added as cosponsors of S. 2556, a bill to amend title 11, United States Code, with respect to reform of executive compensation in corporate bankruptcies.

S. 2571

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2571, a bill to promote energy production and conservation, and for other purposes.

S. 2593

At the request of Mrs. BOXER, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2593, a bill to protect, consistent with Roe v. Wade, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes.

S. 2599

At the request of Mr. VITTER, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Montana (Mr. BURNS) were added as cosponsors of 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.

S. RES. 313

At the request of Ms. CANTWELL, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from New Mexico (Mr. DOMENICI), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Montana (Mr. BAUCUS), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Arkansas (Mr. PRYOR) 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 methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic.

S. RES. 431

At the request of Mrs. FEINSTEIN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 431, a resolution designating May 11, 2006, as ''Endangered Species Day'', and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide.

S. RES. 438

At the request of Mr. ALEXANDER, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. Res. 438, a resolution expressing the sense of Congress that institutions of higher education should adopt policies and educational programs on their campuses to help deter and eliminate illicit copyright infringement occurring on, and encourage educational uses of, their computer systems and networks.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (by request):

S. 2627. A bill to amend the Act of August 21, 1935, to extend the authorization for the National Park System Advisory Board, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I rise today to introduce, at the request of the Department of the Interior, legislation to extend the authorization for the National Park System Advisory Board.

For the past 70 years, the National Park System Advisory Board has provided guidance and recommendations to the Director of the National Park Service and the Secretary of the Interior regarding management of America's national parks. The authorization for its existence will expire on January 1, 2007. The attached legislation will extend the authorization to 2016 and modify the composition of the board to include representation from a broader diversity of interests.

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. 2627

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 ''National Park System Advisory Board Reauthorization Act of 2006''.

SEC. 2. NATIONAL PARK SYSTEM ADVISORY BOARD.

Section 3 of the Act of August 21, 1935 (16 U.S.C. 463), is amended—

(1) by striking ''**SEC. 3**'' and inserting the following:

''SEC. 3. NATIONAL PARK SYSTEM ADVISORY BOARD.'';

(2) in subsection (a)—

(A) by striking ''(a) There is hereby established'' and inserting the following:

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established'';

(B) in the second sentence, by striking ''The Board shall advise'' and inserting the following:

''(2) PURPOSE.—The Board shall advise'';

(C) in the third sentence, by striking ''Members of the Board'' and inserting the following:

''(3) TERM; APPOINTMENT.—Members of the Board'';

(D) by striking the fourth through ninth sentences and inserting the following:

''(4) MEMBERSHIP.—

''(A) IN GENERAL.—The Board shall be comprised of not more than 12 members, appointed from among citizens of the United States with a demonstrated commitment to the mission of the National Park Service, of whom—

''(i) at least 4 members shall have outstanding expertise in 1 or more of the fields of history, archeology, anthropology, historical or landscape architecture, biology, ecology, geology, marine science, or social science;

''(ii) 3 members shall have outstanding expertise and prior experience in—

''(I) the management of National or State parks or protected areas; or

''(II) natural or cultural resources management;

''(iii) 3 members shall have outstanding expertise in any other professional or scientific discipline important to the mission of the National Park Service, such as financial management, travel and tourism management, recreational use management, concessions management, and land use planning or business management;

''(iv) at least 1 member shall have expertise in, and appreciation for, the historic recreational opportunities within units of the National Park System; and

''(v) at least 1 member shall be a locally elected official from an area adjacent or within close proximity to a unit of the National Park System.

''(B) GEOGRAPHIC REPRESENTATION.—Board members appointed under subparagraph (A) shall be selected to represent various geographic regions, including each of the administrative regions of the National Park Service.'';

(E) in the tenth sentence, by striking ''The Board shall hold'' and inserting the following:

''(5) MEETINGS.—The Board shall hold'';

(F) in the eleventh sentence, by striking ''Any vacancy'' and inserting the following:

''(6) VACANCIES.—Any vacancy'';

(G) in the twelfth sentence, by striking ''The Board may adopt'' and inserting the following:

''(7) PROCEDURES.—The Board may adopt'';

(H) in the thirteenth sentence, by striking ''All members'' and inserting the following:

''(8) COMPENSATION.—

''(A) TRAVEL EXPENSES.—All members'';

(I) in the fourteenth sentence, by striking ''With the exception of travel and per diem as noted above'' and inserting the following:

''(B) NO ADDITIONAL COMPENSATION.—Except as provided in subparagraph (A)'';

(J) in the fifteenth sentence, by striking ''It shall be the duty of such board'' and inserting the following:

''(9) DUTIES.—

''(A) IN GENERAL.—It shall be the duty of the Board''; and

(K) in the sixteenth sentence, by striking ''Such board shall also'' and inserting the following:

''(B) RECOMMENDATIONS.—The Board shall''; and

(L) in the seventeenth sentence, by striking ''Such board is'' and inserting the following:

''(C) CONSULTATION.—The Board is'';

(3) in subsection (b)—

(A) by striking ''(1)'' and inserting ''ADVISORY BOARD STAFF.—''; and

(B) by striking paragraph (2); and

(4) in subsection (f), by striking ''2007'' and inserting ''2016''.

SEC. 3. TECHNICAL AMENDMENTS.

The Act of August 21, 1935 (16 U.S.C. 461 et seq.), is amended—

(1) in section 3(c)(1)(D) by striking ''arrangements.'' and inserting ''arrangements,''; and

(2) in the first undesignated subsection of section 4, by inserting ''(a)'' before ''The Secretary''.

By Mr. NELSON of Florida (for himself and Ms. SNOWE):

S. 2630. A bill to amend the Communications Act of 1934 to prohibit manipulation of caller identification information; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, American consumers and public safety officials find themselves confronted by yet another fraudulent scam

in the digital age. This time the scam is known as caller I.D. ''spoofing.'' Today I am introducing a bipartisan bill with Senator SNOWE, the Truth in Caller I.D. Act of 2006, to put an end to fraudulent caller I.D. spoofing.

It seems like every week we hear of new threats to our privacy and new ways to use the Internet to endanger consumers' financial security and physical safety. For several years now, I have been fighting back, pushing legislation to combat frauds such as identity theft and the unauthorized sale of consumer telephone records. Now it is time to fight caller I.D. spoofing.

What is caller I.D. spoofing? It is a technique that allows a telephone caller to alter the phone number that appears on the recipient's caller I.D. system. In other words, spoofing allows someone to hide behind a misleading phone number to try to scam consumers or trick law enforcement officials. As the Miami Herald wrote on March 12, 2006, caller I.D. spoofing gives ''debt collectors, telemarketers, and even scam artists the upper hand in the wearisome game of phone call 'gotcha'.''

Beyond that scenario, let me give you a few shocking examples of how caller ID spoofing has been exploited in recent months: In one dangerous hoax, a sharp-shooting SWAT team was forced to shut down a neighborhood in New Brunswick, NJ, after receiving what they believed was a legitimate distress call. But what really had happened was that the caller used spoofing to trick law enforcement into thinking the emergency call was coming from a certain apartment in that neighborhood. It was all a cruel trick perpetrated with a deceptive phone number.

In another example, a Member of the U.S. House of Representatives was the victim of a sophisticated spoofing plot. It appears that fraudsters placed thousands of spoofed calls to the Member's constituents. In each case, the fraudster made it look like the phone call was dialed from the Member's office, and in each case the fraudster badmouthed the Member to the constituent on the other end of the line. The Member found out about this after his congressional office got angry phone calls from constituents.

In yet another instance, identity thieves bought stolen credit card numbers. They then called Western Union, set up caller I.D. to make it look like the call originated from the card holder's name, and used the credit card number to order cash transfers, which the identity thieves then picked up.

While these examples are serious enough, think about what would happen if a stalker used caller I.D. spoofing to trick his victim into answering the telephone or giving out sensitive personal information. This could put peoples' lives in danger.

According to experts, there are countless Internet Web sites—going by names like Tricktel.com or Spooftech.com—that sell their services to criminals and identity thieves, or even bill collectors and private investigators. Any person can go to one of these Web sites, pay money to order a fake phone number, tell the Web site which phone number to reach, and then place the call through a toll-free line. The recipient is then tricked when he or she sees the misleading phone number on his or her caller I.D. system.

In essence, these Web sites provide the high-tech tools that identity thieves need to do their dirty work. Armed with a misleading phone number, an identity thief can call a consumer pretending to be representative of the consumer's credit card company or bank. The thief can ask the consumer to authenticate a request for personal account information. Once an identity thief gets hold of this sensitive personal information, he can access a consumer's bank account, credit card account, health information, and who knows what else.

Even if a consumer doesn't become a victim of stalking or identity theft, there is a simple concept at work here. Consumers pay money for their caller I.D. service. Consumers expect caller I.D. to be accurate because it helps them decide whether to answer a phone call and whether to trust the person on the other end of the line.

If the caller I.D. says that my wife is calling me, when I pick up my phone, I expect my wife to be on the other end of the line. Instead, we have fraudsters and others who want to abuse the system and disguise their true identities. That defeats the whole purpose of caller I.D.

Unfortunately the Federal Communications Commission and Federal Trade Commission have been slow to act. Those agencies have not yet brought any enforcement actions against caller I.D. spoofers.

In the meantime, many spoofing companies and the fraudsters that use them believe that their activities are legal. Well, it is time to make it crystal clear that caller I.D. spoofing is not legal.

How does the bipartisan Truth in Caller I.D. Act of 2006 address the problem of caller I.D. spoofing?

Quite simply, this bill plugs the hole in the current law and prohibits anyone from using caller identification services to transmit misleading or inaccurate caller I.D. information. This prohibition covers traditional telephone calls or calls made using Voice-Over-Internet, VOIP, service.

Senator SNOWE and I don't intend to ban all caller I.D. spoofing. Instead, our bill recognizes that there are legitimate law enforcement uses for spoofing. And the bill requires the Federal Communications Commission to create appropriate exceptions for legitimate business purposes, after hearing public comment on the issue.

Anyone who violates this antispoofing law would be subject to a penalty of $10,000 per violation or up to 1 year in jail, as set out in the Communications Act. Additionally, the bill empowers States to help the Federal Government track down and punish these fraudsters. The more law enforcers out there to enforce this law, the better.

I note that Chairman BARTON of the House Energy and Commerce Committee just introduced a similar bipartisan antispoofing bill, which he expects to pass the House in short order. I invite my colleagues to join Senator SNOWE and myself in supporting the Truth in Caller I.D. Act of 2006. We should waste no time in protecting consumers and law enforcement authorities against caller I.D. spoofing.

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

S. 2630

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 ''Truth in Caller ID Act of 2006''.

SEC. 2. PROHIBITION REGARDING MANIPULATION OF CALLER IDENTIFICATION INFORMATION.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following new subsection:

''(e) PROHIBITION ON PROVISION OF INACCURATE CALLER IDENTIFICATION INFORMATION.—

''(1) IN GENERAL.—It shall be unlawful for any person within the United States, in connection with any telecommunications service or IP-enabled voice service, to cause any caller identification service to transmit misleading or inaccurate caller identification information, unless such transmission is exempted pursuant to paragraph (3)(B).

''(2) PROTECTION FOR BLOCKING CALLER IDENTIFICATION INFORMATION.—Nothing in this subsection may be construed to prevent or restrict any person from blocking the capability of any caller identification service to transmit caller identification information.

''(3) REGULATIONS.—

''(A) IN GENERAL.—Not later than 6 months after the enactment of this subsection, the Commission shall prescribe regulations to implement this subsection.

''(B) CONTENT OF REGULATIONS.—

''(i) IN GENERAL.—The regulations required under subparagraph (A) shall include such exemptions from the prohibition under paragraph (1) as the Commission determines appropriate.

''(ii) SPECIFIC EXEMPTION FOR LAW ENFORCEMENT AGENCIES OR COURT ORDERS.—The regulations required under subparagraph (A) shall exempt from the prohibition under paragraph (1) transmissions in connection with—

''(I) any authorized activity of a law enforcement agency; or

''(II) a court order that specifically authorizes the use of caller identification manipulation.

''(4) REPORT.—Not later than 6 months after the enactment of this subsection, the Commission shall report to Congress whether additional legislation is necessary to prohibit the provision of inaccurate caller identification information in technologies that are successor or replacement technologies to

telecommunications service or IP-enabled voice service.

''(5) PENALTIES.—

''(A) CIVIL FORFEITURE.—

''(i) IN GENERAL.—Any person that is determined by the Commission, in accordance with paragraphs (3) and (4) of section 503(b), to have violated this subsection shall be liable to the United States for a forfeiture penalty. A forfeiture penalty under this paragraph shall be in addition to any other penalty provided for by this Act. The amount of the forfeiture penalty determined under this paragraph shall not exceed $10,000 for each violation, or 3 times that amount for each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $1,000,000 for any single act or failure to act.

''(ii) RECOVERY.—Any forfeiture penalty determined under clause (i) shall be recoverable pursuant to section 504(a).

''(iii) PROCEDURE.—No forfeiture liability shall be determined under clause (i) against any person unless such person receives the notice required by section 503(b)(3) or section 503(b)(4).

''(iv) 2-YEAR STATUTE OF LIMITATIONS.—No forfeiture penalty shall be determined or imposed against any person under clause (i) if the violation charged occurred more than 2 years prior to the date of issuance of the required notice or notice or apparent liability.

''(B) CRIMINAL FINE.—Any person who willfully and knowingly violates this subsection shall upon conviction thereof be fined not more than $10,000 for each violation, or 3 times that amount for each day of a continuing violation, in lieu of the fine provided by section 501 for such a violation. This subparagraph does not supersede the provisions of section 501 relating to imprisonment or the imposition of a penalty of both fine and imprisonment.

''(6) ENFORCEMENT BY STATES.—

''(A) IN GENERAL.—The chief legal officer of a State, or any other State officer authorized by law to bring actions on behalf of the residents of a State, may bring a civil action, as parens patriae, on behalf of the residents of that State in an appropriate district court of the United States to enforce this subsection or to impose the civil penalties for violation of this subsection, whenever the chief legal officer or other State officer has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this subsection or a regulation under this subsection.

''(B) NOTICE.—The chief legal officer or other State officer shall serve written notice on the Commission of any civil action under subparagraph (A) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

''(C) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subparagraph (B), the Commission may intervene in such civil action and upon intervening—

''(i) be heard on all matters arising in such civil action; and

''(ii) file petitions for appeal of a decision in such civil action.

''(D) CONSTRUCTION.—For purposes of bringing any civil action under subparagraph (A), nothing in this paragraph shall prevent the chief legal officer or other State officer from exercising the powers conferred on that officer by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

''(E) VENUE; SERVICE OR PROCESS.—

''(i) VENUE.—An action brought under subparagraph (A) shall be brought in a district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

''(ii) SERVICE OF PROCESS.—In an action brought under subparagraph (A)—

''(I) process may be served without regard to the territorial limits of the district or of the State in which the action is instituted; and

''(II) a person who participated in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

''(F) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted an enforcement action or proceeding for violation of this subsection, the chief legal officer or other State officer of the State in which the violation occurred may not bring an action under this section during the pendency of the proceeding against any person with respect to whom the Commission has instituted the proceeding.

''(7) DEFINITIONS.—For purposes of this subsection:

''(A) CALLER IDENTIFICATION INFORMATION.—The term 'caller identification information' means information provided by a caller identification service regarding the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or IP-enabled voice service.

''(B) CALLER IDENTIFICATION SERVICE.—The term 'caller identification service' means any service or device designed to provide the user of the service or device with the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or IP-enabled voice service. Such term includes automatic number identification services.

''(C) IP-ENABLED VOICE SERVICE.—The term 'IP-enabled voice service' means the provision of real-time 2-way voice communications offered to the public, or such classes of users as to be effectively available to the public, transmitted through customer premises equipment using TCP/IP protocol, or a successor protocol, for a fee (whether part of a bundle of services or separately) with interconnection capability such that the service can originate traffic to, or terminate traffic from, the public switched telephone network.

''(8) LIMITATION.—Notwithstanding any other provision of this section, subsection (f) shall not apply to this subsection or to the regulations under this subsection.''

By Mr. BURNS:

S. 2633. A bill to grant rights-of-way to owners of dams located in the Bitterroot National Forest in the State of Montana, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BURNS. Mr. President, I rise today to introduce the Bitterroot National Forest Dam and Reservoir Maintenance Act. The are 17 reservoirs in the Bitterroot National Forest and Selway-Bitterroot Wilderness Area. These reservoirs not only predate the 1964 Wilderness Act and creation of the Selway-Bitterroot Wilderness Area, many predate the designation of the Bitterroot National Forest. The reservoirs continued use is fundamental to a stable agricultural economy for the Bitterroot Valley in western Montana. In addition, these reservoirs provide multiple benefits to the people, economy, and natural environment of Montana in the form of ground water recharge, flood control, and increased late summer streamflows that support riparian and fishery habitat needs. In addition, the reservoirs ensure we maintain our open spaces by allowing sustainable family ranches and farms to continue instead of subdivisions.

When the Selway-Bitterroot Wilderness Area was adopted as the first congressionally designate wilderness area, access roads or trails were not specifically identified for access to these dams. Clearly the 1964 Wilderness Act does provide for some level of access to these existing reservoirs for inspection and maintenance. Subsequent wilderness legislation establishing wilderness areas after 1964 have excluded ''cherry-stem'' roads and trails to dams just like these in the Bitterroot thus avoiding the problem we have in Montana.

The Secretary of Agriculture, through the USDA-Forest Service, must provide access to these dams. Currently, the exact level of access is undefined and debated with each request. For each dam access request the Forest Service must comply with the National Environmental Policy Act, the Endangered Species Act, the Federal Dam Safety Act, and the Wilderness Act. To do so the agency must prepare an environmental assessment or environmental impact statement for the proposed access. This often requires months to complete and is subject to appeal and litigation by those opposed to motorized access to the dams, and in some cases those opposed to the use of the existing water rights.

This legislation will clarify that the administration of the reservoirs and rights of ways should reside with the State of Montana like all other water rights. The legislation also establishes right of ways for the reservoirs and access routes to the reservoirs that would pre-empt the Wilderness Act, and National Environmental Policy Act. This bill will allow for an efficient means for irrigation companies to access the reservoirs to complete inspections, and conduct safety and operation maintenance work in a timely manner.

I look forward to working with my Senate colleagues to secure passage of this important legislation.

By Mr. CRAIG:

S. 2634. A bill to amend title 38, United States Code, to strike the term of the positions Under Secretary for Health and the Under Secretary for Benefits and simplify appointments to such positions; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, today I wish to introduce a simple, but I think an important piece of legislation which, if enacted, will affect just two positions at the Department of Veterans Affairs: the Under Secretary for Health and the Under Secretary for Benefits. My bill would abolish the 4-

year term limit on service in each position and remove the requirement that a search commission be assembled to identify candidates for either of the positions if a vacancy in the position occurs.

As some of my colleagues may know, VA has thirteen positions in its central office for which Presidential nomination and Senate confirmation are required. There are seven Assistant Secretaries, a General Counsel, three Under Secretaries, a Deputy Secretary, and, of course, a full Cabinet level Secretary. Only the Under Secretaries for Health and Benefits are given statutory terms of office. All of the other positions, two of which are superior offices and one of which is a fellow Under Secretary, serve at the pleasure of the President.

In addition, under current law, if a vacancy occurs in either one of the two offices I have just mentioned, the Secretary of Veterans Affairs must establish a commission made up of various interested individuals to recommend not less than three persons to the President for the job. If the President does not care for the list of persons provided by the commission, the President may request that the commission recommend additional individuals from which he can choose a nominee.

I believe the two changes I am proposing are warranted and deserve my colleagues' support for a number of reasons. First, and most important to me, is that the Constitution gives the President of the United States the power to nominate and with advice and consent of the Senate, appoint Officers of the United States. There is no requirement that any of the candidates be identified, vetted, or recommended by an extra-constitutional commission. In fact, recommendation and vetting is the power granted to the United States Senate through our advice and consent role.

I find it interesting that the President today can choose a nominee for Chief Justice of the United States, Attorney General, Secretary of State, Ambassador to the Court of St. James and other incredibly important high offices of this government without a statutorily required search commission. Yet these two Under Secretaries at VA must go through this vetting process before even being identified to the President for his consideration of a nomination.

I believe that it is our responsibility as elected representatives of the people to determine who is suitable for an appointment to a high office of public trust. The people, rightfully, hold us accountable for the performance of appointed officials. They do not hold commissions accountable. Certainly, the President and Senators are free to seek out the views of any number of interested parties before deciding whom to nominate or whether to vote to confirm that person. But those outside consultations should be encouraged and welcomed, not obliged by law.

The second reason I believe my colleagues should support this bill is that the language of the statute with respect to the commission and the term limits is at best unclear and at worst confusing.

The law requires the Secretary to establish a commission to identify potential nominees when ''a vacancy in the position occurs or is anticipated''. The law also allows the President to reappoint the current office occupant for like periods. This raises the vexing question of whether there is an anticipated vacancy, requiring the appointment of the search commission to identify potential nominees, just because a term is expiring. If the answer is yes, then I ask if that answer is different if the President intends to nominate the current office occupant for an additional term?

Clearly, it seems absurd to me to require a search commission to identify a suitable candidate for nomination if the President has already identified the current office occupant as his chosen nominee. Still, more confusing is what occurs if the President nominates the current office holder prior to the expiration of his or her term but then the term expires before the Senate has had the opportunity to act on the nomination. This scenario is actually not an absurd legal ''what if'' but an actual current problem.

Just a few weeks ago, the President nominated Daniel Cooper to serve a 4-year term as Under Secretary for Benefits. Mr. Cooper was already the Under Secretary at the time of his nomination. Thus, there was no vacancy in the office and none was anticipated since he was being offered as his own replacement. So, no search commission is required under law.

Yet, now Mr. Cooper's term has expired and the Senate has yet to act on his nomination. So, technically, there is now a vacancy requiring a search commission to identify a nominee. But, as I have just explained, the President has already nominated someone. So, with the concurrence of my ranking member, Senator AKAKA, I advised the White House that there was no need for a search commission. But, the fact that the conversation had to occur shows the need for a change in this law. Of course, my preferred course would be to just eliminate the law as I am now proposing.

Mr. Cooper's nomination has actually brought to light another reason that I believe we should eliminate the term limits on the positions. That is that the term adds a huge political element to the process of attempting to keep on a successful officeholder as in the case of Mr. Cooper. While not revealing any confidences or singling out individual Senators, I do not think my colleagues would be surprised to hear that since being nominated for an additional term Mr. Cooper has been subject to some political bargaining by Senators who seek to have him take some actions in his official capacity before they will vote to keep him on in his job. I understand that happens often around here. And I don't begrudge it in general. But, I think the opportunities for such actions should be minimized to the extent possible, especially when there is no question as to the nominee's qualifications or successful performance in office. If he or she is doing well, then, under my bill, the President would presumably retain his or her services. If not, then he or she should be removed, immediately. Not at the end of a term.

That brings me to my final reason for this legislation. I simply believe that senior governmental officials should serve in those positions only so long as they hold the confidence of the President of the United States. If the President loses confidence in any of his senior leadership, he or she should remove those individuals from those posts.

I understand that there are those who believe that this action would make the positions inherently political. I offer two thoughts to those who hold this belief. First, in 1988, when VA was elevated to cabinet level status through Public Law 100–527, the law required that the President appoint individuals to these two offices ''without regard to political affiliation or activity and solely on the basis of integrity and demonstrated ability.'' I am not proposing to change any of those requirements. Even if I was proposing such a change, certainly the Senate could impose such a condition prior to any confirmation.

Second, I firmly believe that some political responsibility also leads to greater performance by officeholders and accountability to Congressional oversight. I think you all know that improved performance and bureaucratic accountability at VA are annual demands of our Veterans service organizations. I believe this change will move us one step closer to addressing their concerns.

Mr. President, as I said at the outset of my statement, this is a simple bill. But, just like the old saying that if you watch the pennies the dollars will take care of themselves, I believe that if we make the simple, but necessary improvements to VA's operations and management structure, the entire system will improve on its own. I urge my colleagues to support this bill as one step towards overall improvement.

By Mr. WYDEN (for himself, Ms. SNOWE, Ms. CANTWELL, and Ms. COLLINS):

S. 2635. A bill to amend the Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters; to the Committee on Finance.

Mr. WYDEN. Mr. President, today I am pleased to be joined by Senators SNOWE, COLLINS and CANTWELL in introducing the ''Bicycle Commuters Benefit Act of 2006''.

I know that I am speaking for many people in this country who want to do something concrete about our Nation's

dependence on oil and gas. They do not think our national energy policy is doing enough. They are eager to do things that make them feel like they can take responsibility for overcoming their dependence on oil and gas. As gas prices continue to climb this spring and summer, more and more people are going to be looking for something that they can do to free themselves from this dependency. The bill I am introducing today gives Americans more incentive to give up the cars and trucks that they drive to and from work everyday and get on their bicycles instead.

According to recent Census reports, more than 500,000 people throughout the United States commute to work by bicycle. They are freeing themselves from sitting in traffic. They are saving energy and overcoming their dependence on oil and gas. They are getting exercise; avoiding obesity and helping us keep our air clean and safe to breathe.

Yet they are commuting by bicycle at their own expense. Their fellow employees who take mass transit to and from work have an incentive created in the Transportation Equity Act for the 21st Century that enables their employers to pay for their bus or subway ride. This incentive is great for mass transit commuters but it discourages people from riding their bikes to and from their jobs. The Bicycle Commuters Benefits Act of 2006 will eliminate this discrimination against bicycle commuters.

The bill extends the fringe benefit that employers can offer their employees for commuting by public transit, to those who ride their bicycles to and from their jobs. Our bill amends the tax code so that public and private employers can offer their employees a monthly benefit payment that will help them cover the costs of riding their bikes, instead of driving and parking their cars where they work. The bill also provides employers the flexibility to set their own level of benefit payment up to a specified cap amount. That way, employers and their employees can decide how much of an incentive they need to stop driving and start riding their bikes. Those who currently ride the bus and/or subway to work would also gain an extra incentive to ride their bikes. Employers can deduct the cost of their benefit payments from their taxable income. This reduces the taxes that they pay to the Federal Government. And, in turn, employees will receive anywhere from $40–$100 per month as a non-taxable benefit, to help them pay for the costs of riding their bikes.

I think that this is a fair and modest proposal that will reward employees who ride their bikes to and from their jobs.

Our Senate bill matches HR 807 that was introduced during the first session of the 109th Congress by my fellow Oregonian, Congressman EARL BLUMENAUER. He has 47 co-sponsors from both sides of the aisle and every part of the United States eager to offer bicycle commuters the same incentive that I want to give commuters who take mass transit.

In addition, our bill is supported by many regional and national bicycling organizations such as Cycle Oregon, the Bicycle Transportation Alliance, the League of American Bicyclists, the Washington Area Bicyclist Association and hundreds of Capitol Hill employees who commute by bike to work every day.

When you think about it and you look around our cities, the taxpayers have paid for millions of dollars of bike trails in all of America's urban areas and major job markets. Now, bicycle commuters will have an extra incentive to use them to commute to and from their jobs.

One week from today, we will start celebrating May as ''National Bike-to-Work'' month. I can't think of any better way to commemorate this special month than by introducing this legislation. I look forward to working with our colleagues to see this legislation pass.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2635

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 ''Bicycle Commuters Benefits Act of 2006''.

SEC. 2. EXTENSION OF TRANSPORTATION FRINGE BENEFIT TO BICYCLE COMMUTERS.

(a) IN GENERAL.—Paragraph (1) of section 132(f) of the Internal Revenue Code of 1986 (relating to general rule for qualified transportation fringe) is amended by adding at the end the following:

''(D) Bicycle commuting allowance.''.

(b) BICYCLE COMMUTING ALLOWANCE DEFINED.—Paragraph (5) of section 132(f) of such Code (relating to definitions) is amended by adding at the end the following:

''(F) BICYCLE COMMUTING ALLOWANCE.—The term 'bicycle commuting allowance' means an amount provided to an employee for transportation on a bicycle if such transportation is in connection with travel between the employee's residence and place of employment.''.

(c) LIMITATION ON EXCLUSION.—Paragraph (2) of section 132(f) of such Code is amended by striking ''subparagraphs (A) and (B)'' and inserting ''subparagraphs (A), (B), and (D)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 89—HONORING THE 100TH ANNIVERSARY OF THE HISTORIC CONGRESSIONAL CHARTER OF THE NATIONAL SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION

Mr. GREGG submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 89

Whereas the National Society of the Sons of the American Revolution (referred to in this preamble as the ''Sons of the American Revolution'') was—

(1) founded on April 30, 1889; and

(2) chartered by Congress 100 years ago on June 9, 1906;

Whereas the congressional charter was signed by President Theodore Roosevelt, who was a member of the Sons of the American Revolution;

Whereas the Sons of the American Revolution was conceived as a fraternal and civic society composed of lineal descendants of individuals who—

(1) wintered at Valley Forge;

(2) signed the Declaration of Independence;

(3) fought during the American Revolutionary War;

(4) served in the Continental Congress; or

(5) supported the cause of American Independence;

Whereas 16 Presidents have been proud members of the Sons of the American Revolution;

Whereas the charter of the Sons of the American Revolution describes the objects and purposes of the Society as ''. . . patriotic, historical and educational'';

Whereas the Sons of the American Revolution is devoted to—

(1) perpetuating the memory of the individuals who, by their services or sacrifices during the American Revolutionary War, achieved independence for the United States;

(2) inspiring citizens to revere the principles that the forefathers incorporated into the Government of the United States; and

(3) encouraging the development of historical research about the American Revolutionary War;

Whereas the Sons of the American Revolution has a long record of accomplishments in providing educational resources related to—

(1) the American Revolutionary War; and

(2) individuals who helped the original 13 British colonies gain sovereignty during the War for Independence;

Whereas, largely through the efforts of the Sons of the American Revolution during the late 1800s and early 1900s, the National Archives was established to gather the records of the individuals who served during the American Revolutionary War;

Whereas the Sons of the American Revolution advances its mission by commemorating battles and events that led to the formation of the United States;

Whereas the Sons of the American Revolution devotes a great deal of time, energy, and resources to working with children so that they may gain a better understanding of the history of the United States;

Whereas the Sons of the American Revolution is constructing a new facility adjacent to its national headquarters for the newly-established Center for Advancing America's Heritage; and

Whereas approximately 27,000 members of the Sons of the American Revolution are organized in chapters throughout 50 States, the District of Columbia, and in the numerous countries throughout the world that helped the original 13 British colonies win independence as the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the 100th anniversary of the historic congressional charter of the National Society of the Sons of the American Revolution; and

(2) honors and praises the National Society of the Sons of the American Revolution for—