887 (25 U.S.C. 348) is amended in the second proviso by striking “That” and inserting “That, subject to section 8(b) of the American Indian Probate Reform Act of 2004 (Public Law 108–374; 118 Stat. 1810).”;

(3) EFFECTIVE DATES.—Section 8 of the American Indian Probate Reform Act of 2004 (25 U.S.C. 2201 note; 118 Stat. 1809) is amended by striking subsection (b) and inserting the following:

“(b) EFFECTIVE DATE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this Act apply on and after the date that is 1 year after the date on which the Secretary makes the certification required under subsection (a)(4).

(2) EXCEPTIONS.—The following provisions of law apply as of the date of enactment of this Act:

“(A) Subsections (e) and (f) of section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) (as amended by this Act).


“(C) The amendments made by section 4, section 5, paragraphs (1), (2), (4), (5), (6), (7), (8), (9), (10), and (11) of section 6(a), section 6(b), and section 7 of this Act.

(2) EFFECTIVE DATE OF AMENDMENTS.—The amendments made by subsection (b) shall take effect as if included in the enactment of the American Indian Probate Reform Act of 2004 (Public Law 108–374; 118 Stat. 1773).”

**NOTICES OF HEARINGS/MEETINGS***

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, April 19, 2006 at 10 a.m. in the Salón Ortega at the National Hispanic Cultural Center of New Mexico located at 1701 4th Street SW in Albuquerque, New Mexico.

The purpose of the hearing is to receive testimony regarding the drought conditions facing the State of New Mexico and S. 2561, to authorize the Secretary of the Interior to make available cost-shared grants and enter into cooperative agreements to further the goals of the Water 2025 Program by improving water conservation, efficiency, and management in the Reclamation States, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150. For further information, please contact Nate Gentry at (202) 224–2179 or Steve Waskiewicz at (202) 228–6195.

**NOTICE: REGISTRATION OF MASS MAILINGS***

The filing date for 2006 first quarter mass mailings is Tuesday, April 25, 2006. If your office did no mass mailings during this period, please submit a form that states “none.”

The following mailings, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116.

The Public Records office will be open from 9:00 a.m. to 5:30 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224–0322.
Mr. MCCONNELL. Mr. President, I ask for a division vote on the resolutions of ratification.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. MCCONNELL. I now ask for their second reading and, in order to place the bills on the calendar under the provisions of rule XIV, I object to my own consent that the pending legislation be

Mr. MCCONNELL. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 439, which was submitted earlier today.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 439, which was submitted earlier today.

The PRESIDING OFFICER. The motion was agreed to.

Mr. MCCONNELL. Mr. President, I rise today, along with my colleague Senator ALEXANDER, to introduce a resolution that of the resolution the Senate has passed to proclaim the third week of April of 2006 as Shaken Baby Syndrome Awareness Week."
that, in the U.S., an average of 300 children will die each year, and 600 to 1,200 more will be injured, of whom two-thirds will be babies or infants under 1 year in age, as a result of Shaken Baby Syndrome. Medical professionals believe that thousands more cases of Shaken Baby Syndrome are being misdiagnosed or not detected.

Families should be spared the needless tragedy of Shaken Baby Syndrome. Prevention is the most effective solution to the problem of Shaken Baby Syndrome. It is clear that the minimal costs of educational and prevention programs may help to protect our young children. Families as well as professionals who care for children must be made aware of the injuries that shaking can cause. In 1995, the U.S. Advisory Board on Child Abuse and Neglect recommended a universal approach to the prevention of child fatalities that included services such as home visitation by trained professionals, hospital-linked outreach to parents of infants and toddlers, community-based programs designed for the specific needs of neighborhoods, and effective public education campaigns.

Prevention programs have demonstrated that educating new parents about the danger of shaking young children and how they can help protect their child from injury can bring about a significant reduction in the number of cases of Shaken Baby Syndrome. In 1998, Dr. Mark Dias started the Upstate New York SBS Prevention Project at Children’s Hospital of Buffalo, which uses a simple video to educate new parents before they leave the hospital. Since that time, the number of shaken baby incidents in the Buffalo area has dropped by nearly 50%; none of the perpetrators have been identified as participants in the hospital education program. Hospitals around the country, including several in my own State of Colorado, have adopted programs similar to these to educate new parents about the dangers of shaking young children.

I urge the Senate to adopt this resolution designating the third week of April of 2006 as National Shaken Baby Syndrome Awareness Week, and to take part in the many local and national activities and events recognizing the month of April as National Child Abuse Prevention Month.

The prevention of Shaken Baby Syndrome is supported by advocacy groups across the U.S. that were formed by parents and relatives of children who have been killed or injured by shaking. I ask unanimous consent that a list of these groups supporting this resolution be printed in the RECORD.

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

GROUPS SUPPORTING NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK


Mr. MCCONNELL. Mr. President, I ask unanimous consent that the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 439) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 439

Whereas the month of April has been designated “National Child Abuse Prevention Month” as an annual tradition that was initiated in 1979 by former President Jimmy Carter;

Whereas the most recent National Child Abuse and Neglect Month figures reveal that more than 900,000 children were victims of abuse and neglect in the United States in 2002, causing unspeakable pain and suffering to our most vulnerable citizens;

Whereas among the children who are victims of abuse and neglect, nearly 4 children die in the United States each day;

Whereas children aged 1 year or younger accounted for 41.2 percent of all child abuse and neglect fatalities in 2002, and children aged 4 years or younger accounted for 76.1 percent of all child abuse and neglect fatalities in 2002;

Whereas abusive head trauma, including the trauma known as “Shaken Baby Syndrome”, is considered as the leading cause of death of physically abused children;

Whereas Shaken Baby Syndrome can result in loss of vision, brain damage, paralysis, seizures, and death;

Whereas a 2003 report in the Journal of the American Medical Association estimated that, in the United States, an average of 300 children will die each year, and 600 to 1,200 more will be injured, of whom ½ will be babies or infants under 1 year in age, as a result of Shaken Baby Syndrome, with many cases resulting in severe and permanent disabilities;

Whereas medical professionals believe that thousands of additional cases of Shaken Baby Syndrome are being misdiagnosed or are not detected;

Whereas Shaken Baby Syndrome often results in permanent, irreparable brain damage or death to an infant and may result in more than $1,000,000 in medical costs to care for a single, disabled child in just the first few years of life;

Whereas the most effective solution for ending Shaken Baby Syndrome is to prevent the abuse, and it is clear that the minimal costs of education and prevention programs may prevent the medical and disability costs and immeasurable amounts of grief for many families;

Whereas prevention programs have demonstrated that educating new parents about the danger of shaking young children and how they can help protect their child from injuries caused by abusive shaking;

Whereas education programs have been shown to raise awareness about the critically important information about Shaken Baby Syndrome to parents, caregivers, daycare workers, child protection professionals, law enforcement officials, child care professionals, and legal representatives;

Whereas efforts to prevent Shaken Baby Syndrome are supported by advocacy groups across the United States that were formed by parents and relatives of children who have been killed or injured by shaking, including the National Shaken Baby Coalition, the Shaken Baby Association, the Shaking Kills: Instead Parents Please Educate and Remember Initiative (commonly known as the “SKIPPER Initiative”), the Shaken Baby Alliance, Shaken Baby Prevention, Inc., A Voice for Gabbie, Don’t Shake Jake, and the Kierra Harrison Foundation, whose mission is to educate the general public and professionals about Shaken Baby Syndrome and to increase support for victims and the families of the victims in the health care and criminal justice systems;

Whereas child abuse prevention programs and “National Shaken Baby Syndrome Awareness Week” are supported by the National Shaken Baby Coalition, the National Center on Shaken Baby Syndrome, the Children’s Defense Fund, Prevent Child Abuse America, The National Child Abuse Coalition, the National Shaken Baby Syndrome Association, the Shaken Baby Syndrome Foundation, and other organizations.

Whereas a 2000 survey by Prevent Child Abuse America shows that approximately half of all citizens of the United States believe that, of all the pressing health issues facing the United States, child abuse and neglect is the most important issue;

Whereas Congress previously designated the third week of April 2001 as “National Shaken Baby Syndrome Awareness Week” and

Whereas Congress strongly supports efforts to protect children from abuse and neglect. Now, therefore, be it

Resolved. That the Senate—

(1) designates the third week of April 2006 as “National Shaken Baby Syndrome Awareness Week”;

(2) commends those hospitals, child care councils, schools, and other organizations that—

(a) are working to increase awareness of the danger of shaking young children; and

(b) educating parents and caregivers on how they can help protect children from injuries caused by abusive shaking; and

(3) encourages the citizens of the United States to—

(A) remember the victims of Shaken Baby Syndrome,

(B) participate in educational programs to help prevent Shaken Baby Syndrome.
CONGRATULATING THE MEMBERS OF THE U.S. OLYMPIC AND PARALYMPIC TEAMS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 440, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 440) congratulating and commending the members of the United States Olympic and Paralympic teams, and the United States Olympic Committee, for their success and inspired leadership.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 440) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 440

Whereas athletes of the United States Winter Olympic Team captured 9 gold medals, 9 silver medals, and 7 bronze medals at the Olympic Winter Games in Torino, Italy;

Whereas the total number of medals won by the competitors of the United States placed the United States ahead of all but 1 country, Germany, in total medals awarded to teams from any 1 country;

Whereas the paralympic athletes of the United States captured 7 gold medals, 2 silver medals, and 3 bronze medals at the Paralympic Winter Games, which were held immediately after the Olympic Winter Games in Torino, Italy;

Whereas the total medal count for the United States Winter Paralympic Team ranked the team 7th among all participating teams;

Whereas members of the United States Winter Olympic Team, such as skater Joey Cheek, with his considerable mone tary earnings to relief efforts in Darfur, Sudan, and skier Lindsey Kildow, who exhibited considerable courage by returning to the field only days after a painful and horrendous accident, demonstrated the true spirit of generosity and tenacity of the United States and the Olympic Winter Games;

Whereas the leadership displayed by United States Olympic Committee Board Chairman Peter Ueberroth and Chief Executive Officer Jim Scherr has helped transform the committee into an organization that—

(1) upholds the highest ideals of the Olympic movement; and

(2) discharges the responsibilities of the committee to the athletes and the citizens of the United States in the manner that Congress intended when it chartered the committee in 1978: Now, therefore, be it

Resolved, That the Senate—

(1) commends and congratulates the members of the 2006 United States Winter Olympic and Paralympic teams;

(2) expresses its appreciation for the firm, inspired, and ethical leadership displayed by the United States Olympic Committee; and

(3) extends its thanks and encouragement to those athletes of the United States and their numerous supporters who are pre paring to represent the United States at the 2008 Olympic Games, which are to be held in Beijing, China.

NATIVE AMERICAN TECHNICAL CORRECTIONS ACT OF 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of H.R. 3351 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3351) to make technical corrections to laws relating to Native Americans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. Mr. President, H.R. 3351, the Native American Technical Corrections Act of 2005, was passed by the House on November 16, 2005, and referred to the Committee on Indian Affairs. Many of the provisions in the House bill have already been acted on by the Senate in various bills. I will ask the Senate to consider this bill with a substitute amendment which includes most of the provisions in the original House version of the bill as well as some amendments that were not in the House version. I am pleased to be joined in support of this amendment as an original cosponsor of the amendment.

The Senate amendment to H.R. 3351 that I am offering contains the following: Section 101 is the same as S. 1484, which passed the Senate on July 26, 2005, and it amends the Fallon Paiute Shoshone Indian Tribes Water Rights Settlement Act of 1990 to adjust the spending rule set forth in that act for the Tribe’s Settlement Fund. The provision would authorize expenditure of 6 percent of the average market value of the Settlement fund over the preceding 3 years. Section 201 is the same as S. 766, which passed the Senate on July 26, 2005, and it authorizes the transfer of lands, now held by the U.S. Army Corps of Engineers, to the Department of the Interior to be held in trust for the benefit of the Prairie Island Indian community in Red Wing, MN. The transfer will have no effect on the tax status of the lands, nor will the Prairie Island Indian Community be permitted to develop commercial or gaming facilities on the land; section 202 authorizes various 99-year leases. Part of this section passed Senate in S. 1485 on July 26, 2005, while other provisions were contained in H.R. 3351. Section 203 addresses the problem of lack of appraisers in Indian country by providing that for purposes of obtaining agricultural loans, the market value of land is the default appraisal value. This section is the same as S. 1489, that passed the Senate on July 26, 2005. Section 204 passed Senate in S. 1295 on December 12, 2005, and it authorizes the National Indian Gaming Commission to collect fees up to 0.08 percent of gross gaming revenues, and eliminates $12 million cap, and subjects NIGC to the Government Performance and Results Act. Section 401, like S. 1758, that passed the Senate on August 22, 2005, amends the Indian Financing Act of 1974 to clarify that tribal aircraft entities are eligible for Bureau of Indian Affairs Loan Guaranty Program. In addition, because the BIA is fast reaching its $500 million limit on the amount of loans it can have outstanding, this amendment would increase that number to $1.5 billion.

The four new provisions that have not passed the Senate as stand-alone measures do the following: Section 101 corrects a drafting error to the Alaska Native Claims Settlement Act; section 102 facilitates exchanges between Alaska Regional and Village Corporations of land obtained through the Alaska Native Claims Settlement Act by clarifying that undeveloped land received by each Native corporation participant in the exchanges is deemed to be land conveyed under ANCSA; and section 103 will allow the State of Mississippi to pay the Mississippi Choctaw for work already performed, through a new published mechanism. The final new provision is section 501, the Native American Probate Reform and Technical Amendment, described in more detail below.

Section 501 corrects drafting errors and clarifies and includes new provisions relating to amendments made by the American Indian Probate Reform Act of 2004, AIPRA, and S. 1481, which was enacted into law in December of 2005. One of these provisions is an amendment to 25 U.S.C. 464. In 2004, this section was amended in AIPRA so that it would conform to the new uniform Indian probate code that was the centerpiece of AIPRA; however, after reviewing the various amendments that were made to Section 464, it was determined that there was a drafting error to the Alaska Native Claims Settlement Act by clarifying that undeveloped land received by each Native corporation participant in the exchanges is deemed to be land conveyed under ANCSA; and section 103 will allow the State of Mississippi to pay the Mississippi Choctaw for work already performed, through a new published mechanism. The final new provision is section 501, the Native American Probate Reform and Technical Amendment, described in more detail below.

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that neither measure intends to affect any of the other sorts of transactions that might otherwise be subject to section 464 or to affect in any way the application of any other Federal laws that might apply to lands that are covered by section 464 of the former act. The substitute includes technical amendments to the effective date section of AIPRA, section 8(b) of AIPRA, to make it clear that the amendments that were made to 25 U.S.C. 464 and 25 U.S.C. 348 are intended to take effect 1 year after the date on which the Secretary of Interior certified that notice of the AIPRA amendments had been given to Indian country in accordance with AIPRA section 8(a), and that sections 348 and 464, as they read immediately prior to the date of AIPRA, would continue to apply until the effective date of the new amendments.

Finally, the substitute also makes some minor changes to the wording of section 207(g) of ILCA just to further clarify congressional intent that nothing in ILCA supersedes or affects the application of special laws that relate to specific Indian tribes or the allotted lands of specific tribes.

Mr. MCGOVERN. Mr. President, I ask unanimous consent that the committee substitute at the desk 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 the bill be printed in the RECORD.

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

The amendment (No. 3567) was agreed to.

(The amendment is printed in today’s Record under “Text of Amendments.”)

The motion, as amended, was read the third time and passed.

PROVIDING FOR ADJOURNMENT OR RECESS OF THE HOUSE AND SENATE

Mr. MCGOVERN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H. Con. Res. 382, the adjournment resolution; provided that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 382) was agreed to, as follows:

H. Con. Res. 382

Resolved by the House of Representatives (the Senate concurring) That when the House adjourns on the legislative day of Thursday, April 6, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 25, 2006, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, April 6, 2006, through Sunday, April 9, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 24, 2006, or, in the event that section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, shall be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

AUTHORITY FOR COMMITTEES TO REPORT

Mr. MCGOVERN. Mr. President, I ask unanimous consent that notwithstanding the immediate adjournment of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

CONGRATULATING THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. MCGOVERN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 366 which was received from the House.

The PRESIDING OFFICER. The clerk will print the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 366) to congratulate the National Aeronautics and Space Administration on the 21st anniversary of the first flight of the space transportation system.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. HUTCHISON. Mr. President, there have been times that we, as a nation, have become so accustomed to successful space shuttle launches that we barely heard about them on the evening news. One hundred and fourteen successful missions have provided a wealth of information and research results that are seen and felt in our everyday lives. Yet few of us could identify these as having resulted from Space Shuttle research.

Today, the Space Shuttle is viewed by many as an over-aged relic of the past and the vehicle whose two failures in the past 24 years of its service cost the lives of 14 heroic astronauts. As tragic and unforgettable as the Challenger and Columbia accidents were, we must honor the memory of their crews by honoring the task for which they gave their lives. I am proud that our Nation has chosen to learn everything possible from those tragic losses to minimize the risks that will always be present in human space flight and to move forward to keep the dream of spaceflight alive.

It is appropriate today, as we consider House Concurrent Resolution 366, to reach back to the very beginning of space shuttle nights to the day, 25 years ago next week—April 12, 1981, at 7:45 p.m. eastern time. On that day, the space shuttle Columbia lifted off on her maiden voyage, carrying two brave and intrepid explorers, Commander John Young and Pilot Robert Crippen. They orbited the Earth 36 times in two days, six hours and twenty minutes, landing in California at Edwards Air Force Base on April 14, 1981, at 1:20 p.m. eastern time. This first mission of a reusable spacecraft marked the beginning of a new era in human spaceflight.

This era also provided the Nation and the world with new and incredible views of our Earth as seen from orbit. It also provided a continuous stream of important microgravity research that has found its way into medical devices, treatment procedures, computer enhancements, communications technologies, and a host of other practical applications that generally go unnoticed. The Great Telescopes, such as Hubble (Chandra, Compton Gamma Ray Observatory), were all made possible by the Space Shuttle. In the case of the Hubble, its inestimable value as a research tool was both rescued by the Space Shuttle and extended by servicing missions not possible without the Space Shuttle.

In the next several years, as the Space Shuttle completes the mission for which it was designed—completing the assembly and testing of the International Space Station—we will move into a new era of human spaceflight. We will experience new firsts and enter new names into the history books of those who accomplish the important milestones along our way to the Moon, Mars and beyond.

None of that would be possible, however, without the service of those who have gone before, and especially those brave men who took a vehicle never flown before on a journey of over a million miles. By any standard, that is an impressive first step.
Mr. NELSON of Florida. Mr. President, 25 years ago, on April 12, 1981, the Space Shuttle Columbia lifted off from the Kennedy Space Center in Florida. It marked the beginning of a historic two day mission, and more importantly, it was the first of many future shuttle missions. I am pleased to support passage of H. Con. Res. 365, commemorating this important anniversary.

I applaud the tremendous bravery of the STS-1 crew—Commander John W. Young and Pilot Robert L. Crippen—on accomplishing the mission safely and successfully. This anniversary is a testament to the thousands of people who worked to bring the Space Shuttle Program to life and to those who have sustained it throughout the years.

The Space Shuttle Program brought our Nation commercial and government satellite deliveries, in-orbit satellite repairs, delivery of large science observatories such as the Hubble Space Telescope, science lab space missions, historic dockings with the Russian Mir Space Station and assembly of the International Space Station.

Since the STS-1 launch in 1981, this Nation has launched more than 100 flights. Sadly, the Challenger and Columbia were lost in 1986 and 2003, respectively. What we learned about safety in spaceflight, brought by the sacrifices of the Challenger and Columbia crews, has made our space program stronger. Today the great challenge facing our space program is one of transition. We must complete the construction of the station and retire the shuttle fleet with dignity. And equally important, we must work together to preserve the workforce that will soon become the back bone of the new Crew Exploration Vehicle and the next human space project.

With the 25th anniversary of STS-1, let us all rededicate ourselves to the unfinished mission of exploration and discovery. Let us pledge to complete the journey that Commander Young and Pilot Crippen began by returning safely to flight with STS-121 later this summer, and move forward in leading safely to flight with STS–121 later this year.

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Mr. McCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution (H. Con. Res. 366) was agreed to.

AUTHORITY TO SIGN DULLY ENROLLED BILLS OR JOINT RESOLUTIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader and senior Senator from North Carolina be authorized to sign duly enrolled bills or joint resolutions.

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

EXECUTIVE SESSION

NOMINATIONS DISCHARGED

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session; provided further that the Senate proceed to their consideration; I ask unanimous consent that the nominations be confirmed, with the motions to reconsider laid upon the table, the Senate then return to legislative session.

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

The nominations confirmed and confirmed are as follows:

COAST GUARD

The following named officer for appointment as Commander, Atlantic Area of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., Section 50:

To be vice admiral

Rear Adm. David B. Peterman

The following named officer for appointment as Commander, Pacific Area of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., Section 50:

To be vice admiral

Rear Adm. Charles D. Wurster

The following named officer for appointment as Chief of Staff of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., Section 50a:

To be vice admiral

Rear Adm. (L) Robert J. Papp

The following named officer for appointment as Vice Commandant of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., Section 50a:

To be vice admiral

Vice Adm. Vivien S. Crea

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, APRIL 24, 2006

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the provisions of H. Con. Res. 382 until 2 p.m. on Monday, April 24. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders to be reserved, and the Senate then proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

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

PROGRAM

Mr. McCONNELL. We will return after the Easter/Passover break and begin consideration of the supplemental appropriations bill. As I indicated earlier, there will be no votes on Monday, April 24. However, Senators will be able to qualify for opening statements on the supplemental bill. We will begin consideration of the bill on Tuesday, and therefore votes will occur on Tuesday.

We also have two district judges on the calendar and may well schedule votes on them on that Tuesday as well. I certainly wish everyone a restful and safe break.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, April 7, 2006.

DEPARTMENT OF DEFENSE

DORRANCE SMITH, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING, SUBJECT TO THE Nominee's Commitment to Respond to Requisitions to Appear and Testify Before Any Duly Constituted Committee of the Senate.

IN THE COAST GUARD


To be vice admiral

Rear Adm. David B. Peterman


To be vice admiral

Rear Adm. Charles D. Wurster

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF STAFF OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50A.

To be vice admiral

Rear Adm. (L) Robert J. Papp

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE COMMANDANT OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50A:

To be vice admiral

Vice Adm. Vivien S. Crea
INCREASING AWARENESS OF KIDNEY DISEASE IN THE AFRICAN AMERICAN COMMUNITY

HON. DONNA M. CHRISTENSEN
OF THE VIRGIN ISLANDS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Mrs. CHRISTENSEN. Mr. Speaker, as Congress recognizes National Minority Health Month, I join my colleagues, Congressman WATT and Congressman JEFFERSON to increase awareness about the devastating effects of kidney disease on the African American community.

Both kidney failure and its precursor, Chronic Kidney Disease (CKD), disproportionately affect African Americans. Although only about 13 percent of the U.S. population, African Americans make up 32 percent of the patients treated for kidney failure. The American Heart Association reports that African Americans have a 4.2 times greater risk of kidney failure than white Americans. The Congressional Black Caucus is especially concerned about the growing prevalence of kidney disease because of this disproportionate impact.

Mr. Speaker, the leading causes of kidney disease are diabetes and high blood pressure, both of which also disproportionately affect African Americans. Diabetes occurs at twice the rate in the African American community than it does with Caucasians. High blood pressure affects 1 out of every 3 African American adults. According to the American Heart Association, the prevalence of hypertension in the African American community is among the highest in the world.

Mr. Speaker, African Americans are four times more likely to develop kidney failure than Caucasians. African Americans make up 12 percent of the population but account for 30 percent of people with kidney failure. Diabetes and high blood pressure account for about 70 percent of kidney failure in African Americans. A recent National Kidney Disease Education Program (NKDEP) survey of African Americans found that only 17 percent named kidney disease as a consequence of diabetes, and only 8 percent named it as a consequence of high blood pressure. African American males ages 22–44 are 20 times more likely to develop kidney failure due to high blood pressure than Caucasian males in the same age group. Forty-five percent of African American men with kidney failure received late referrals to nephrologists. In some cases people were not aware they had a problem until they needed dialysis.

We must continue our strong support of the efforts of the kidney care community to meet the needs of these patients. We must fund education programs to raise awareness of the disease within the African American community. We must ensure that Medicare treats those with CKD for patients with kidney disease the same way it treats all other groups of providers—this means enacting an annual update mechanism to recognize inflation and other increases related to caring for these patients. Without equitable reimbursement, it will be difficult for the community to continue to meet the needs of the ever-growing patient population.

Supporting educational programs and high quality care not only improves quality of life for patients, but also reduces the cost to the overburdened Medicare program. Preventing kidney failure and improving care will result in substantial savings for the government. In addition, if treated early, individuals with kidney disease will experience an improved quality of life and be able to maintain more daily life activities, including keeping their jobs.

My colleagues and I applaud the efforts to increase awareness about this important issue and to show support for Americans living with kidney disease. We must act now to help Americans learn more about this deadly disease and how to prevent its development and progression to kidney failure.

TRIBUTE TO DR. RAY STOWERS’ SERVICE TO MEDPAC

HON. JOHN SULLIVAN
OF OKLAHOMA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Mr. SULLIVAN. Mr. Speaker, I rise to pay tribute to a physician who has served my state of Oklahoma and the Nation with distinction over the past 6 years. On April 20, 2006, Ray E. Stowers, D.O. will participate in his final meeting as a member of the Medicare Payment Advisory Commission (MedPAC).

For the past 6 years, Dr. Stowers represented the interest of Medicare beneficiaries, physicians, and hospitals as a member of the 101st Airborne Division. He demonstrated it when he put his own life in harm’s way to protect others from the cluster bomb explosion that took his life in defense of freedom on April 24, 2003. Sgt. Jenkins loved his country, serving in both the Marine Corps and the Army. He studied Arabic and trained to be a paratrooper. His service took him to Afghanistan and Iraq. As a member of the 101st Airborne Division, he was standing patrol in Baghdad when a cluster bomb exploded, taking his life.

Sgt. Jenkins was known at home and among his comrades for his bravery. He demonstrated it when he put his own life in harm’s way to protect others from the cluster bomb. He was remembered by his fellow soldiers as a friend and a hero; all of America can be proud of his service and his dedication to duty.

I would like to commend Sgt. Jenkins’ mother, Connie Gibson, for her efforts to honor the bravery and service of her son and all others who have lost their lives defending our country. She works to support local veterans and their families to bring our community together to pay tribute to those who have given the ultimate sacrifice for America.

On the third anniversary of the loss of Sgt. Jenkins, I send my condolences out to his family, including his wife, Amanda, and sons, Tristan and Brandon. The thoughts and prayers of America are with you.
IN RECOGNITION OF THE 50TH AN-
NIVERSARY OF THE VILLAGE OF
NORTH PALM BEACH, FLORIDA

HON. E. CLAY SHAW, JR.
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Mr. SHAW. Mr. Speaker, fifty years ago Dwight D. Eisenhower was President of the United States, the communist regime in Cuba was underway, Elvis Presley’s “Hound Dog” topped the charts, Don Larson pitched a perfect game as the Yankees beat the Brooklyn Dodgers in the World Series, and the cost of a first class stamp was .03 cents.

Amidst these historical events taking place, the Village of North Palm Beach was created. Much has changed in those fifty years in and around the village with new development, highways and a large population spurt to reach its present size, however, one thing that has not changed is the “small town” nature of the Village of North Palm Beach and its friendly residents.

The village has been blessed over the years with outstanding local elected officials and a strong participation by its residents and civic leaders. Mr. Speaker, over the years I have proudly represented this community, I have witnessed time and time again where the community has pulled together to support a common cause. The spirit of togetherness and pride is ubiquitous in the Village of North Palm Beach.

From the days that John D. MacArthur sold his property, which included a golf course and a country club, to create North Palm Beach, the first of Florida’s master planned communities, the Village has always set the mark.

Now with 13,000 residents, its well managed growth has been a model for future planned communities throughout the state and country.

Environmentally, the Village is also ahead of the curve, when in 1989 the State of Florida purchased 437 areas of property from the Village along the Atlantic Ocean to preserve a natural coastal barrier Island. Preserved forever from being developed, it provides a home for nesting sea turtles, birds, indigenous plant and wildlife, reefs and a birthing and natural nursery for Florida Manatees. It is suitably named, MacArthur State Beach Park.

In recent years, the Town has also enhanced our local and State governments by being the hometown and formative training ground of Palm Beach County Commissioner Karen Marcus and State Senator Jeff Atwater.

Well done North Palm Beach in your first fifty years. You truly are “The Best Place to Live Under the Sun.”

INTRODUCTION OF THE ROYALTY-
IN-KIND FOR ENERGY ASSIST-
ANCE IMPROVEMENT ACT OF 2006

HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Mr. UDALL of Colorado. Mr. Speaker, this week I have introduced the Royalty-In-Kind for Energy Assistance Improvement Act. This bill is intended to make it possible for the Depart-ment of Interior to implement a provision in the Energy Policy Act of 2005 that was intended to provide a new way to assist low-income people to heat or cool their homes.

For several years before 2005, the Department of Interior had authority to develop “royalty-in-kind” arrangements under which companies developing federal oil could meet their required royalty payments by providing oil instead of cash. The Energy Policy Act expanded this provision to apply to natural-gas developers as well, and also added new authority for Interior to grant a preference to low-income consumers to sell federal natural gas it obtained under such an arrangement.

While this Energy Policy Act provision does not specifically reference the federal Low-Income Home Energy Assistance Program (LIHEAP), its implementation could benefit that program.

LIHEAP is intended to help low-income Americans pay for their heating and cooling costs. However, at current funding levels this critically important program serves less than 15 percent of those who qualify for it. Implementing the Energy Policy Act provision to grant a preference to low-income consumers would supplement LIHEAP funding and expand the amount of energy assistance available to the poor.

Last September, I joined my colleagues from Colorado in writing a letter to Interior Secretary Gail Norton asking her to consider beginning implementation of the new provision through a pilot program in Colorado. In the letter we emphasized the importance of helping this country’s most vulnerable citizens, who are increasingly hard hit by rising energy costs.

In a reply to my office, the Interior Department responded that the Interior Department’s lawyers had reviewed the Energy Policy Act provision and had concluded that as it now stands it could not be implemented because the current law “does not provide the Department with the authority or discretion to receive less than fair market value for the royalty gas or oil.”

My bill is intended to correct the legal deficiencies in the provision as enacted to make it possible for the Interior Department to implement the program. In developing the legislation, my staff has reviewed the Interior Department’s legal opinion and has consulted with the Interior Department’s lawyers and with other legal experts. Based on that review, I think enactment of my bill will resolve the legal problems cited by the Interior Department and will enable the program to go forward.

Spring may be upon us, but hot summer temperatures and another winter are just months away. I believe the Energy Policy Act provision helps low-income consumers in an innovative tool that must be allowed to work. The Royalty-in-Kind for Energy Assistance Improvement Act would make this possible. I urge my colleagues to support this legislation and to support energy assistance for this nation’s most vulnerable residents.

Here is a brief outline of the bill:

Section One—provides a short title (“Royalty-In-Kind for Energy Assistance Improvement Act of 2006”).

Section Two—contains forth findings regarding the importance of LIHEAP and the intent of the relevant provisions of law regarding payment of royalties-in-kind and the conclusion of the Interior Department that the provision of the 2005 Energy Policy Act intended to allow use of royalties-in-kind to benefit low-income consumers cannot be implemented. This section also states the bill’s purpose, which is to amend that part of the Energy Policy Act in order to make it possible for it to be implemented in order to assist low-income people to meet their energy needs.

Section Three—amends the relevant provi-sion (Section 342(j)) of the Energy Policy Act by—

(1) adding explicit authority for the Interior Department to sell royalty-in-kind oil or gas for as little as half its fair market value in implemen-tating that part of the Energy Policy Act under an agreement that the purchaser will be required to provide an appropriate amount of resources to a Federal low-income energy as-sistance program;

(2) clarifying that such a sale at a dis-counted price will be deemed to comply with the Anti-deficiency Act; and

(3) authorizing the Interior Department to issue rules and enter into agreements that are considered appropriate in order to implement that part of the Energy Policy Act.

These changes are specifically designed to correct the legal deficiencies that the Interior Department has determined currently make it impossible for it to implement this part of the Energy Policy Act.

HONORING BILL STAGGS FOR VAL-
IANT SERVICE DURING WORLD WAR II

HON. LINCOLN DAVIS
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Mr. DAVIS of Tennessee. Mr. Speaker, I rise today to honor William (Bill) Staggs, Captain, United States Army Air Force for his valiant service as a fighter pilot during World War II.

Upon entering the service in September 1942, Mr. Staggs, born in Portland, Ten-
nessee, was sent to Santa Anna, California for ground school. He soloed in April 1943, in a Ryan PT–22 at King City, California. He flew the PT–13A at Gardner, Colorado, and the AT–6 and P–40 at Luke Field in Phoenix, Ari-

In the fall of 1944, Bill was assigned to fly the P–51 Mustang with the 55th Fighter Group, 38th Squadron of the 8th Air Force based at Wumingford, England. The P–51’s mission was long-range escort of American and British bombers over Germany. Bill flew 56 missions totaling 279 combat hours from late 1944 to the end of the war.

During World War II, the three squadrons of the 55th Fighter Group destroyed over 580 enemy aircraft and Bill was officially credited with destroying three. Of particular note is the downing of one Focke-Wulf 190 for which he was not credited but resulted in Bill being awarded the Distinguished Flying Cross. While flying bomber escort over Germany in the spring of 1945, Bill came to the aid of a fellow pilot who was forced to belly land in a German plane. He skillfully maneuvered his plane behind the Focke-Wulf and shot the plane off his fellow pilot’s tail. Bill later learned the pilot in the other P–51 was an 8th Air
A TRIBUTE TO JEFF STEINBERG
ON HIS RECEIPT OF THE THOMAS JEFFERSON AWARD FOR HIS WORK ON SOJOURNS TO THE PAST

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to Jeff Steinberg, who was recently awarded the Thomas Jefferson Award for creating Sojourns to the Past. Mr. Steinberg is a resident of Millbrae, California, which is in my Congressional District.

Mr. Steinberg has lived and worked around the Bay Area his entire life. He began his community involvement as a history teacher at Capuchino High School in San Bruno, California and has worked to make our community a better place for over a decade as an educator. In 1999, Jeff created the Sojourns to the Past as an educational tool to teach high school students about American history in the South and to promote tolerance and human rights. Since its inception, over 3000 students have participated.

Sojourns to the Past promotes a living history of the Civil Rights movement. The curriculum contains books, documentaries, audio recordings, and on-site experiences. Veterans of the movement, like my friend and colleague Congressman John Lewis, meet with the students to teach lessons of tolerance, nonviolence and personal courage. The students visit eight cities in the South, starting with Atlanta and ending in Memphis. They tour landmarks of the Civil Rights era and can see firsthand the destructive effects of racism, sexism, homophobia and other forms of discrimination.

Mr. Speaker, Sojourns to the Past has inspired thousands of students. When they return from their trip the students have a better understanding of American history and the struggle for civil rights. I have received hundreds of letters from students who share their experience with me and I know that these students return from the trip with a unique appreciation for the struggle faced by the pioneers of the civil rights movement.

Mr. Speaker, Sojourns to the Past is a truly stimulating program and Jeff Steinberg is an extraordinary person who has worked tirelessly for his students and our community. Students who participate in this program become more engaged civically and are more likely to vote. I urge all of my colleagues to join me in congratulating him on this wonderful recognition.

IN HONOR OF CALVIN D. WEST
HON. FRANK PALLONE, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Mr. PALLONE. Mr. Speaker, I rise today to honor a dear friend and someone who has served the people of Newark and my state of New Jersey nearly his entire life—Mr. Calvin D. West.

Calvin has served our state since he returned home from his time in the military more than fifty years ago. Elected to the Newark City Council in 1966, Calvin was the first African-American at-large-councilman in the city of Newark’s history. His leadership and advocacy on behalf of the people of Newark and our state has been remarkable, and his more than fifty years of public service serves as an example for us all.

A true champion of the civil rights movement, Calvin helped Newark through the 1967 civil disorder and has continued to play a crucial role in the rebuilding of Newark and in bringing together the diverse communities that make the city so great. He has advised Presidents going back to John F. Kennedy, a long succession of New Jersey governors, including his service as Executive Director of the Governor’s North Jersey Office for the past five years. Throughout his time in public service he has been a dedicated and tireless advocate for children and those in need.

On a personal level, Calvin’s generosity and kindness has touched the lives of so many in Newark and across New Jersey. His work with the Boys & Girls Club of Newark, the Newark Preschools Council and other educational institutions and nonprofit organizations in the community has given countless young people the opportunity to be mentored by someone who understands their struggles.

Mr. Speaker, I am proud to call Calvin my friend and I wish him the very best as we celebrate his fifty years of public service. The people of Newark and our state can only hope that we can continue to benefit from his service, his expertise and his good will for many years to come.

527 REFORM ACT OF 2005

SPEECH OF
HON. DEBORAH PRYCE
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 5, 2006

Ms. PRYCE of Ohio. Mr. Speaker, in 2002, after six years of debate, Congress passed the Bipartisan Campaign Finance Reform Act, better known as the McCain-Feingold bill. Supporters of the bill claimed it would rectify the perception that there is too much money in politics, and that tightening reporting requirements would create full transparency in donor information.

But while their intentions were noble, 4 years later politics is more awash in money than ever before, only thanks to McCain-Feingold, we now know less about where it’s coming from.

According to the bill’s proponents, the crown jewel of McCain-Feingold was a ban on large, unregulated contributions to political parties, known as “soft money.” However, that ban—527s—has largely gone unenforced.

In theory, this prohibition was supposed to prevent billionaires from donating enormous and largely unreported sums of cash to influence federal elections. In reality, it spawned a new, unaccountable funnel for millionaire money—527s.

Although 527s can run political ads, mobilize voters, donate to Federal campaigns through an affiliated PAC, and perform virtually every other function of a political party, 527s—like candidate campaigns, political parties, and political action committees—are not regulated by the Federal Elections Commission. Nor are 527s accountable to voters.

527s have carried their message into the homes of millions of Americans without having to adhere to the numerous regulations governing political parties and campaigns.

The bill before us today—the 527 Reform Act—will close this loophole in McCain-Feingold, preventing 527s from having an unfair financial advantage over political parties and individual candidates.

At bottom, this is simply a matter of fairness: everyone who seeks to influence a federal election should be playing by the same rules.

Mr. Speaker, when we passed the Bipartisan Campaign Finance Reform Act, the other side said millionaires were playing too big of a role in federal elections.

If they truly believe that, I challenge them to support this legislation and restore fairness to campaign finance laws.

CONGRATULATING KELLY NICOLE BRYANT

HON. VIRGINIA FOXX
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Ms. FOXX. Mr. Speaker, I rise this evening to recognize and congratulate Miss Kelly Nicole Bryant for being selected to represent the State of North Carolina in the 2006 National Cherry Blossom Festival. Kelly has strong ties to North Carolina’s Fifth District, as she is the granddaughter of Juanita Bryant and the late Frank Bryant of Boonville.

Kelly has already represented our state at the festival’s traditional Japanese lantern lighting ceremony. She has attended several embassy parties and has toured the White House and Kennedy Center.

Tonight, I am looking forward to meeting Kelly at the National Cherry Blossom Congressional Reception. I wish her well for the remainder of her stay in Washington. On Saturday she will represent North Carolina in the National Cherry Blossom Parade.

Kelly is a junior at East Carolina University, where she is majoring in Political Science and minoring in history. She is on the Dean’s List and is a Member of the National Society of Collegiate Scholars. Kelly has made a positive difference in her community by volunteering for the Exploris Museum, Habitat for Humanity, Relay for Life and the Race for the Cure.
Mr. Speaker, please join me in congratulating Miss Kelly Bryant for being an outstanding representative for the State of North Carolina.

INTRODUCTION OF BILL TO AMEND THE INDIAN GAMING ACT

HON. JIM COSTA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. COSTA. Mr. Speaker, I rise to introduce this proposed legislation to require States to implement commonsense planning policy as it relates to the Class III Indian gaming within State borders.

Too often, Indian tribes are at the mercy of the shifting political winds of State government. Negotiating a Tribal-State compact for the right to engage in Class III gaming on their tribal lands is a process complicated by elections, changing attitudes towards the tribe, as well as an understanding that tribal gaming can be a lucrative business for the State. This process is frequently understood as "let's make a deal" time.

This proposed legislation directs the Secretary of the Interior to withhold approval of a Tribal-State compact until the State first develops a long-term plan to administer Class III gaming within its State boundaries. It employs a process to incorporate opinion by both the local communities and tribes, and represents a process often recognized by State and Federal Government as necessary but missing from the present application process for Class III gaming. This legislation will not prevent tribes from engaging in the application process or affect already approved Tribal-State compacts.

INTRODUCTION OF THE MORE WATER AND MORE ENERGY ACT OF 2006

HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. UDALL of Colorado. Mr. Speaker, this week I have introduced the “More Water and More Energy Act of 2006.”

My bill deals with the issue of “produced water,” the saline water generated in the production of oil. For every barrel of oil produced, approximately 10 barrels of saline water are generated. In the State of the Upper Basin, this water can be recovered and made suitable for use for such purposes.

In my opinion, fresh water supplies in many areas of the country—especially in the West—it makes sense to consider how this produced water could supplement our limited fresh water resources.

I’m glad that this issue is beginning to engage so many around the country as they recognize the potential benefits of produced water. Just this week, the Colorado Water Resources Research Institute is hosting a “Produced Water Workshop” to discuss “Energy & Water—How Can We Get Both for the Price of One?”

In my opinion, few topics could be more timely or important, not only for Colorado but for our country.

That’s why I’m introducing the More Water and More Energy Act—to facilitate the use of produced water for irrigation and other purposes, including municipal and industrial uses. This bill would direct the Secretary of the Interior (through the Bureau of Reclamation and the U.S.G.S.) to carry out a study to identify the technical, economic, environmental, legal, and other obstacles to increasing the extent to which produced water can be used for such purposes.

In addition, it would authorize federal grants to assist in the development of facilities to demonstrate the feasibility, effectiveness, and safety of processes to increase the extent to which produced water can be recovered and made suitable for such purposes.

Developing beneficial uses for produced water could reduce the costs of oil and gas development, while also easing demand for water—especially in the West—by alleviating drought conditions and providing water for agriculture, industry, and other uses.

One? Energy and produced water are two of our most important resources—so it makes sense to pursue ways to produce more of both. I believe my bill is a step in this direction.

Here is a brief outline of the bill’s provisions:

Section One provides a short title (“More Water and Energy Act of 2006”), sets forth findings, and states the bill’s purpose, “to facilitate the use of produced water for irrigation and other purposes and to demonstrate ways to accomplish that result.”

Section Two provides definitions of key terms used in the legislation.

Section Three authorizes and directs the Secretary of the Interior, acting through the Bureau of Reclamation and the U.S. Geological Survey, to conduct a study to identify the technical, economic, environmental, legal, and other obstacles to increasing the use of produced water for irrigation and other purposes and the legislative, administrative, and other actions that could reduce or eliminate these obstacles. The study is to be done in consultation with the Department of Energy, the Environmental Protection Agency, and appropriate Governors and local officials, and the Interior Department will be required to seek the advice of experts and comments and suggestions from the public. Results of the study are to be reported to Congress within a year after enactment of the legislation.

Section Four authorizes and directs (subject to the availability of appropriated funds) the Interior Department to award grants to assist in developing facilities to demonstrate the feasibility, effectiveness, and safety of processes to increase the use of produced water for irrigation, municipal or industrial uses, or for other purposes. No more than one such project is to be in a State of the Upper Basin of the Colorado River (i.e., Colorado, New Mexico, Utah, or Wyoming), no more than one in the State of Nevada, and no more than one is to be in California. Grants are to be for a maximum of $1 million, and can pay for no more than half the cost of any project. Grants cannot be used for operation or maintenance of a project.

Section Five authorizes appropriations to implement the legislation, including up to $5 million for grants authorized by section 4.

HON. MILLARD V. OAKLEY
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 6, 2006

Mr. DAVIDS of Tennessee. Mr. Speaker, I rise today to honor Millard V. Oakley of Livingston, Tennessee for his many contributions to the State of Tennessee and the people of the Upper Cumberland.

Millard has been a good and loyal friend to many people. A lifelong resident of Overton County, Tennessee, Oakley graduated from Livingston Academy High School, attended Tennessee Technological University, and graduated from Cumberland University School of Law, LLB, in 1951.

Shortly upon receiving his degree, Oakley engaged in the general practice of law and is still a practicing attorney.

Mr. Oakley was elected to four terms to the Tennessee Legislature, served one term to the Constitutional Convention, and was elected to four terms as County Attorney of Overton County.


Today, Oakley serves on the Board of Directors, First National Bank of Tennessee-Livingston/Cookeville/Crossville/Sparta. He also serves on the Board of Directors and Executive Committee, Thomas Nelson Publishers, the world’s largest Bible publishing company.

Throughout his life, Millard has been a leader in business specializing in property and economic development in the Upper Cumberland. Through his financial institutions he has helped several entrepreneurs start and expand their business. A tireless advocate for education, Millard has been a leader in recruiting a satellite campus of Volunteer State Community College to Livingston and has been instrumental in the development of the science, technology, engineering, and math facility at Tennessee Technological University in Cookeville. His support of these facilities makes him one of the premiere advocates for the children of the Upper Cumberland area.

Millard’s compassion and sincere concern for the people of the Upper Cumberland region of Tennessee is seldom surpassed by anyone.

He is married to J. Annette Oakley. They have one daughter, Melissa Oakley Smith, and one granddaughter, Kendall Vaughn Smith, also of Livingston, Tennessee.

It is fitting and appropriate that Millard V. Oakley be recognized for his charitable deeds and his abiding friendship to all of those who know him and future generations that we honor him in the U.S. House of Representatives.
CELEBRATING SAN MATEO COUNTY’S SESQUICENTENNIAL ANNIVERSARY

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Mr. LANTOS. Mr. Speaker, it is with great pride that I rise to celebrate the sesquicentennial anniversary of San Mateo County, California, a county which, I proudly represent, along with my good friend Anna Eschoo in the United States House of Representatives.

Much of the history of San Mateo County can be derived from its unique founding. The county was not one of the original counties created when California was granted Statehood in 1850, but instead came about as a political compromise. Originally part of San Francisco County, a group of progressively minded citizens, fed up with corruption in San Francisco, decided that it would be easier to clean up San Francisco rather than replace it, and proposed merging the San Francisco County and City governments. However, those opposed to this plan were also politically strong and at the end the day a compromise was agreed upon—that the San Francisco governments would be consolidated but it would become two counties.

The newly constituted San Mateo County was created from the most rural areas of San Francisco County and had a population of about 2500 people. While the progressives of San Francisco anticipated seizing control of this rural area to establish a clean ethical government, their efforts were defeated by rampant ballot box stuffing and election fraud in 1856. In an interesting turn of event, two of the Judges who certified the election, John Johnson and Charles Clark, were themselves elected as two of the new county’s first supervisors. This group of criminals were run out of town shortly after being elected when a vigilante mob of 800 San Franciscans rose up to take revenge on James Casey for his role in the election fraud. After hanging Casey for shooting the popular editor, the mob turned south and his cronies who had infiltrated the County government fled San Mateo.

Mr. Speaker, although this is the 150th anniversary of San Mateo County, the human story of the land dates back much further and was home to numerous and varied cultures. Recent archeology indicates that man lived on the Peninsula as far back as 6500 years ago. Recent archeology indicates that man lived on the Peninsula as far back as 6500 years ago. Much of the history of San Mateo County can be derived from its unique founding. The county was not one of the original counties created when California was granted Statehood in 1850, but instead came about as a political compromise. Originally part of San Francisco County, a group of progressively minded citizens, fed up with corruption in San Francisco, decided that it would be easier to clean up San Francisco rather than replace it, and proposed merging the San Francisco County and City governments. However, those opposed to this plan were also politically strong and at the end the day a compromise was agreed upon—that the San Francisco governments would be consolidated but it would become two counties.

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and are dedicated employees of Honda North America, whose contributions to Honda’s products helped the company receive four of the most prestigious awards given to automakers. Earlier this year, the Honda Civic lineup and Honda Ridgeline were selected as the 2006 Motor Trend Car and Truck of the Americas with 10 facilities located across the United States. The major development facility is located in Raymond, Ohio in my 15th Congressional district. This facility employs approximately 1,000 U.S. associates and handles a variety of engineering, design, vehicle, fabrication and testing responsibilities.

In addition, at the 2006 Detroit International Auto Show, the Civic lineup and Ridgeline were awarded the 2006 “North American Car and Truck of the Year.” The winners of these awards were selected by 49 full-time automotive journalists from the United States and Canada. Winners are chosen based on a multitude of factors including innovation, design, safety, handling, driver satisfaction and value for the money. Once again, this is the first time a single brand has won both awards from Motor Trend in the same year.

These achievements reflect a very significant maturation of Honda’s operations in America and the meaning of American workers, and specifically Ohioans, to Honda itself. Today, nearly 30 percent of the total Honda and Acura vehicles sold in the U.S. in 2005 were researched, designed and developed in America. Honda currently employs approximately 15,000 associates in Ohio and its investment includes five manufacturing plants that produce automobiles, light trucks, motorcycles, engines and transmissions. Honda utilizes more than 160 parts suppliers from the “Buckeye State” to produce these vehicles and their components—further signifying the relationship between Honda and the Ohio worker.

I want to extend my congratulations to the associates of Honda in Ohio and especially those in Raymond, Ohio at Honda R&D of the Americas on receipt of these four awards. I appreciate the House allowing me to bring this matter to its attention.

**SPREAD OF HON. SCOTT GARRETT OF NEW JERSEY IN THE HOUSE OF REPRESENTATIVES**

**WEDNESDAY, APRIL 5, 2006**

Mr. GARRETT of New Jersey, Mr. Speaker, I rise today to voice my strong support for H.R. 3127, the Darfur Peace and Accountability Act, of which I am a cosponsor.

This Act authorizes the President to offer further assistance to the African Union Mission in Sudan to protect civilians and humanitarian operations. It also provides the President the ability Act, of which I am a cosponsor.

**IN RECOGNITION OF BASIC HIGH SCHOOL’S MARINE CORPS JROTC PROGRAM AND PARTICIPANTS**

**HON. JON C. PORTER OF NEVADA IN THE HOUSE OF REPRESENTATIVES**

**THURSDAY, APRIL 6, 2006**

Mr. PORTER. Mr. Speaker, I rise today to honor the contributions of a special group of high school students in Henderson, Nevada, the members of Basic High School’s Marine Corps JROTC.

Basic’s JROTC program was established in 1977 and is one of over 200 plus units sponsored by the United States Marine Corps. Basic’s MCJROTC has been designated as a “Naval Honor School” 14 times and has received state and national recognition and honors. The Senior Marine Instructor and Marine Instructors are retired Marines with over 80 years of combined military service and 30 years at Basic High School.

The mission of the MCJROTC is to develop young leaders and responsible citizens with respect for constituted authority, to help individuals strengthen character and form habits of self-discipline, and to teach the importance of national security in a democratic society. Students that participate in the MCJROTC program at Basic learn self-discipline, self-confidence, personal responsibility and build their character.

Basic’s MCJROTC students participated in the Western United States National Drill Meet on April 1, 2006 and were deemed the overall winner for the West Coast. Other awards earned included: 1st place in Armed Inspection; 2nd place in Unarmed Inspection; 1st place in 4 Person Unarmed; 5th place for 4 Person Unarmed; 3rd place in Unarmed Inspection; 2nd place in Color Guard Regulation; 1st place for 4 Person Armed; 1st place in Unarmed Exhibition; 2nd place in Color Guard Regulation; 4th place for 4 Person Armed; 2nd place for Armed Inspection; 3rd place for Unarmed Exhibition; 4th place for Color Guard Inspection; Outstanding Unarmed Commander Cadet.

Basic’s MCJROTC students have won this prestigious championship twice in the last 4 years. Their commitment to this important program and devotion to excellence has helped them achieve these high honors, and I am proud to recognize them today for their accomplishments.

Mr. Speaker, it is with great pride that I salute the MCJROTC students at Basic High School.

**IN HONOR OF JOHNNY RYE, SR.**

**HON. MARION BERRY OF ARKANSAS IN THE HOUSE OF REPRESENTATIVES**

**THURSDAY, APRIL 6, 2006**

Mr. BERRY. Mr. Speaker, I rise here today to pay tribute to Johnny Rye, Sr., of Poinsett County, Arkansas, a great friend, and someone who has made countless contributions to his community.

Johnny was born into a sharecropping family on September 2, 1924, in Smithville, Mississippi, but moved to Arkansas just 8 years later. After finishing school, Johnny started his own grocery business in the Black Oak Community. He has operated that grocery for more than 50 years, making it the oldest grocery business in all of Poinsett County.

In addition to being a great businessman, Johnny is an active member of his community. He is known for his generosity to many local charities, and has been a member of the Marked Tree Church of God since 1946. He has also taken the time to get involved in civic activities, serving as a delegate to the Democratic State Convention and helping Bill Clinton win Poinsett County in his 1982 race for Governor.

Johnny Rye and his wife, Maxine Branch Rye, have two sons, Johnny Rye, Jr., the Assessor of Poinsett County, and Randy Rye who works for the family business. They also have one granddaughter, Robin Rye who is studying to be a nursing major at the University of Central Arkansas.

I ask my colleagues in the U.S. House of Representatives to join me today in recognizing Johnny Rye, Sr., for his significant contributions to eastern Arkansas. He is a great friend, a great businessman, and a great American.

**CARL ELLIOTT AND LISTER HILL: TWO INDISPENSABLE GREAT ANGELS FOR PUBLIC LIBRARIES**

**HON. MAJOR R. OWENS OF NEW YORK IN THE HOUSE OF REPRESENTATIVES**

**THURSDAY, APRIL 6, 2006**

Mr. OWENS. Mr. Speaker, on Friday, April 7, 2006, the University of Alabama School of Library and Information Studies and the University Libraries will conduct a Library Services Act 50th Anniversary Program honoring Congressman Carl Elliott and Senator Lister Hill, two great legislators who were the first great federal advocates for the Library Services and the National Defense Education Acts. As the only Librarian who has ever served in the Congress I was honored to be invited to speak at this commemoration; however, the scheduled vote on the budget prevented me from attending. The following are a portion of
the remarks I prepared for that landmark occasion:

In his 2001 inaugural address President Bush left us with one profound image: the specter of an “Angel in the Whirlwind” guiding the fate of our nation. Democracy in America has survived and expanded despite the num-

muous whirlwinds and storms. At several crit-

ical periods our ship of state could have been blown off course and been wrecked on the rocks. Always in the past, the churning Ameri-
can political process has produced the leader-
ship capable of conquering crises and opening
new vistas.

Representative Carl Elliott and Senator List-
er Hill were two leaders who opened new vis-
tas. In the story of the making of America we can find many angels emerging from the whirl-
wind. Many of our greatest angels are unsung,
unknown beyond a small circle. But the abun-
dance of angels, ordinary and everywhere,
has created the most fantastic nation on the face of the earth. Not from royal bloodlines or
from pampered privileged classes but from the
cradles in the tenements, from log cabins and
shooting shacks. Every citizen, all Americans
are potential angels called by the voice of
Thomas Jefferson to come forward and add your
politicization to the ongoing vision of the Ameri-
can dream. Because we are fortunate to assume that all persons are created equal we automatically
break the chains of doubt and set our imagi-
nations and spirits soaring to achieve at higher
and higher levels, and to create new institu-
tions.

Lister Hill refused to let his regional origins
interfere with his national visions. Carl Elliott
did not allow a lack of wealth and high-class
status to limit his spirit and ambition. Both
men focused intensely and accomplished mis-
sions that placed them among the legions of
great American angels.

Just as school systems for the masses
never existed before they emerged in Amer-
ica, so it was with public libraries. Yes, from
the time of ancient Egypt, Greece and Rome
there were libraries, but always they were the
closely guarded property of the rich and avail-
able only to the elite. From the embryo im-
planted by Benjamin Franklin to the urban fa-
cilities provided by the generosity of Andrew
Carnegie to the legislation of enduring federal
support for libraries the American angels were in
motion.

To achieve the imprimatur of federal spon-
sorship was a life sustaining development for
modern public libraries. Only a fellow legislator
can imagine what Representative Elliott had to
overcome to realize his dream. Politicians sel-
dom dwell on systems and long-term goals that
benefit citizens beyond their political dis-
trict. Elliott was ridiculed as a man who was
tinkering with the impossible. He was strongly
advised by every other lawmaker attempting to
to get reelected and be cele-
brated back home, he was told to get himself
an appropriation to build a bridge. Get some-
thing concrete to show off that could be dedi-
cated with a ribbon cutting and marching bands.
He accepted that practical but mundane proposition, oh what a devastating
gap there would have been in the progress of
library service in America. Carl had to be the
pitcher in the House of Representatives and
Lister had to be the catcher in the Senate in order
for the name of public library expansion to go forward.

Across the nation we can now boast of
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tems. The DNA of Elliott and Hill goes march-
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Eileen Cooke of the ALA Washington Office
boldly forged ahead in their spirit and played a
major role in the legislation and administra-
tion of the E-Rate providing widespread utiliza-
ation of high-speed internet in libraries.

A whole new dimension exciting the young
and the old has been added to the information
and education mission of public libraries.

As a philosophical descendant of Elliott and
Hill; and a more immediate child of the LSCA
I arrived in Congress determined to raise the
profile of libraries of all kinds to a level where
they could never be forgotten and neglected
again. Certainly I have been frustrated that
the higher Federal appropriations have not been
rewarded back home, he was told to get himself
appropriation to build a bridge. Get some-
thing concrete to show off that could be dedi-
cated with a ribbon cutting and marching bands.
He accepted that practical but mundane proposition, oh what a devastating
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of farmers and increase the prices of foods and agricultural materials such as timber. Drought adversely impacts our environment and wildlife habitats, taking away from our public lands and recreational opportunities, which have become an essential component of the way of life for many western communities.

But while the Department of Homeland Security, is working to prepare for natural disasters such as floods and hurricanes, the federal government is not doing enough to mitigate and reduce the effects of drought.

Currently, NOAA works with several agencies to produce drought forecasts and monitoring. However, a report by the Western Governors' Association found that much of the current drought forecasting information is overly technical and not in a standard format. Many users also are not aware of resources available to reduce the impacts of drought.

The bill that Mr. Hall and I are introducing today responds to those problems by expanding NOAA's efforts in drought monitoring and forecasting, improving the dissemination of data to ensure more informed and effective decisions are made about drought.

Specifically, the bill establishes an early warning system called NIDIS. NIDIS will integrate information from key indicators of drought to provide timely assessments. NIDIS will be used to disseminate a drought forecast on a regular basis to decision makers on the federal, state, local, and tribal levels, as well as to the private and public sectors.

Real-time data is often the most helpful in making decisions about drought; however, data may rarely be available to decision makers until after the fact. Thus, NIDIS will provide real-time data where possible for regional and local drought conditions.

Our bill also calls for the coordination and integration of federal research to support NIDIS, thus ensuring that we continue to understand droughts and their impacts. Lastly, our bill directs NOAA to consult and coordinate with other federal agencies in the development of NIDIS to ensure that all appropriate communities benefit from the system.

I believe that NIDIS will ensure that we are able to proactively reduce the effects of drought and allow decision makers to take advantage of all opportunities to reduce as many impacts as possible. Mr. Speaker, I ask my colleagues to support the creation of NIDIS and better monitoring and forecasting of drought.
Education. He applies all this knowledge in the classroom where he has been teaching for the past 22 years of his life.—Michael McCleary

I interviewed Chief Warrant Officer Jarvis W. Coburn, U.S. Army (Ret.). He served his country from 1965 through 1989. During his time in the service he served in the Vietnam War. Coburn served in the 11th Armored Cavalry Regiment. He flew both lift and attack helicopters and received numerous awards and citations, including two Purple Hearts, two Distinguished Flying Crosses, thirty-nine air medals, one Presidential Unit Citation, and one Vietnamese Cross of Gallantry. Several times a week and during his free time and each time he managed to find a way through. He experienced the thrill of fighting alongside the United States Marine Corps and the thrill of flying through a horrific battle. He returned to the United States, became a flight instructor and taught the next generation of Army pilots. His work in the private sector with Ross Perot’s EDS led to the heroic rescue of two captured American prisoners as recorded in Ken Follett’s On Wings of Eagles.

After the interview, in Coburn, I gained a newfound respect, not only for the man himself, but also for all the soldiers that have served our country. Listening to the stories he shared about the war he served in, I was enforced how important and vital the Armed Forces are to our Nation.—J. Andrew Clark

For: Preserving History: Veteran’s Interview Project, I had the opportunity to interview a veteran of World War II. My grandfather, Michael Pessalano, was the veteran who shared his personal experiences with me. This man accomplished a lot in my eyes. He was a Codman in the United States Navy during World War II. He was awarded three Active Duty Service Stars, three Korean Service Stars, an EMM, two Purple Hearts, and the American and European medals from serving overseas. Although he didn’t see much combat, hearing his stories were still really interesting. Just by serving in the U.S. armed service I believe that you have been able to accomplish a lot. Having the determination, strength, risks taken, and dedication to one’s country will vastly benefit anyone who serves. After having the opportunity to interview and hear the personal story of one’s self has shown how big of an impact. Many people today, including myself, are clueless on what a soldier’s life is really like. From this interview experience, I have learned a lot of pride in my country, respect the people who are fighting for me, and we need to preserve the history so others can see the reality to how and who got our country where it is today.—Ashlea Banick

For this project I interviewed Captain Rick Burges. Captain Burges served in the Marine Corps from 1980 to 1984. He was positioned in artillery at Camp Le Jeune in North Carolina. Although he never was a part of combat or enlisted in war, Burges established himself as a Marine Corps hero by selflessly serving and climbing up the ranks for four years. This was an opportunity to open my mind up to the rigors of war and military training. Captain Burges was able to explain how military training is provided the greatest sense of satisfaction. But he was able to explain how military training is war and military training. Captain Burges.

Mr. TAYLOR of North Carolina. Madam Speaker, I would like to commend my colleagues on the Committee on International Relations for their work on House Resolution 703, which recognizes the 20th anniversary of the Chernobyl nuclear disaster. I strongly support this resolution, which serves as an important reminder of the work yet to be done to ensure a better future for the people of Ukraine, Belarus, and Russia, and other areas, who have been affected by the disaster.

As the resolution makes clear, the United States must continue its work with other countries and international organizations to provide assistance to mitigate the consequences of the Chernobyl nuclear disaster. At the same time, as the resolution points out, it is also imperative that we support research into the public health consequences of the disaster so that the international community might benefit from the findings of such research.

It is in this spirit that I would like to recognize the Chernobyl Research and Service
Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the Workforce Housing Act of 2006.

Finding a moderately priced home used to be a concern solely for those with low incomes. Today, as the median price for a home in some parts of the United States is over $400,000, it has become an issue for all workers. This is especially true when only about 18 percent of the working population has enough income to purchase such a home. Other workers simply do not have the down payment needed to buy a home.

When large numbers of Americans are priced out of the housing market, it affects more than just a working family’s ability to purchase a home. Communities that fail to provide affordable housing leave employersstrained to find employees. The price to attract prospective workers ultimately makes essential jobs and services more difficult and more expensive for everyone.

Workers who cannot find affordable housing in or around places of employment are pressured to move further away. They endure longer commutes, use more gasoline, increase the levels of greenhouse gases, and spend more of their hard-earned money on transportation alone.

In other cases, people are forced to seek less expensive homes elsewhere. Many of the housing alternatives they have to choose from are often built from older materials, emit more pollution, and require up to 50 percent more energy. Faulty ventilation and energy hungry appliances also increase the costs to heat, cool, and power a home. Rising energy costs required Americans to spend 24 percent more for energy in 2005 than in the previous year.

Such expenditures quickly deplete any savings that working families hope to use when trying to buy a home.

Left unchecked, the shortage of affordable housing, combined with higher energy prices and increased transportation demands parameter our economic growth, and leads to inflation. The Workforce Housing Act successfully addresses the challenges faced by America’s current housing crisis. This bill provides badly needed assistance to help individuals and families purchase their first home and to encourage developers to build affordable workforce housing.

For those looking to purchase a home, the Workforce Housing Act creates two forms of assistance that can be used for the down payment, service charges, appraisal, and other acquisition costs to purchase a single-family home or condominium.

First, the bill creates a tax-exempt mortgage down payment account to be used for purchasing a home. This account works much like an Individual Savings Account, but can be used regardless of age and allows contributions of up to $10,000. Taxpayers that earn incomes up to 125 percent of the area median income will receive a tax credit equal to the amount of their annual contributions. The maximum credit is $2,500 for either single or married-filing-joint taxpayers. Those making below 80 percent of AMI can also receive an additional $500 credit to start the account.

Once the home is purchased, it is also possible to use any remaining funds for the future repair or replacement of items such as roofs, water heaters, or major appliances. This provision helps employers pay for these types of expenses without jeopardizing their mortgage payments.

Those who purchase homes using assistance from the Workforce Housing Act must use the home as their primary residence. To preserve the supply of homes created under this act, ownership of these homes can only be transferred to those with incomes that meet the stated affordability requirements.

Second, the Workforce Housing Act provides potential homebuyers with financial counseling and down payment assistance. Local communities have the discretion under the bill to give teachers, first responders, certain service workers, the elderly, and low-income families priority for this part of the program.

For builders, incentives are available for the construction of affordable workforce homes. Developers are allowed base incentives in the form of expedited building permits and density allowances that are above current limits when at least 25 percent of the units are priced at 80 percent of area median income.

Additional incentives are provided in the bill for affordable workforce homes that are built near mass transit lines, with energy efficient technologies and appliances, and using active and/or passive solar technologies. These incentives can be used individually or in any combination to exceed 15 percent of the base incentive value. Local jurisdictions will determine how to utilize these incentives based on the needs of the workforce.

The Workforce Housing Act is necessary to ensure there is an adequate supply of affordable housing for the people who need it most. It also provides reasonable alternatives that reduce some of the negative effects of increased energy demands. These are factors that threaten our economy, our ability to reduce our dependence on fossil fuels, and the viability of our cities and towns.

I ask my colleagues to support this legislation and urge the House leadership to bring it swiftly to the House floor for consideration.

TRIBUTE TO SAINT HYACINTH
ROMAN CATHOLIC CHURCH

HON. JOHN D. DINGELL
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Mr. DINGELL. Mr. Speaker, I rise today in honor of Saint Hyacinth Roman Catholic Church, in Detroit, MI on its centennial anniversary. Since 1907, Saint Hyacinth has served the Polish community in Detroit.

Saint Hyacinth was established in 1907 by a small group of Polish immigrants. At the beginning of the 20th century, this new parish served the large and growing Polish immigrant community in Detroit. During World War I, the congregation came together in order to provide solidarity for their sisters in Poland, as well as to contribute to the overall war effort. With a growing population Saint Hyacinth built a new church in 1924. This beautiful Byzantine-Romanesque church building towered over all other local buildings, serving as a deep source of pride for the Polish community.

World War II brought another opportunity for Saint Hyacinth to serve its country, community, and loved ones in Poland. With its strong connection to Poland, there was no doubt that Saint Hyacinth and many of its parishioners would play an active role in the American war effort. Their bravery and sacrifice was honored with an honor roll installed in the church vestibule.

The post-War years brought change to the surrounding community, but Saint Hyacinth remained steadfast in its dedication to serving the community. Following WWII, then Bishop Monsinger Wóźnicki appealed to the Church's many Polish parishioners to retain their family names, instead of changing them, as had become the custom. He also called on his parish not to flee to the suburbs, but stay in the surrounding neighborhood.

Saint Hyacinth was honored with its listing in the State of Michigan's Historical Site Registry on September 21, 1988. In January 2001, Saint Hyacinth was honored by the City of Detroit, and its 300th Anniversary Committee, with a Heritage Award. It also received a granite paving, inscribed in both English and Polish, on the Riverfront Promenade. This serves as a testament to the great contributions this parish has provided to the city of Detroit and its people.

Mr. Speaker, for one hundred years Saint Hyacinth has served as the heart of Detroit’s Polish community. Innumerable parishioners have passed through its doors through the years and the lessons they have learned have shaped their values and beliefs. Saint Hyacinth has stood as an example of all the hard work, determination, sacrifice and love that the surrounding community provides. For generations, the parish of Saint Hyacinth has
Tribute to Elbert Garcia, Recipient of the Latino Alumni Association of Columbia University's Trailblazer Award

Hon. Charles B. Rangel
Of New York
In the House of Representatives
Thursday, April 6, 2006

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to Elbert Garcia, an extraordinary gentleman to whom I was first introduced when he was an American Political Science Association fellow in my congressional office, and who is now a media and policy analyst currently employed at my New York District Congressional office.

I commend the Latino Alumni Association of Columbia University on their decision to bestow their first annual Trailblazer Award on a group of exceptional individuals that included Elbert Garcia. I was very pleased to find that this unique and very first annual Trailblazer award was presented April 1st during a celebration of the diversity and achievements of Columbia’s Latino alumni appropriately called “El Regreso,” The Columbia University alumni honorees consist of Marcel Agueros, Rafael Collazo, Jennifer Duran, Michael Maldonado, and the Manhattan Times. The 31-year-old son of Dominican immigrants has also worked as a media and policy analyst currently employed at my New York District Congressional office.

The Columbia University alumni organization that works with students of color from fifth grade through college. He was also one of the early organizers of the New York International Latino Film Festival.

Elbert spent a year working on Capitol Hill as a 2002–2003 American Political Science Association Congressional (APSA) Fellow, the oldest and most prestigious Capitol Hill fellowship program. Elbert rejoined my New York staff on a part-time basis in January, 2006. A product of the Ethical Cultural Fieldston School and the community’s gifted and talented program, Elbert recently returned. Elbert currently resides in the Upper Manhattan neighborhood of Inwood with his wife, Grissel. Elbert’s background in media relations and journalism has proven to be an invaluable asset as he assists me in communicating and implementing the role of government in the lives of the constituents of the 15th congressional District. Elbert is a non-assuming, focused and savvy analyst who genuinely cares about people. He is dedicated to ensuring that the needs of our constituency are met. I am particularly proud of the great strides Elbert Garcia has made not only at Columbia University but also in his service to the residents of the 15th District of New York City.

I salute and congratulate Elbert Garcia along with the five other honored Columbia alumni for the fortitude and bravery displayed in 1995 that brought about positive change to continue benefits Columbia University to this day. I also salute Elbert for his continued work for the public in his chosen field.

At a time of sharp difference between us on the question of immigration policy, we all should keep in mind these words of Elbert Garcia. To quote Elbert, “A nation steeped in ethnic studies would not be in such a hurry to punish its immigrants.”

Testimony of Steve Grandstaff
Hon. Dale E. Kildee
Of Michigan
In the House of Representatives
Thursday, April 6, 2006

Mr. KILDEE. Mr. Speaker, my constituent Steve Grandstaff is shop chairman of the United Auto Workers (UAW) Local 651, which represents hourly workers at Delphi East in my hometown of Flint, Michigan.

For the record I would like to read an excerpt of the testimony that Steve wrote for the Education and the Workforce Committee e-hearing on the impact of the Delphi bankruptcy filing:

I am the Shop Chairperson of UAW Local 651 in Flint, servicing Delphi Flint East and representing hourly working people. Early on in this whole saga I had a realization what the whole issue boils down to.

I refer to it as the promise; the promise was part of the deal. The deal was that you came to work and did your job for 30 years and at the end of that time you could have the opportunity to go back with a somewhat comfortable pension to see you through your later years.

The workers’ end of the promise was that they responded to the strike for the first decade of employment. This meant working the hot days in the summer and the cold ones in the winter. That in itself meant that you would work 8 hours so that you could get the nice things that life offered. The things that seemed to come easier to other people but in your case you had to do a little extra to get them.

Over the years many of us had the opportunity to make a decision, should I stay or should I move on to something else. Many, many people stayed on because of the promise.

They made decisions not to go to a new career because they were many years into the equation of which the promise weighed oh so heavily.

The promise was always out there. The company always reminded anyone that would listen about how they were funding our pensions and that would be a bargaining chip when our wages or benefits were on the table.

It was always figured in as a benefit cost even though now some wonder if the company ever really intended to fulfill the promise.

Now here we are near the end of our careers, not as young as we used to be, many of us broken. When so many of us are so close to being able to cash in on the promise, the company is attempting to take it away from us . . .

Mr. Speaker, this Congress has failed to protect American workers while focusing on protecting the privileged few. It is time for these Workers’ stories to be heard and I am pleased to have this opportunity to share one of these stories.

Introduction of the Federal and Small Business Telework Promotion Act
Hon. Mark Udall
Of Colorado
In the House of Representatives
Thursday, April 6, 2006

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the “Federal and Small Business Telework Promotion Act” to assist our Nation’s small businesses in establishing successful telework programs for their employees and to secure energy saving opportunities, like teleworking for our Nation’s Federal employees.

Across America, numerous employers are responding to the needs of their employees and establishing telework programs. In 2000, there were an estimated 16.5 million teleworkers. By the end of 2004, there will be an estimated 30 million teleworkers, representing an increase of almost 88 percent. Unfortunately, the majority of growth in new teleworkers comes from organizations employing over 1,500 people, while just a few years
ago, most teleworkers worked for small to medium-sized organizations. By not taking advantage of modern technology and establishing successful telework programs, small businesses are losing out on a host of benefits that will save them money, and make them more competitive. Establishing successful telework programs, small business owners would be able to retain these valuable employees by allowing them to work from a remote location, such as their home or a telework center.

In addition, the cost savings realized by businesses that employ teleworkers, there are a number of related benefits to society and the employee. For example, telecommuters help reduce traffic and cut down on air pollution by staying off the roads during rush hour. Fully 80 percent of home-only telecommuters commute to work on days they are not teleworking. This also gives employees more time to spend with their families and reduces stress levels by eliminating the pressure of a long commute.

Mr. Speaker, our legislation seeks to conserve the energy consumption of the Federal workforce and the benefits of a successful telework program to our Nation’s small businesses.

Specifically, each agency shall take such actions as are necessary to reduce the level of fuel consumed by vehicles of employees of the agency. Due to the needs to reduce our dependence on imported oil, the bill directs all Federal agencies to find ways to reduce energy consumption by 10 percent in the year following the bill’s passage. Agencies can achieve this reduction through telework, carpooling, bicycling and walking to work, fuel-efficient trip planning; greater use of public transportation; and by limiting travel.

Further the bill establishes a pilot program in the Small Business Administration (SBA) to raise awareness about telework among small business employers and to encourage those small businesses to establish telework programs for their employees.

Additionally, an important provision in our bill directs the SBA Administrator to undertake special efforts for businesses owned by, or employed persons with disabilities and disabled American veterans. At the end of the day, telework can provide more than just environmental benefits and improved quality of life. It can open the door to people who have been precluded from working in a traditional office setting due to physical disabilities.

The legislation is also limited in cost and scope. It establishes the pilot program in a maximum of five SBA regions and caps the total cost to five million dollars over two years. It also restricts the SBA to activities specifically providing in the legislation: Developing educational materials; conducting outreach to small business; and acquiring equipment for demonstration purposes. Finally, it requires the SBA to prepare and submit a report to Congress evaluating the pilot program.

Several hurdles to establishing successful telework programs could be cleared by enacting our legislation. The bill will go a long way towards educating small business owners on how they can draft guidelines to make a telework program an affordable, manageable reality and demonstrating the willingness of the Federal Government to expand their own telework policies.

Here is a brief outline of the bill’s provisions—

Section One—provides a short title, namely “Federal and Small Business Telework Promotion Act.”

Section Two—sets forth findings regarding the potential benefits of increasing the extent to which employees have the option of teleworking.

Section Three—amends the National Energy Conservation Policy Act by adding a new subsection requiring Federal agencies to act so far as possible to reduce the amount of fuel used by its employees by at least 10 percent during the year after enactment. Military use of fuel would not be affected. An agency could seek to achieve this reduction through increased telework opportunities; more carpooling; more people bicycling or walking to work; fuel-efficient trip planning; greater use of public transportation; or by limiting use of vehicles for business travel.

Section Four—directs the Small Business Administration to carry out a pilot program to raise awareness of telework among small businesses and to encourage them to offer telework options to their employees. This program is to be a demonstration purposes. Finally, it requires educational materials; conducting outreach to small businesses owned by or employing people with disabilities, including disabled veterans. Priority for locating the pilot program will be given to regions where Federal agencies and small businesses have demonstrated a strong commitment to telework. The pilot program will terminate after 2 years. This section also authorizes appropriations of $5 million for implementation by SBA.

HONORING MAJOR GENERAL WILLIAM A. BECKER

HON. JEB HENSARLING
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Mr. HENSARLING. Mr. Speaker, today I would like to honor Major General (Retired) William A. Becker, a distinguished veteran of World War II and Vietnam.

A Kaufman County native, William Becker was born on his family homestead in 1919. He graduated from Kaufman High School in 1936. He later attended Texas A&M College, where he served as cadet corps commander during his senior year. Upon graduation in 1941, he was given a diploma, a commission as 2nd Lieutenant of field artillery, and orders to report within eight days to the 1st Calvary Division at Fort Bliss, Texas.

Maj. Gen. Becker was sent to fight in the Southwest Pacific Theater during WWII, and in four years, he advanced from the rank of 2nd Lieutenant to Lieutenant Colonel.

Maj. Gen. Becker also served in Vietnam. Over his 30-year career he had a variety of other commands and assignments. His last active duty assignment was to the Pentagon with the Office of the Secretary of the Army, as Chief of Legislative Liaison, working with the United States Congress from 1968–1971. During his years of service he was awarded the Distinguished Service Medal twice with one Oak Leaf Cluster, Legion of Merit with Oak Leaf Clusters, Bronze Star with one Oak Leaf Cluster, and the Air Medal with 10 Oak Leaf Clusters.

Upon retirement from the Army, Gen. Beck- er returned to his home community with his wife, Fran, and their four children. In the early 1970’s he established a real estate brokerage and is still active with that business. He also served as President of the Kaufman-Van Zandt Board of Realtors and Director of the Texas Association of Realtors.

President Calvin Coolidge once said, “The Nation which forgets its defenders will itself be forgotten.” As a veteran, Gen. Becker understands that better than most Americans. On behalf of the grateful citizens of the Fifth District of Texas, it is my pleasure to honor Maj. Gen. Becker today in the United States House of Representatives. It is because of his service, we are able to enjoy freedom, peace, prosperity, and the many other blessings that God has bestowed upon this great land, the United States of America.

HONORING THE LIFE OF
MARJORIE S. ANTHONY

HON. JOHN B. LARSON
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to pay great honor to a dear friend and colleague of mine, Marjorie S. Anthony of South Windsor, Connecticut, who passed away on March 27, 2006. Marge was wonder- fully unique in the way she pursued politics and community service. She did it with enthusiasm and love, candor and spirit.

Marge was a devoted wife, mother and grandmother. My heart goes out to her family, her loving husband of 48 years, Peter T. An- thony, Sr. Marjorie will be greatly missed by her four children and their spouses: Katherine Kennison and her husband, Ed, of South Windsor; Marybeth D’Onofrio and her hus- band, Tom, of Ellington; Patty Antonaras and her husband, Sam, of Ellington. Marjorie will also be deeply missed by her 12 grandchildren, Ashley Kennison, Shannon and Trevor Anthony, Matt, Rachel and Vinny Metacarpa, Katie, Tommy, and Christopher D’Onofrio, John, Brittany and Mikaela Anthony, Anthony Anthony, and her exceptional brothers, Charles J. Sullivan and sister-in-law, Maureen, of Riverton, NJ; Michael Sul- livan and sister-in-law, Tina, of Atlanta, GA; Thomas Sullivan and sister-in-law, Carole, of South Bend, IN; Patrick Sullivan and Chris Domenick of Marlborough; and Kevin Sullivan of Hartford; her brother-in-law and sister-in-law, Thomas and Jane Anthony of Rocky Hill.

Marjorie will also be deeply missed by her many nieces, nephews and cousins who were all a close knit family.

Marge led a tremendous life and was an ac- tive member of her community. Marge lived in South Windsor for 48 years of her life and graduated from Bulkeley High School. For 30 years of her life, Marjorie was a private busi- ness owner, Justice of the Peace, member of St. Francis of Assisi Church and Ladies Soci- ety, and State Central Connecticut Woman. Marge served as Past President of the South Windsor Democratic Women’s Club, Past Vice-Chair and Secretary of the Democratic Town Committee, Past Chairman of the Zon- ing Board of Appeals, Chairperson of the Eco- nomic Development Commission of the South Windsor Committee for St. Pat- rick’s Day Parade, Past Corresponding Sec- retary of the South Windsor Historical Society,
Mr. Speaker, I ask my colleagues to join me today in honoring the life of Marjorie S. Anthony. Marge will be missed by her family, friends and her community. She was a dear friend of mine and my family who join with her family in mourning her passing but rejoicing in her life.

TRIBUTE TO ELI SEGAL

HON. ANNA G. ESHOO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006
Ms. ESHOO. Mr. Speaker, I rise today to honor an extraordinary American, Eli Segal, who passed away on February 20, 2006 at the age of 63.

Eli Segal was born in Brooklyn, New York, in 1943. He graduated Brandeis University in 1964 and received a law degree from the University of Michigan in 1967.

Mr. Segal began a distinguished political career in 1968 when he joined Senator Eugene McCarthy’s presidential campaign. Though Senator McCarthy lost, Mr. Segal was not deterred and served in key positions in several Democratic presidential campaigns, culminating with President Clinton’s 1992 campaign, which was Mr. Segal’s first campaign victory.

Mr. Segal then served as Assistant to the President in the Clinton White House, and within months established the Corporation for National Service, better known now as AmeriCorps. Thanks to his skilled management, the once controversial program has become an acclaimed success, and 400,000 young Americans have been enrolled in the program and helped to improve their communities and their country. Mr. Segal also took an active interest in City Year, another service program he eventually chaired. At the request of Nelson Mandela, he helped launch City Year in the United States.

In 1996, when President Clinton signed welfare reform into law, Mr. Segal took on the challenge of creating opportunities for former welfare recipients who were required to work. He began asking American companies to make commitments to hire former welfare recipients, and his “welfare-to-work partnership” grew from five companies to twenty thousand. As he did with AmeriCorps, Mr. Segal left a great legacy in his contribution to the success of welfare reform.

Mr. Segal is survived by his wife Phyllis, his son Jonathan and his daughter Mora, two grandchildren, and his brother Alan. Mr. Speaker, I ask my colleagues to join me in honoring an outstanding American and an extraordinary public servant, and extending our deepest sympathy to his family. He touched the lives of many Americans and changed our nation for the better.

HONORING ATHENS FIRST MAYOR

HON. JEB HENSARLING
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006
Mr. HENSARLING. Mr. Speaker, today I would like to honor Mr. John Matthews McDonald, the first known Mayor of Athens, Texas. John Matthew McDonald (1827–1883) was born in North Carolina but came to Texas in 1848 and lived first at Larissa, Cherokee County and then Mound Prairie, Anderson County, where his brother Murdoch earlier settled. Two years later, he moved to the young town of Athens and became a teacher and a lawyer.

He also served as the town’s first mayor. He wed Mary Ann Elizabeth Pinson (1842–1931) in 1858, and the couple had ten children. During the Civil War, McDonald fought with the Confederate Army as part of Hood’s Texas Brigade.

Active in public service, he held the offices of Justice of the Peace, County Judge and State Representative. His pioneer leadership proved vital to the early development of this adopted home.

Having in mind the citizens of Athens and the Fifth District of Texas, it is my pleasure to honor John Matthews McDonald in the United States House of Representatives.

HONORING THE LIFE OF ROSE BOUZIANE NADER

HON. JOHN B. LARSON
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006
Mr. LARSON of Connecticut. Mr. Speaker, I rise today to honor a distinguished constituent in my district, Rose Bouziane Nader of Winsted, Connecticut, whose incredible life has provided inspiration to all who have come in contact with her. Rose was a devoted mother, teacher, and civic advocate, who passed away on January 20, 2006.

Rose Nader lived just 18 days short of her 100th birthday and led a life fulfilled by the inspiration she gave and the nurturing compassion she provided. Rose inspired America’s foremost consumer advocate, her son Ralph Nader, and further inspired the rest of her children who are all dedicated to giving back to their community. The following are but glimmering excerpts from the outpouring of people who spoke from their heart about this shining example for humanity.

"We have been brought together today by her, the anchor, the compass and the vision. These are a few of her main qualities, qualities that we see in many good people. They represent the heights of human beings."—Ralph Nader.

"She was not a person of many words, but her content contained much memorable wisdom."—Claire Nader.

"On child-rearing formulas, Mom observed that, ‘there is no recipe.' On supporting each other, it was ‘operation cooperation.’"—Laura Nader.

"As we became closer, I saw firsthand the strength and compassion that, in so many ways, are the hallmarks of a great American story. They had come here in the Twenties with little more than their hopes and their capacity for hard work, and in just one generation, they had seen their own children prosper. What was once around them and been enriched at the same time. "What I will remember is her kindness to our family over the years, her sense of obligation to others, and a belief that citizenship demanded a daily commitment. And of course her modesty, in the midsixties, when Life Magazine was still powerful, there was a story that put Ralph on the cover. My mother, thrilled by this, immediately called Rose to tell her. "Yes," said Mrs. Nader, “that’s nice. I must get out and get a copy.” We all loved that, the ‘a copy’ reference."—David Halberstam Journalist, Author, Historian.

It has been my experience that what makes this country great are those humble people amongst us who live day to day and perform unheralded deeds for their community. Rose was one of those people. Her life was a testimony of inspiration, humor and compassion, and the love and satisfaction that comes from giving of oneself.

How blessed her family is to have had such an influence, how fortunate the community that her works lives on. Enshrined by her world famous son, Ralph, and her daughters, Claire and Laura, who never forget their community and their mother’s devotion.

President Kennedy was fond of saying that communities reveal a lot about themselves in the memorials they create and the individuals they honor. How fitting it is for the family to establish the Rose Nader Circle: For the Agitation of the Caring Mind. I know all Americans join in saluting Rose Nader. I personally want to be part of the planting of roses throughout Winsted. What a fitting tribute to an extraordinary lady. I am both humbled by her virtue and honored to place her name in the annals of the United States Congress, an institution that could learn much from this incredible American.

IN HONOR OF SERGEANT RICHARD F. LITTO, UNITED STATES MARINE CORPS

HON. STEPHEN F. LYNCH
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006
Mr. LYNCH. Mr. Speaker, it is with great pleasure and honor that I rise today to pay tribute to Sergeant Richard Francis Litto, United States Marine Corps and a resident of South Boston, Massachusetts.

Upon graduation from South Boston High School in 1976, Sergeant Litto joined the Marine Corps Active Reserve Unit. In 1990, Richie was called to active duty in Operation Desert Shield and assigned to the Military Police Criminal Investigations Division. During his tenure in Desert Shield, Richie received several accolades for his exemplary work ethic. One in particular, The Meritorious Mast, was awarded to Richie for his outstanding service.

“I thought she was a remarkable person who lived a remarkable life, going literally from one century to another.

“She was strong, loving, hard-working and modest. All of the virtues were hers. I used to ponder how much she and her husband had seen in their lives for the American story. They had come here in the Twenties with little more than their hopes and their capacity for hard work, and in just one generation they had seen their own children prosper—enriching what was around them and being enriched at the same time. "What I will remember is her kindness to our family over the years, her sense of obligation to others, and a belief that citizenship demanded a daily commitment. And of course her modesty, in the midsixties, when Life Magazine was still powerful, there was a story that put Ralph on the cover. My mother, thrilled by this, immediately called Rose to tell her. "Yes," said Mrs. Nader, “that’s nice. I must get out and get a copy.” We all loved that, the ‘a copy’ reference.”—David Halberstam Journalist, Author, Historian.

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Richie's next tour came in 2005, as part of Operation Iraqi Freedom where he was again asked to serve his country. Richie was activated in June of that year as a member of the 6th Civil Affairs Group (CAG), 2nd Marine Division of the United States Marine Corps. During this tour Richie was on a 137" outside the wire mission where he and his fellow members of the CAG Division worked on the streets of Fallujah, Amiriyah, and Zaidon protecting the citizens of Iraq from enemy insurgents.

Due to his exemplary service Richie was given Gunnery Sergeant responsibilities with E5 status, which any Marine knows is an amazing accomplishment and honor. Throughout his service in the United States Marine Corps, Richie Litto has been decorated with numerous awards. He has been awarded the Iraqi Campaign Medal, Navy and Marine Corps Medal, Good Conduct Ribbon, Combat Action Ribbon and the National Defense Ribbon on several occasions.

On a personal note, I have had the pleasure of counting Richie Litto among my dearest friends for most of my life. Recently, as part of a Congressional Delegation that visited Iraq and Afghanistan I had the opportunity to visit with Richie while he was stationed at Camp Mercury in Fallujah and tell him in person how proud we were of his service to our country.

Mr. Speier: It is my distinct honor to take the floor of the House of Representatives today to join with Richie’s wonderful family, friends, and brothers and sisters in the Marines and thank him for a job well done and welcome him home. I hope my colleagues will join me in celebrating Richie Litto’s many accomplishments and all his future endeavors.

**HONORING JERRY DEFEO**

**HONORING JERRY DEFEO**

**OF TEXAS**

**IN THE HOUSE OF REPRESENTATIVES**

**Thursday, April 6, 2006**

Mr. HENSARLING. Mr. Speaker, today I would like to honor Mr. Jerry DeFeo and his work with the National Exchange Club. Mr. DeFeo joined the Noon Exchange Club of Garland, Texas as a charter member in 1982 and went on to serve in numerous offices at the club, district and national levels, culminating with his term as President of the National Exchange Club this past year.

Jerry DeFeo has devoted his time, talent and energy promoting the Exchange Club and its mission; to make our communities better places to live through programs of service in Americanism, community service, youth activities, and its national project, the prevention of child abuse.

Mr. DeFeo is an accomplished member of the Garland Noon Exchange Club and has served the National Exchange Club Foundation board of trustees from 1987–88 and is a volunteer field representative (VFR). He has received multiple recognitions throughout his involvement, including the first ever VFR of the Year Award in 1997. He was also awarded the National Master Recruiter Award and he has recruited more than 350 members and built 15 Exchange Clubs.

Mr. DeFeo received a bachelor’s degree in engineering management from the University of Texas at Arlington, and is the founder and president of DeFeo & Co. Enterprises, which specializes in a variety of architecture and construction. Jerry and his wife Mary DeFeo reside in Garland and have four grown children and five grandchildren.

Still active in his community, DeFeo is serving his 12th year on Garland’s Board of Adjustments. He has also been involved with the Stars for Children Child Abuse Prevention Center, the Garland Chamber of Commerce, YMCA Indian Guides, and Crimestoppers and Scouting.

Over the course of his career, Jerry DeFeo has demonstrated a unique commitment to the Exchange Club and his community. Today I would like to recognize his outstanding service to his dedication to the people of Texas and the mission of the Exchange Club.

**PERSONAL EXPLANATIONS**

**HON. STEPHANIE HERSETH**

**OF SOUTH DAKOTA**

**IN THE HOUSE OF REPRESENTATIVES**

**Thursday, April 6, 2006**

Ms. HERSETH. Mr. Speaker, On April 5, 2006, I missed Rollcall vote No. 90 on H.R. 1127, the Darfur Peace and Accountability Act to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes. Had I been present and voting, I would have voted yes on the Darfur Peace and Accountability Act.

**EXPRESSING SENSE OF CONGRESS THAT SAUDI ARABIA SHOULD FULLY LIVE UP TO WORLD TRADE ORGANIZATION COMMITMENTS AND END BOYCOTT ON ISRAEL**

**SPEECH OF**

**HON. HENRY A. WAXMAN**

**OF CALIFORNIA**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, April 5, 2006**

Mr. WAXMAN. Mr. Speaker, the Arab boycott against Israel is one of the worst vestiges of the Arab League’s campaign to isolate and destroy Israel.

Originating shortly after Israel’s founding in 1948, the embargo’s objective was to squeeze the fledgling Jewish state out of existence and punish its allies. Israel’s astonishing economic growth despite these constraints ultimately nullified the impact. Enforcement also declined after Egypt and Jordan signed peace treaties with Israel. However, the boycott continues to be a shameless exercise in blackmail. Support for the policy is unfortunately still widely popular in most Arab nations.

Saudi Arabia, for its part, has been among the most vocal instigators rallying support for the boycott’s continuation. Despite agreeing to provide Most Favored Nation status to all member states, including Israel, upon joining the WTO in 1995, Saudi Arabia continues to be a hub of boycott activity. In December, a Saudi official emphatically stated that the boycott would be maintained, and in March, the Saudi government hosted a meeting of the Organization of the Islamic Conference aimed at continuing the embargo.

Unfortunately, Saudi Arabia’s inconsistent track record is somewhat common among our Arab trading partners. In October 2005, just months after Bahrain signed a Free Trade Agreement (FTA) with the United States, the Bahraini parliament voted to reject its government’s decision to lift the anti-Israel embargo. Likewise, the United Arab Emirates, which is currently negotiating an FTA with the United States, has kept the policy in place. The issue recently got attention when it was revealed that a Dubai company seeking to take over operations in six U.S. ports complied with the boycott. It was revealed that the Department of Commerce’s Office of Antiboycott Compliance had fined several U.S. companies in the last year for abiding by UAE’s boycott rules.

Oman, which has an FTA now pending before Congress, opened a trade mission with Israel in 1996, but closed the office several years later in response to anti-Israel demonstrations.

The international trading system is designed not only to promote prosperity but to foster peaceful relations between nations. The United States has invested a great deal of time and effort in negotiating new trade pacts in the Middle East to build stronger ties between our countries and among our regional partners. But it is not acceptable to continue along this path if Israel is to be left out.

Israel is a valuable economic partner of the United States and a strategic ally. It would be a tactical error, a moral blunder, and a departure from our own anti-boycott laws, to continue expanding our trade ties with countries like Saudi Arabia that refuse to abide by their commitments on this issue.

I urge my colleagues to support this measure and take a firm stand to put an end to Saudi Arabia’s duplicitous actions.

**HONORING THE MARTINS MILL GIRLS BASKETBALL STATE CHAMPIONS**

**HON. JEB HENSARLING**

**OF TEXAS**

**IN THE HOUSE OF REPRESENTATIVES**

**Thursday, April 6, 2006**

Mr. HENSARLING. Mr. Speaker, today I would like to honor the Martins Mill Lady Mustangs basketball team who recently won the Texas University Interscholastic League 1A Division State Championship. On Friday March 3, 2006, the Lady Mustangs competed at the University of Texas in Austin’s Frank Erwin Center (UTA FEC) for the Girls Basketball State Championship.

I would like to recognize teammates Cara Chaney, Courtney Gregory, Rebecca Hensley, Jordan Barncastle, Hayley Butler, Taylor Daniel, Brittney Perkins, Alexis Popelar, Ashley Tarrant, Jennifer Tindle, Christa Williams, Lynzi Williams, and Kim Wilson as well as team managers Carlee Alsobrook, Kati Clark, Jordan Barncastle, Hayley Butler, Taylor Dan-
Elkhart Scolum 61–30 to claim the Class 1–A Division 1 Title in front of a crowd of 3,500 people.

Jordan Barncastle was named Most Valuable Player, and Offensive Most Valuable Player was awarded to Lynzi Williams and Christa Williams. Additionally, state team selections went to Taylor Daniels, Jennifer Tindle and Kim Wilson, and Ashley Tarrant. Cara Chaney, Brittney Perkins, and Hayley Butler also received honorable mention recognition. I would also like to honor Martins Mill Head Coach Doug Barncastle and Assistant Coach Don Tarrant, who were named Coaching Staff of the year.

As the congressional representative of the families, coaches, and supporters of the Martins Mill Lady Mustangs, it is my pleasure to recognize their tremendous victory and outstanding season.

RECOGNIZING BAY OF PIGS VETERANS ASSOCIATION 2506 ASSAULT BRIGADE

HON. ILEANA ROS-LEHTINEN
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize the Bay of Pigs Veterans Association 2506 Assault Brigade. On April 15 of this year, this brave group of men will observe two monumental events. They will be commemorating the 45th anniversary of the invasion of the Bay of Pigs and the 43rd anniversary of the liberation of the captured members of the 2506 Brigade. The members of the 2506 Brigade came from all walks of life, ages, and backgrounds. The men range from doctors and farmers to students and priests. The oldest was a highly decorated 52-year-old World War II paratrooper and the youngest a 15-year-old who lied about his age in order to fight Castro’s oppressive regime. The 2506 Brigade trained for months with little supplies in preparing for this assault that they hoped would dethrone a cruel and heartless tyrant. These great patriots risked their lives in hopes of freeing their homeland from the tyrannical grip of a brutal dictator. My parents and I were fortunate enough to escape the oppression and persecution of Castro’s regime when I was a young girl. Unfortunately, many have not been as lucky and still live in a country that does not recognize the human rights and personal freedoms that we cherish here in the United States. I applaud the efforts of all those who seek to eliminate the cruel dictatorship in Cuba and in its place instill a foundation for democracy and freedom. I along with the men in this distinguished group look forward to the day when Cuba is a free and sovereign nation. I pray that this day will soon come and that the Cuban people still living under Castro’s oppressive regime will be able to have the freedom and democracy that was so patriotically fought for by the members of the 2506 Brigade.

HONORING SISTER CATHERINE DUNN

HON. JIM NUSSLE
OF IOWA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Mr. NUSSLE. Mr. Speaker, I rise to pay tribute to Sister Catherine Dunn, President of Clarke College in Dubuque, Iowa who will retire on June 30th 2006, after serving in this position for 22 years. Sister Catherine came to Clarke in 1973 and started her service to Clarke and the Dubuque Community as a member of the education department faculty. In 1979 she became vice president of institutional advancement. On January 27th, 1984, she became Clarke’s 14th president. The first few months for the leader of any organization can be challenging, hectic, and perhaps chaotic at times. Sr. Catherine would face all of that and more, as her strength and fortitude were tested 111 days later, when on May 17th, 1984, fire destroyed one-third of the historic buildings on campus. In the spirit of Sister Mary Frances Clarke who founded the school in 1843, and propelled by students who hung banners proclaiming ‘Clarke Lives,’ Sr. Catherine oversaw an aggressive rebuilding project. Rising from the ashes were a new library, a chapel, music performance hall, administrative offices and a glassed atrium, which were dedicated in October of 1986. Most importantly, it showed the resilience of a woman who would not let devastation chart a negative destiny for the school or her presidency. Since then the school has had several other additions and expansions including a new sports and recreation complex, an activity center and increased student housing. For most new presidents that would have been challenge enough, but Sr. Catherine’s spirit reached far beyond 1550 Clarke Drive. She has served on the boards of numerous local, regional, and national education and civic organizations. She has served on the executive committee of the National Association of Independent Colleges and Universities (NAICU) and chaired the organization’s tax policy committee. In 1989, she was appointed to the Iowa Transportation Commission, making history in 1994 when she was named chair of the commission. She was the first woman to hold the position in the 81-year history of the commission. Mr. Speaker, I am pleased to pay tribute to Clarke College President Sr. Catherine Dunn. The many lives she has touched will never be known, but that work, through others, will live on. We celebrate, we honor and we will remember Clarke College’s 14th president.

HONORING THE VIENNA COMMUNITY CENTER’S 40TH ANNIVERSARY

HON. TOM DAVIS
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 6, 2006

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to honor the 40th Anniversary of the Vienna Community Center located in Fairfax County, Virginia. For 40 years, the Vienna Community Center has served as the main location for the Town of Vienna Parks and Recreation Department. Like all aspects of the Town of Vienna Parks and Recreation Department, the Vienna Community Center enjoys a rich history of providing quality programs and facilities to the town’s citizenry.

Even before the Community Center’s construction, it was bringing the Town of Vienna together as a neighborhood. In 1946, the Vienna Lions Club provided the initial donation for the Community Center. In 1964, the opening night performance of the Vienna Theater served as a benefit event kicking off the final leg of the fund raising drive to build the Town’s new Community Center. Tickets for the event were available from sponsoring organizations, which included the First National Bank and the Vienna Trust Co. The fund raising goal required to build the Community Center was completed through these community-backed ticket sales as well as direct donations from businesses, organizations, and community residents. Construction of the center began shortly thereafter.

The Community Center opened its doors on Sunday, April 17, 1966. The dedication ceremonies, organized by the Vienna Woman’s Club, brought together a variety of area clubs and organizations.

Since those opening ceremonies, The Vienna Community Center has provided facilities for many events serving people of all ages such as fashion shows, bazaars, health fairs, plays, and antique exhibits.

Mr. Speaker, in closing, I would like to thank the Vienna Community Center for 40 years of dedicated service to its community. The activities, classes, programs, camps and trips, which the Vienna Community Center facilitates, enhance the town’s sense of community. I call upon my colleagues to join me in applauding the Vienna Community Center’s past accomplishments and in wishing the Center continued success in the many years to come.
Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3347–S3404

Measures Introduced: Twenty-five bills and four resolutions were introduced, as follows: S. 2596–2620, S. Res. 438–440, and S. Con. Res. 88. Pages S3378–79

Measures Passed:

National Shaken Baby Syndrome Awareness Week: Senate agreed to S. Res. 439, designating the third week of April 2006 as “National Shaken Baby Syndrome Awareness Week”. Pages S3400–01

Congratulating U.S. Olympic and Paralympic Team Members: Senate agreed to S. Res. 440, congratulating and commending the members of the United States Olympic and Paralympic Teams, and the United States Olympic Committee, for their success and inspired leadership. Page S3402

Native American Technical Corrections Act: Committee on Indian Affairs was discharged from further consideration of H.R. 3351, to make technical corrections to laws relating to Native Americans, and the bill was then passed, after agreeing to the following amendment proposed thereto: Pages S3402–03

McConnell (for McCain) Amendment No. 3587, in the nature of a substitute. Page S3403

Adjournment Resolution: Senate agreed to H. Con. Res. 382, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate. Page S3403

Congratulating NASA: Senate agreed to H. Con. Res. 366, to congratulate the National Aeronautics and Space Administration on the 25th anniversary of the first flight of the Space Transportation System, to honor Commander John Young and the Pilot Robert Crippen, who flew Space Shuttle Columbia on April 12–14, 1981, on its first orbital test flight, and to commend the men and women of the National Aeronautics and Space Administration and all those supporting America’s space program for their accomplishments and their role in inspiring the American people. Pages S3403–04

Securing America’s Borders Act: Senate continued consideration of S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform, taking action on the following amendments proposed thereto:

Pending:

Specter/Leahy Amendment No. 3192, in the nature of a substitute. Page S3348

Kyl/Cornyn Amendment No. 3206 (to Amendment No. 3192), to make certain aliens ineligible for conditional nonimmigrant work authorization and status. Page S3348

Cornyn Amendment No. 3207 (to Amendment No. 3206), to establish an enactment date. Page S3348

Isakson Amendment No. 3215 (to Amendment No. 3192), to demonstrate respect for legal immigration by prohibiting the implementation of a new alien guest worker program until the Secretary of Homeland Security certifies to the President and the Congress that the borders of the United States are reasonably sealed and secured. Page S3348

Dorgan Amendment No. 3223 (to Amendment No. 3192), to allow United States citizens under 18 years of age to travel to Canada without a passport, to develop a system to enable United States citizens to take 24-hour excursions to Canada without a passport, and to limit the cost of passport cards or similar alternatives to passports to $20. Page S3348

Mikulski/ Warner Amendment No. 3217 (to Amendment No. 3192), to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers. Page S3348

Santorum/Mikulski Amendment No. 3214 (to Amendment No. 3192), to designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act. Page S3348

Nelson (FL) Amendment No. 3220 (to Amendment No. 3192), to use surveillance technology to protect the borders of the United States. Page S3348

D363
Sessions Amendment No. 3420 (to the language proposed to be stricken by Amendment No. 3192), of a perfecting nature.

Nelson (NE) Amendment No. 3421 (to Amendment No. 3420), of a perfecting nature.

Frist Motion to Commit the bill to the Committee on the Judiciary with instructions to report back forthwith with an amendment in the nature of a substitute (Frist Amendment No. 3424).

Frist Amendment No. 3425 (to the instructions to the motion to commit the bill to the Committee on the Judiciary), to establish an effective date.

Frist Amendment No. 3426 (to Amendment No. 3425), of a technical nature.

Frist Motion to Reconsider the vote (Vote No. 89) by which the motion to invoke cloture on Frist Motion to Commit failed.

During consideration of this measure today, Senate also took the following action:

By 38 yeas to 60 nays (Vote No. 89), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the Frist motion to commit the bill to the Committee on the Judiciary (listed above).

By 36 yeas to 62 nays (Vote No. 90), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the bill.

Emergency Supplemental Appropriations: Senate began consideration of H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, after agreeing to the motion to proceed to consideration of the bill.

A unanimous-consent agreement was reached providing for further consideration of the bill on Tuesday, April 25, 2006, at a time to be determined.

Nomination Considered: Senate resumed consideration of the nomination of Peter Cyril Wyche Flory, of Virginia, to be an Assistant Secretary of Defense.

During consideration of this nomination today, Senate also took the following action:

By 52 yeas to 41 nays (Vote No. 92), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the nomination.

Treaties Approved: The following treaties having passed through their various parliamentary stages, up to and including the presentation of the resolution of ratification, upon division, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification were agreed to:

Protocol of 1997 Amending MARPOL Convention (Treaty Doc. 108–7); and


Authorizing Leadership To Make Appointments—Agreement: A unanimous-consent agreement was reached providing that notwithstanding the adjournment of the Senate, the President of the Senate, the President Pro Tempore, and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

Authority for Committees A unanimous-consent agreement was reached providing that notwithstanding the adjournment of the Senate, all committees were authorized to file legislative and executive matters on Thursday, April 20, 2006, from 10 a.m. until 12 noon.

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that during this adjournment of the Senate, the Majority Leader, and Senator Dole be authorized to sign duly enrolled bills and joint resolutions.

Nominations Confirmed: Senate confirmed the following nominations:

By 59 yeas 34 nays (Vote No. EX. 91), Dorrance Smith, of Virginia, to be an Assistant Secretary of Defense.

(Prior to the vote on confirmation of the nomination, Senate vitiated the vote on the motion to invoke cloture.)

4 Coast Guard nominations in the rank of admiral.

(Prior to this action, Committee on Commerce, Science and Transportation was discharged from further consideration.)

Measures Read First Time:

Executive Communications:

Petitions and Memorials:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Notices of Hearings/Meetings:

Record Votes: Four record votes were taken today. (Total–92)
Adjournment: Senate convened at 8:30 a.m. and, pursuant to the provisions of H. Con. Res 382, adjourned at 2:34 p.m., until 2 p.m., on Monday, April 24, 2006. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3404.)

Committee Meetings
No committee meetings were held.

House of Representatives

Chamber Action
The House was not in session today. The House is scheduled to meet at 2 p.m. on Tuesday, April 25, 2006.

Committee Meetings
FOREIGN MILITARY FORCES BUILDING CAPACITY
Committee on Armed Services: Held a hearing on building the capacity of foreign military forces. Testimony was heard from the following officials of the Department of Defense: Ambassador Eric S. Edelman, Under Secretary, Policy; and GEN James L. Jones, USMC, Commander, U.S. European Command; and John Hillen, Assistant Secretary, Political-Military Affairs, Department of State.

WASHINGTON NATIONALS TV COVERAGE
Committee on Government Reform: Held a hearing entitled “Out at Home: Why Most Nats Fans Can’t See Their Team on TV.” Testimony was heard from Mayor Anthony Williams, District of Columbia; Peter V. Franchot, Delegate, Maryland House of Delegates; Douglas M. Duncan, Montgomery County Executive, State of Maryland; Sean Connaughton, Chairman, Prince William County Board of Supervisors, State of Virginia; Bob Dupuy, President and Chief Operating Officer, Major League Baseball; Peter Angelos, Chairman and Chief Executive Officer, Baltimore Orioles; David L. Cohen, Executive Vice President, Comcast Corporation; Gary McCollum, Vice President and Regional Manager, Cox Northern Virginia; and Ian Koski, Editor NationalsPride.Com.
Next Meeting of the SENATE
2 p.m., Monday, April 24

Senate Chamber

Program for Monday: Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES
2 p.m., Tuesday, April 25

House Chamber

Program for Tuesday: To be announced.

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Congressional Record

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