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Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable JIM DEMINT, a Senator from the State of South Carolina.

PRAYER

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

Let us pray.

Eternal Spirit, a nation turns its heart and mind to You. Give hope to those who are underpaid and overworked. Sustain the lonely and empty, particularly those who have lost loved ones in the defense of freedom. Fill the vacuum created by such sadness with Your presence, lest loneliness shackle their faith.

Today, bless our Senators. You know their needs. Supply them from Your celestial bounty. Show them duties left undone. Strengthen them to resist temptation in all of its enticements and to walk the narrow way of discipline that leads to life. Enrich them with Your powerful presence and keep them faithful.

We pray in Your holy Name. Amen.

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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 19, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM DEMINT, a Senator from the State of South Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. FRIST. Today, following the opening remarks of the two leaders, we will have a 30-minute period of morning business. Following that time, we will return to the United States-Oman Free Trade Agreement for closing remarks. The agreement provides for a vote on passage at 12 noon today, and that will be the first vote of the day. The Senate will then recess from 12:30 to 2:15 to allow the weekly policy meetings to occur.

When the Senate resumes business at 2:15, we will proceed to executive session for the consideration of the Alice Fisher nomination. We have an order for 5½ hours of debate on the Fisher nomination prior to the vote on confirmation. We expect some of that time to be yielded back, and we will vote on that nomination this evening before adjourning.

Last night, I filed a cloture motion on the motion to proceed to H.R. 6061, the Secure Fence Act of 2006. That cloture vote will occur on Wednesday morning, and we hope we can invoke cloture and dispose of this bill quickly.

OMAN FREE TRADE AGREEMENT

Mr. FRIST. Mr. President, I wish to take a few moments to comment on the bill we will be voting on later this morning, the Oman Free Trade Agreement.

On June 29, the Senate passed the Oman Free Trade Agreement by a vote of 60 to 34. Today, we will bring the Oman Free Trade Agreement to the floor again for final passage of the House bill.

We have a long history with Oman. Our relationship has extended for nearly 200 years. It dates back to 1833, when a treaty of friendship and navigation was signed with Muscat. Oman was the first Arab country to send an ambassador to the United States.

Over the years, Oman has offered us valuable support. When we needed a local airbase for an attempt to rescue U.S. Embassy hostages in Iran during the Carter administration, Oman volunteered. When we needed a safe ground for our troops during Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom, Oman volunteered.

Today, Oman cooperates closely with us and other allies on counterterrorism and has publicly supported the democratic transition in Iraq. Although not a formal member of the coalition, Oman has been a committed, dependent ally in the global war on terror.

In Oman, we have found a solid partner on terrorist finance issues. Oman partners with its neighbors on transborder terror threats, and Oman's Government and religious leaders consistently and courageously denounce acts of terror and religious intolerance.

It is clear that through nearly 200 years of formal relations, we have enjoyed a close and cooperative partnership that continues to expand.

The free-trade agreement before us builds on the progress already made. It strengthens our relationship with a key friend and ally in the region, and it is a model for free trade in the entire Persian Gulf region.

It is not our first bilateral agreement in the region. We struck similar deals with Jordan in 2000, with Morocco in 2004, and with Bahrain in 2005. Like these earlier deals, the Oman agreement will open and expand opportunities for exports of many American products. America's workers, manufacturers, consumers, farmers, ranchers, and service providers will all benefit.

As soon as the agreement takes effect, Oman and the United States will provide each other immediate duty-

free access on virtually all products in our tariff schedules. This includes all consumer and industrial products. We will phase out tariffs on the remaining products within 10 years. Former Trade Representative Rob Portman called it ''a high-quality, comprehensive free trade agreement that will contribute to economic growth and trade.''

Unfortunately, some have sought to undermine the agreement. They have propagated myths that don't stand up to scrutiny. For example, despite claims to the contrary, Oman does not implement any aspect of the Arab boycott of Israel. Oman publicly affirms and has reaffirmed its position in a letter from its Commerce Minister in September 2005. Moreover, Oman neither tolerates nor allows the use of slave labor. Oman has made substantial commitments to the United States on labor reform, and it has promised to enact key reforms by October 31, 2006.

Rejecting the trade agreement would send a strong negative signal to our friends in the Middle East. Oman is a forward-looking Arab country on a range of social and economic issues. We must demonstrate our support to Oman, just as Oman has supported us.

As the 9/11 Commission advised, expanding trade with the Middle East will ''encourage development, more open societies, and opportunities for people to improve the lives of their families.'' Passing the agreement before us will promote economic reform and development in the Persian Gulf, and it will advance our goal of a freer and more open Middle East. Quite simply, it will move our allies forward, and it will move America forward.

I urge my colleagues to demonstrate their commitment to these goals by voting to pass the Oman Free Trade Agreement later this morning.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the Democratic leader or his designee, and the second half of the time under the control of the majority leader or his designee.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business for the minority side.

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

DEMOCRATIC POLICY COMMITTEE HEARINGS

Mr. DURBIN. Mr. President, I commend my colleague, Senator DORGAN of North Dakota, for a hearing he held yesterday. It was a hearing of the Democratic Policy Conference. This is the 10th hearing he has held. I attended with several other Senators. The hearings are held on Monday because they cannot be held during the ordinary course of business of the Senate.

The reason, I am afraid, is very clear. Senator DORGAN is considering an issue which no other committee in Congress will consider. Senator DORGAN is raising questions which no other committee on Capitol Hill will even suggest. Senator DORGAN and the Democratic Policy Conference are calling witnesses to testify openly on issues which the majority in this Republican-led Congress will not even consider. What could that possibly be? It turns out to be the conduct of our war in Iraq and, particularly, the waste and mismanagement of Federal tax dollars.

Yesterday, there were several former employees of Halliburton. We all know them now; they are infamous. This is the company with the no-bid contracts—$7 billion worth—and friends in high places all over this administration. This is the company which made millions of dollars off of taxpayer funds and, sadly, often at the expense of our soldiers.

Yesterday, the testimony was very clear. There was one witness who talked about this fitness center that was put up for our troops and an Internet center for our troops, and Halliburton was going to run it. It turns out they dramatically inflated the number of soldiers walking through the door so they could make more money on the center, ripping off the taxpayers. It turns out that the supplies they were given for our troops, Halliburton ended up consuming for their own employees, having Super Bowl parties, using the food and drink that had been prepared for our troops.

One of the witnesses yesterday said there was a certain arrogance of the Halliburton contractors when it came to our troops. They were annoyed when the soldiers asked for certain things. It was all about profit. It was all about them.

Why in the world hasn't a single committee in the Senate called Halliburton in to answer for these things? Because Halliburton has friends in high places. People don't ask these rude and embarrassing questions of this powerful special interest corporation.

I thank Senator DORGAN and the Democratic Policy Conference for continuing to bring in the whistleblowers. One would think there would be a Member of the Republican Senate embarrassed enough at Halliburton's conduct in this war in Iraq that they would join us in a bipartisan effort. Sadly, this do-nothing Republican Congress has been a coverup Republican Congress as well. They don't want to talk about it. They don't want to raise the questions.

Do you think the feature in the Washington Post this last Sunday would have invoked at least some response from the Republican chairmen of major committees in the Senate? It was an exposé. It showed that when we created this provisional authority in Iraq to create a civil society, it turned out to be a patronage operation, worse than Brown and FEMA when it came to Katrina.

What they did was screen employees who were headed over to Iraq to spend billions of dollars and ask them probing questions about their qualifications. And do you know what the questions were. Here are some of the questions: How did you vote in the last primary? Did you vote for President Bush? What is your position on the issue of abortion? Where do you stand in terms of the Republican Party of America?

These were the questions asked of people we sent over to manage billions of dollars, our taxpayers' dollars, and rebuild Iraq. Is it any wonder we are in the fourth year in a war with no end? Is it any wonder that Iraq today is still in shambles from the viewpoint of its civil government? Is it any wonder when one looks at this gross incompetence, the same type of incompetence, patronage, and favoritism we saw, sadly, with Hurricane Katrina when Americans were disadvantaged?

There was a time in the history of this great institution when no President could get by with what this administration is getting by with. There was a time when a Democratic Senate would challenge a Democratic President, when a man named Harry Truman would stand up and say: We are going to look at profiteering and waste in waging the war against the Nazis and those who are their allies, even if we have a Democratic President, even if it might embarrass him.

Sadly, those days are gone. This Congress stands mute. This Congress refuses to ask the hard questions of this administration. This Congress refuses to acknowledge the obvious. We have lost 2,686 American soldiers in Iraq, and over 20,000 have returned home seriously injured. We have spent over $325 billion. The scandalous conduct of contractors over there, deserving of investigation, has been made a matter of public record because of Senator DORGAN's hearings, and this administration and this Republican Congress refuse to ask the hard questions. Clearly, it is time for a change.

It is a time for new leadership that will ask these hard questions on behalf of our soldiers and our taxpayers.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. Five minutes.

Mr. DORGAN. Mr. President, I thank my colleague from Illinois. I appreciate him attending the hearing yesterday. As he indicated, we would prefer not to do oversight hearings. That is a job for

other committees. But because they have not done it, we have a responsibility to do them, and will.

We have done 10 oversight hearings with respect to contracting in Iraq. I am convinced the stories we have heard at these hearings undermine our American soldiers, undermine our troops, and cheat our taxpayers. I don't, for the life of me, understand why there is not aggressive activity in this Chamber and at the Pentagon to root out the waste, fraud, and abuse we have seen. It is almost as if there is a sleepwalk going on through these issues.

I have held hearings, and we have described all of the issues. Yesterday, a woman who worked for Halliburton went to Halliburton and said: What is happening is Halliburton is billing, in some cases, five times the amount they should be billing to the Federal Government for certain activities in Iraq.

For complaining to her superiors about the taxpayers being cheated by this contractor, she was put under guard by four civilians working for Halliburton, kept overnight, put on an airplane, fired, and shipped out of Iraq. That is what she got for being a whistleblower to talk about how the taxpayers were being cheated.

I am going to speak more about those issues this week with respect to all the hearings I have held. It is not for the purpose of injuring anybody. It is for the purpose of protecting our troops and our taxpayers.

Briefly, I want to describe something I am going to send over to the inspector general of the Defense Department today. This is a letter that was given to us yesterday at the hearing. It is a letter from Halliburton—Kellogg, Brown and Root, a subsidiary of Halliburton. It is from Mr. Standard, a civilian contract employee who was a truckdriver in Iraq who was wounded.

By the way, Halliburton hires these contract civilian employees through their subsidiary in the Cayman Islands. Why do they have a subsidiary in the Cayman Islands? That is a tax haven country. They get American contracts from our Government and run them through the Cayman Islands so they don't have to pay taxes.

This is from Mr. Standard, a truckdriver wounded in Iraq driving a convoy as a civilian contract employee for Halliburton. Here is what Halliburton has written to this truckdriver:

> I hope this finds you well and enjoying a swift recovery. Per our conversation today, I included the medical records release form. This form authorizes me to share your medical records with the Pentagon Review Board for the purpose of awarding you the Secretary's Defense of Freedom Medal.

Halliburton is saying to the truckdriver: We would like you to sign a release so that we, Halliburton, can send information on your medical situation to the Defense Department and get you a Defense medal for the Defense of Freedom.

Here is what they said to this wounded truckdriver, an employee of their subsidiary Kellogg Brown and Root: Authorization and release reform, use and disclosure of protected information. It is a lengthy form. The truckdriver who signed this said: I am going to allow you to turn my medical records over to the Defense Department. And then under section 9, it says:

> Release: I agree that in consideration for the application for a Defense of Freedom Medal on my behalf that on behalf of myself, my hires, executors, administrators, assigns, and successors, I hereby release, acquit and discharge and do hereby release, acquit and discharge KBR, all KBR employees, the military, and any of their representatives, collectively and individually, with respect to any claims and any and all causes of action of any kind or character, known or unknown, that I may have against any of them.

What they have said to the employee in a deceitful way, in my judgment, is: We would like you to sign a medical release form so we can apply for a Defense Medal of Freedom for you. First, there is no such thing as being able to apply for a Defense Medal of Freedom. You are either entitled to it or you are not.

In any event, they are saying to the truckdriver, buried in No. 9, in exchange for that, you should assign away all your rights against this company or any actions of the company or any employee of the company.

This is unbelievably deceptive. Here is a company, Halliburton, saying to a truckdriver that was wounded, an employee of theirs—by the way, the testimony yesterday by other truckdrivers who were wounded in action is that Halliburton knew they sent a convey right into hostile action on a road that was marked red and black, which meant no travel by a civilian convey. They deliberately sent them onto that road anyway. Seven people were killed in that circumstance.

Aside from all of that—and that is important in itself—this company has written to its former employee, a wounded truckdriver, saying: We would like to send your medical records to the Pentagon, and we would like to get for you this Defense of Freedom Medal. So would you please sign this—not pointing out to him that he is signing away all of his rights to take action against that company or anybody in that company.

I have the standards of the Defense Medal of Freedom right here. Let me show the date. It is in 2001:

> Secretary of Defense Donald Rumsfeld announced today the creation of the Defense of Freedom Medal to honor civilian employees of the Department of Defense injured or killed in the line of duty. It will be the civilian equivalent of the military's Purple Heart. The first recipients to be honored will be the Defense Department civilians injured or killed recently as a result of the terrorist attack on the Pentagon. At the discretion of the Secretary of Defense, the medal may be awarded to nondefense employees, such as contractors, based on their involvement in Department of Defense activities.

This is unbelievably deceptive, and I believe deceitful, to try to persuade a former employee of this company to sign a release form saying it is a release of medical records when, in fact, it is a release of much more.

I am going to ask the inspector general to investigate exactly what this contractor has done.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. DORGAN. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority controls 15 minutes. The Senator from New Hampshire is recognized.

ACTIONS OF THIS CONGRESS

Mr. GREGG. Mr. President, I want to talk today a little bit about the progress we are making relative to securing our borders in the United States as a result of efforts made by this Congress and the administration. Before I do, I want to comment briefly on the presentation of the Senator from Illinois relative to the actions of this Congress and its passage of legislation or its investigative activity.

It is truly disingenuous when the assistant leader of the Democratic side comes to the floor and says we have done nothing as a Congress when almost every major piece of legislation that has been brought to the floor of this Senate has been filibustered by the other side of the aisle. Bill after bill after bill has been stymied, stopped and, in fact—it is no secret—there is an open understanding around here that the purpose of the Democratic leadership has been to make it virtually impossible to pass legislation in the Senate in order that the Senate appear to be an ineffective body—their feeling being that if they can obstruct enough things, they can make an argument that Congress isn't functioning and they should be put in charge.

It is an ironic position, of course, and has been on a number of times characterized as being similar to the situation when a man who shot both his parents, when brought before the court, asked for mercy because he declared himself an orphan. The fact is that the Democratic leadership of this body has decided to actively obstruct and try to stop almost any legislation of any significance that has come to the floor and, as a result, many things have been stopped because, as we all know, this is a body which functions essentially on a 60-vote majority, not a 51-vote majority. So, therefore, even though the Republican Party has 55 votes, we cannot pass something if there is united opposition. It has happened again and again.

I do find it a bit disingenuous to make this argument—it is their right to make it—but I think an honest reflection of what is actually happening around here makes the argument rather superficial and inadequate in its essence and its purpose.

SECURING OUR BORDERS

Mr. GREGG. Mr. President, I wish to talk about the progress we have made relative to securing our borders because this is one of those situations where the facts on the ground have not yet caught up with the public perception, which is understandable. That happens a lot in all sorts of areas where things are moving in the right direction, which were broken but are being repaired; there is still a perception that things are fundamentally broken. We are moving in the right direction relative to the borders.

Since 2005, we have made rather significant strides toward putting in place the infrastructure and the people necessary to secure the borders. I have the good fortune to chair the Subcommittee on Homeland Security. It may well be the only major appropriations bill that gets out of this Congress before we adjourn in October. That bill and the precursors to it, including the appropriations bills which we passed over the last 2 years and the supplementals that have gone with those bills, have allowed us to significantly expand our commitment to homeland security.

This has been an aggressive step taken by the Republican Congress and the administration. Back in 2005 we took a look at the problem when I assumed the leadership of this subcommittee, and we basically reoriented this whole funding stream within the Homeland Security Department, relative to the issue of weapons of mass destruction and border security. We concluded that those were the two major threats on which we as a committee should focus. So we took significant amounts of funds at that time and moved them into those accounts. Initially, back in 2005, the administration wasn't too excited about that, but after they took a hard look at what we were doing, they felt it was a good idea and they decided to join us in our efforts.

Now, since 2005, that effort has accelerated and has gained strength and has actually made significant gains. By the time this next bill passes, which I hope will pass before we leave at the end of September, it is expected we will have put in place almost 4,000 new border agents, which is a 40-percent increase in border agents—people physically on the ground; we will have put in place almost 10,000 new detention beds so that when we catch people, we don't have to release them. That was really an inappropriate policy that was being followed, which was when somebody was caught coming across the border, they were simply either taken back across the border if they were Mexicans, or they were released and told to come back and appear for a court date if they were not Mexican. And what we found was that nobody came back for those court dates. So with the 10,000 additional beds we put in place, that policy of catch and release will be curtailed.

We have added hundreds of miles of new fence, and we will continue to add new fencing where it is appropriate. We have dramatically increased the Customs and Border Patrol agents so that we are now up to 18,000 Customs officers, I am talking about—not Border Patrol—Customs officers who monitor our ports of entry, in addition to our Border Patrol individuals. We have greatly increased the commitment to the Coast Guard, which is the first line of defense relative to our ports and also plays a major role, of course, along the access points of our coastline for people who are coming into the country illegally. We have added $7.5 billion to the Coast Guard accounts which are going to give them the new capability they need for the boats and the aircraft, specifically upgrading their aircraft, upgrading their helicopters. All of this is in order to give the Coast Guard the ability to intercept people who may be coming here to do us harm.

We dramatically increased our commitment in the area of nuclear detection. We set up the Nuclear Deterrence Office, which basically is a focused effort on the question of how to deter a nuclear attack and also respond to it should it ever occur—God forbid it should ever happen. That is obviously the intention of some of our enemies. They want to accomplish that. We need to be focused on trying to stop that from happening. We have dramatically expanded the intelligence capability of the Department of Homeland Security Analysis Center by adding over a half a billion dollars for that. These are increases that are making a difference in our capacity as a country to know who is coming into the country, what is coming into the country, and whether the people who are coming into the country represent a threat or whether they are just people who are coming to pursue appropriate lawful activity in the area of commerce or just in the area of visiting us or taking advantage of our educational system.

These are major steps forward. All problems haven't been solved yet, and we all understand that. But if we continue on this path toward significantly upgrading our capabilities in the area of our feet on the ground, our boots on the ground, and technology supporting those boots—and later this week there is going to be the release of the accounting for the security program for the entire border, which will be a major step forward. It will mean we will be able to start construction of major technology improvements along the borders to use our advantages in technology to be able to police our borders. Then, in addition, recognizing that should somebody actually breach our borders with some weapon that might harm us, we will have the capacity to try to mitigate the effects of that through better technology and the research that surrounds that effort.

We have basically made a huge commitment in this area, dramatically increasing our funding, dramatically increasing our personnel, and dramatically increasing our technological capability. It is very likely that within the next year—in fact, it is probable, not likely—the results of this are going to become very clear to the American people. But as with many things—the perception that the border remains an open sieve, which it was and it shouldn't have been, but it was, especially along the southern border; and the perception that we don't have in place the technology to protect ourselves, which we didn't; the perception that we had not adequately upgraded the Coast Guard to do its job, which we hadn't—all remain the perception in the marketplace, and understandably so.

But the facts on the ground are that we are significantly upgrading our capabilities along the borders; that we have significantly upgraded our technological capability and we are continuing to expand that dramatically; that we are significantly improving the capacity of the Coast Guard, and that systems such as US–VISIT, which basically tracks who is coming into the country through a fingerprint process, are up and running and appear to be giving us significant results.

So I think we should talk about the good that is happening and our efforts to do the right thing along the borders, which is secure them and the progress that we are making. We should recognize that although we are not there yet, we are clearly on a path toward accomplishing our goal, which is to make sure that the people who come into this country, first, come in legally and, secondly, when they come in they do us no harm and their purpose is to do us no harm; and thirdly, that the product that is coming into this country is for the purpose of commerce, not for the purpose of harming us.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. The majority controls 4 minutes 15 seconds in morning business. The minority's time has expired in morning business.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be allowed to speak for up to 12 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. LEAHY. I thank the Chair.

HUMANITARIAN CATASTROPHE IN DARFUR

Mr. LEAHY. Mr. President, it is disheartening to be back on the floor of the Senate again to talk about the looming humanitarian catastrophe in the Darfur region of Sudan. Despite the partial peace agreement signed in May between the Sudanese Government and one rebel faction, the 3-year civil war

in Darfur has intensified in recent months. By any account, the situation is rapidly deteriorating.

Today, Darfur faces a more complex and brutal environment where rebel groups have splintered, and one has joined forces with the Sudanese Army, strengthening jingaweit militias that have long used rape, murder and mayhem to gain control of the region.

On August 28, Sudanese Government forces launched a major offensive in Darfur to finish off any opposing rebels, in direct violation of the Darfur Peace Agreement and cease-fire accord. As a result, tens of thousands more civilians have been forcibly displaced, bringing the total to more than 2 million people. And, of course, for those who have been displaced, disease and dysentery are rampant, causing the death rate to increase.

Relief organizations that have not already left the region face near impossible hurdles to reach hundreds of thousands of desperate people in need of food, water, and medical attention who are also vulnerable to the intensifying and indiscriminate aerial bombings. It is a scene straight out of Hell.

The well-intentioned, 7,000-member African Union peacekeeping force is understaffed, under-equipped, and has been unable to stop the violence in Darfur. The fact is they don't even have the communications, airlift, mobility, or support that most military would have. Estimates of the number of people who have died from war and disease in Darfur range as high as 450,000. That is 75 percent of the population of my own State of Vermont.

The United Nations Security Council adopted Resolution 1706 that would replace the African Union force with a much larger U.N. force empowered to protect civilians. The Sudanese Government not only rejected the resolution but demanded that the African Union withdraw from the country after its mandate expires at the end of this month.

While the United Nations, the African Union, and most of the international community are united in support of a larger U.N. peacekeeping force, the government in Khartoum has repeatedly refused. I think they probably fear that the U.N. can pose a challenge to its own ability to act with impunity and its own ability to carry out murder and mass extinction of people.

It is ludicrous that a lone despot, Sudan's President Omar Hassan al-Bashir, can obstruct the deployment of a U.N. peacekeeping force to stop genocide from continuing in his country. He has even gone so far as to threaten to attack any U.N. force that enters Sudan. This is a man who has made it very clear he supports the genocide and will try to stop anybody who wants to bring a halt to it.

Despite the Bush administration's diplomatic efforts in pressing for urgent international intervention to ease the Darfur crisis, China and Russia managed to thwart passage of a stronger U.N. Security Council resolution. And on August 20, the Arab League Committee on Sudan backed the Sudanese President's refusal of a U.N. peacekeeping force. They further distanced themselves from any responsibility for the situation in Darfur. It is amazing. People are dying. People are being killed. They are being raped. They are being murdered. They are being starved and they are dying of all kinds of diseases. Nobody takes responsibility. All the forces that can do something about it—Russia, China, the Arab League, Sudan itself, that could stop this—wash their hands of it.

The diplomatic inertia on Darfur is illustrative of just how much America's credibility and influence has eroded in the eyes of the world, largely because of our misguided policy in Iraq. We can't threaten anybody. We can't cajole anybody. We have lost our credibility. We have squandered the trust and confidence of our allies, particularly those in the Arab world, and now the administration's leverage with which to solve other regional and global crises has weakened. Darfur is one example. The impasse over Iran's nuclear program is another.

It is tragic how much damage this administration's policies have caused to America's leadership on so many issues that require the cooperation and support of other nations. The price in Darfur is an emboldened Sudanese regime that has managed to defy U.S. diplomatic pressure and the deaths of thousands of innocent people. Urgent and immediate action is essential to save Darfur from further catastrophe.

First, the President will today finally appoint a Presidential Special Envoy to Sudan. Many of us here, myself included, called for the designation of a Special Envoy for Sudan for months, so this long overdue decision is welcome.

Secondly, although the African Union troops are too few and lightly equipped to stop the violence, they are serving as witnesses for the rest of the world at a time when the government in Khartoum commits atrocities and makes it more difficult for humanitarian organizations and journalists to operate.

The United States and other nations must continue to support the African Union until a U.N. peacekeeping force is deployed, knowing that could take 4 to 6 months.

There should be no doubt that our first priority is to get U.N. peacekeepers on the ground as soon as possible. But in the interim, if African Union troops are forced to leave at the end of September, the last line of protection will be lost and an even worse period of lawlessness and slaughter will begin.

Third, the administration should call upon the European Union and United Nations Security Council to impose financial, travel, and diplomatic sanctions against the Sudanese leadership, rebel forces, and others responsible for the atrocities in Darfur.

Fourth, we must increase diplomatic pressure on countries friendly to Khartoum—particularly Russia, China, members of the Arab League—to use their influence to convince Sudan to support a United Nations peacekeeping force. If they don't, Russia, China, and members of the Arab League also have to bear complicity for genocide. Unfortunately, these are the same countries where our own influence has weakened dramatically over the past 5 years.

Fifth, the administration should urge all United Nations member states to accelerate implementation of Security Council Resolution 1706 for the deployment of U.N. peacekeepers to Darfur. The White House should be working vigorously to persuade other countries to commit troops and funds for the U.N. force.

Finally, in circumstances such as these, the United Nations should be empowered to deploy troops to prevent the mass murder of civilians, irrespective of stubborn, self-serving opposition of the government of the country.

When a country's corrupt, abusive leader, lacking any legitimate mandate from the people, flagrantly violates U.N. resolutions and a cease-fire agreement and embarks on a scorched Earth campaign which threatens the lives of countless innocent people, the U.N. should be able to go in.

If Darfur was not in Africa but it was in Europe, we would have responded differently. Although belated, our response, as the leader of NATO, to the ethnic cleansing in the former Yugoslavia put a quick end to that ethnic cleansing.

Darfur is on a different continent, but the forcefulness of our response to genocide should not depend on where genocide occurs or the race or ethnicity or nationality of the victims. Human beings are dying, irrespective of their color or their ethnicity or their nationality. The United States should stand up and do all we can to stop genocide.

I have no illusions about the difficulties of ending this conflict, nor do I question the sincerity of those who tried. But the efforts so far have been woefully inadequate. The situation calls for more intensive, sustained, high-level attention than our country and other countries have provided so far. It is genocide whether it is White people or Black people, whether it is Europeans or Africans. Genocide is genocide.

I yield the floor.

CONGRESSIONAL OVERSIGHT

Mr. DORGAN. Mr. President, I am going to speak about the Oman Free Trade Agreement, but I wanted to first respond to my colleague from New Hampshire who was on the floor of the Senate earlier this morning saying there is no problem with respect to what we are accomplishing here. He listed various accomplishments. He said: The only things we cannot accomplish are the things we are obstructed

from accomplishing because the minority will not let us.

First of all, that is not the case because, with respect to oversight hearings—which was the subject I raised and my colleague from Illinois raised this morning, oversight hearings—nobody is obstructing anybody from holding oversight hearings. That is the responsibility of the committees and the chairmen of the committees, to hold oversight hearings.

I have held some in the Democratic Policy Committee because the regular committees won't hold them, but let me describe a few of the things I have found in the hearings I have held—some big, some small, all of them, in my judgment, cheating American taxpayers: Contractors in Iraq paying $45 for a case of Coca-Cola; contractors in Iraq paying $7,500 for a 1-month lease on an SUV; contractors in Iraq who are buying towels for the troops, and instead of buying the hand towels for our troops to use that would cost a relatively small amount of money, they triple the amount that the taxpayers pay for these hand towels for our soldiers because they want the company name on them, Kellogg Brown and Root, embroidered on the towels. So they triple the cost of the towels.

Henry Bunting came and testified about that. He said he was the purchaser. They said: Purchase the towels with the embroidered name of our company on it. He said it costs more. They said: Don't bother about that; it doesn't matter. It is a cost-plus contract. The taxpayer pays for it.

The list of abuses is endless. At any point along the way did anybody say we ought to look into this, issue subpoenas? No, no; dead silence.

Twenty-five tons, 50,000 pounds, of nails are laying in the sands of Iraq because the contractor ordered the wrong size. What did they do? Dumped them out. It doesn't matter, the taxpayers are paying for all of that.

There were $85,000 new trucks left to be torched, put on fire on the side of the road because they had a flat tire and they did not have a tool to fix them. The contractor says: That is not a problem. The taxpayers will pay for that.

Serving food to the soldiers? The contractor that gets the contract to provide food for the soldiers is providing food that has out-of-date stamps on the food. It doesn't matter. Serve it to the soldiers anyway.

Yesterday, a woman came forward who worked in Iraq, as I mentioned earlier today, Mrs. McBride. She said they were charging the Government five times the amount of money, five times the billings of the number of soldiers who were using the recreational facilities. They were double counting and triple counting and, in some cases, submitting forms with five times the number of people. Why? To inflate the cost, to extract money from the American taxpayer.

All of this is going on and nobody seems to care. Oversight hearings? You show me where the oversight hearings have been held. Show me. They have not been held because nobody wants to embarrass anybody around here. We have one-party rule—in the White House, House, Senate. Nobody wants to embarrass anybody.

You have sole-source, no-bid contracts given at the Pentagon. The top civilian official, the top person in the Pentagon who rose to the top civilian level in the Pentagon as a contracting officer, who everyone said is one of the finest contracting officers in the Pentagon, do you know what she said? She said: The awarding of these sole-source, no-bid contracts to Halliburton is the most substantial abuse that I have seen in my service in the public arena.

What happened to her? Nobody cares.

Under the reconstruction program, I am told, we, the American taxpayers, spent $18 billion for reconstruction for Iraq. We ordered an air conditioner for a room in Iraq, and then it went to a contractor, a subcontractor, another subcontractor, and pretty soon the American taxpayer paid for air conditioners and that room now has a ceiling fan—yes, a ceiling fan. It is just unbelievable what is going on. Again, nobody seems to care.

I mentioned before that in the 1940s, Harry Truman was a Senator in this Chamber, and he put together the Truman Committee. It was bipartisan. They went after waste, fraud, and abuse. They wouldn't tolerate it. I am sure Franklin Delano Roosevelt was furious that a Congress was nipping at his heels, a Congress of his own party nipping at his heels on these issues. It didn't matter. Harry Truman, Republicans and Democrats together, went after it.

I proposed three or four times in the Senate to have votes to establish a select committee to do just that, but, sorry, no dice. Nobody wants anything to do with this issue.

I will come to the floor and give a list of what we have discovered in 10 hearings and see if anybody stands up to say: Yes, that makes sense; we support all that. None of this makes sense. It cries out, it begs for leadership. This undermines American soldiers and it cheats American taxpayers and it is unbelievable what is going on and nobody seems to care very much. So when I have the opportunity to hear someone say: We haven't held oversight hearings because we have been obstructed—nonsense. Or: We have held oversight hearings—nonsense again. Neither excuse washes. Nobody is minding the store. Nobody is watching the till.

The fact is, American taxpayers are taking a bath—and it is not just the taxpayers. It is water connected to the Euphrates River taking water to the military installations in Iraq. And, yes, the top American in the company, Halliburton, who is responsible for moving nonpotable water to the soldiers in the military installations in Iraq, is the American who wrote the report. I have seen the report. What he said was the nonpotable water that is provided to the soldiers for the purpose of showering and brushing their teeth and washing their hands and doing the kinds of things they do was more contaminated than raw water coming from the Euphrates River. And their internal report says: This was a near miss. This was a near miss. It could have caused death or mass sickness.

This event, which was a near miss, could have caused death or massive illness, it has been denied that it even happened by the company. The Pentagon doesn't seem to be very interested. The company denies it happened, despite the fact that we have it in writing from the person who was in charge and who still works for the company. It is unbelievable.

I didn't come to talk about that, but when I hear people say there has been aggressive oversight, or any oversight in this Congress—it is a sham. It is not the case.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

UNITED STATES-OMAN FREE TRADE AGREEMENT IMPLEMENTATION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 5684, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5684) to implement the United States-Oman free trade agreement.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 30 minutes divided as follows: Mr. DORGAN, 10 minutes; Mr. CONRAD, 10 minutes; the chairman and ranking member of the Finance Committee, 10 minutes, equally divided.

Mr. DORGAN. Mr. President, I believe I had reserved 1 hour of which I had used 30 minutes previously. The vote is at noon, so I intend to speak for the other 30 minutes, if that is appropriate?

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. DORGAN. Mr. President, let me talk about the Oman Free Trade Agreement. There are nine additional free-trade agreements being negotiated right now, nine of them. This past week there was an announcement that the monthly trade deficit is now $68 billion a month; a $68 billion monthly trade deficit. If ever there was a definition of failure, this is it.

So here is what we have: We have the good old boys negotiating trade agreements—Republicans and Democrats. They happen to be Republicans now because they are in power, but it has gone on for some long while. Here is what you see: Trade deficits, which are

represented by a mountain of red ink—or a deep valley of red ink in the case of this chart—the highest trade deficit in history, an unbelievable trade deficit. No country has ever had these kinds of deficits. They will have significant consequences for our country.

These deficits must be paid for with a lower standard of living in our country. Every single day, we send $2 billion out to foreign countries because we import $2 billion more than we export. That means every single day we are selling $2 billion of this country. We are selling America piece by piece.

Does this give anybody pause? Is anybody concerned? No. You know what we need to do? Let's do another trade agreement. We have done trade agreements here, at this point on the chart, we have done them here, we have done them here, and every single incompetent trade agreement this country signs up for ends up dramatically increasing our Federal deficits. We are choking on them, pulling the rug out from under American workers, shipping more American jobs overseas. And what is the response of this Congress? You know, let's do more of it. Why? Because we live in a global economy, and this is free trade.

I once knew, in my little home, a three-legged blind dog with fleas that they used to call Lucky. Labels didn't mean much to me—didn't mean much to that dog either, as a matter of fact. ''Free trade,'' that is the label on this nonsense. It is not free and it certainly is not fair.

This country has become Uncle Sucker on trade agreements. We have signed up to almost anything. Most of our trade is foreign policy and soft-headed foreign policy at that. I am in favor of trade. I want to expand trade—the more the better, but I demand it be fair to this country. When it is not fair, I think we ought to insist. It doesn't matter to me whether it is Oman or China or Europe or Japan or Korea or Mexico or Canada, I think we ought to say it is a new day. And the way we are going to trade with you is with circumstances that are fair to our country, to our workers, and to our country's interests.

Trade ought to be mutually beneficial. When we sign up to trade with somebody, it ought to be mutually beneficial.

Let me tell you what is coming next year. Next year everyone in this country will have an opportunity to start buying Chinese cars because China has announced that they intend to start shipping Chinese automobiles to the U.S. marketplace. We have a trade agreement with China about cars. Let me describe what it is.

It says: China, when you ship a car to the United States—it will happen starting next year—we are going to hit you with a 2.5-percent tariff, a tiny little tariff, a 2.5-percent tariff you are going to have to pay on the cars you ship into our marketplace. And, by the way, any American cars that we send to China next year, we agree we will pay a 25-percent tariff.

So a country with whom we have a $2.5 billion trade deficit, we signed up, on bilateral automobile trade, that they should be able to charge a tariff 10 times higher on automobiles when we try to sell a car in their country. That is unbelievably incompetent. That is what our country has agreed to.

That is just one little piece. Most people wouldn't know about dealing with bilateral automobile trade. It affects American jobs. It pulls the rug out from under our workers. That is just one. There are dozens and dozens of similar examples.

Since I am speaking about automobiles, let me describe the situation with Korea. South Korea sent us over 700,000 cars last year. I will show you the chart. South Korea sent 730,000 cars last year into our marketplace. Do you know how many American cars we sold in South Korea? We sold them just 4,251 cars. Is it because they don't want American cars? No. It's because the Koreans largely closed their market to our product even as we opened our markets with theirs. Do we do anything about it? No. We sit around twiddling our thumbs—sucking our thumbs in some cases—and lament that this is going on. It is an unbelievable failure.

Ninety-nine percent of the cars driven on the streets of South Korea are Korean-made cars. Why is that the case? That is exactly the way they want it, and that is the way it will stay because our country doesn't seem to care. We sign up to all of these trade agreements. In fact, we are doing a new agreement with Korea now. That is one of the nine. Does anyone really care about fair trade?

So in this context, let me talk about Oman now.

There are about 400 organizations, ranging from the League of Rural Voters to the National Farmers Union to the Sierra Club to the AFL–CIO, about 400 organizations have come out in opposition to this trade agreement. What is the reason for that? Let me describe it with a letter which many of them signed which says the following:

> Like NAFTA and CAFTA, OFTA [the Oman Free Trade Agreement]—fails to include any meaningful labor and environmental protections. The lack of effective labor provisions in OFTA is particularly significant in light of the recent revelations of massive labor abuses in Jordan—a Nation with which the United States has a free trade agreement. These violations involve widespread human trafficking, 20-hour workdays and widespread failure to pay back wages. More troubling is the fact the Oman FTA contains weaker labor provisions than the Jordan FTA.

Let me describe what is going on in Jordan. This is actually a New York Times piece. I have actually spoken to the people who went to Jordan and saw these sweatshops.

> Propelled by a free trade agreement with the United States, apparel manufacturing is booming in Jordan, its exports to America soaring twenty-fold in the last 5 years.
>
> But some foreign workers in Jordanian factories that produce garments for Target, Wal-Mart and other American retailers are complaining of dismal working conditions—20-hour days, of not being paid for months, and of being hit by supervisors and jailed when they complained.

Here is what happens in Jordan. They fly in so-called guest workers from Bangladesh, Sri Lanka, put them in a corner of Jordan in sweatshops, in factories with closed doors, and then they fly in Chinese textiles, and in sweatshop conditions, with imported workers from Bangladesh and imported textiles from China, they produce products which they ship to the United States.

Let me describe some of the conditions. Some of these workers imported from Bangladesh were promised $120 a month but in some cases were hardly paid at all. One worker was paid $50 for 5 months of work. Forty-hour shifts were common. Let me say that again. Forty-hour shifts—not weeks—were common. Forty-hour shifts in those sweatshops apparently replaced the 40-hour workweek. There were frequent beatings of any workers who complained.

What is the relevance of all this to an Oman Free Trade Agreement? First of all, the country of Oman has about 3 million people. Of that rather small population, over one-half million are actually foreign guest workers. The majority of Oman workers involved in manufacturing and construction are not from Oman. The majority of the workers in Oman are foreigners brought in from Bangladesh, Sri Lanka, and other very poor Asian countries, under labor contracts to work in construction and in factories.

Here is what our own country's State Department's 2004 Report on Human Rights said about Oman. We are doing a trade agreement now with Oman. Our own State Department reports that:

> The law prohibits forced or compulsory labor, including children; however, there were reports that such practices occurred. The government did not investigate or enforce the law effectively. Foreign workers at times were placed in situations amounting to forced labor.

Our own State Department talks about forced labor in Oman. It doesn't matter to the people who put this agreement together. They could care less. They do not intend to put in strong labor provisions with respect to this trade agreement.

There are no labor unions in Oman that would be protective of workers or negotiate for workers. In 2003, the Sultan of Oman issued a Sultanic decree which categorically denies workers the right to organize and join unions of their choosing. In some circumstances, workers in Oman can join ''representative committees,'' but those committees, just as is the case in China—China is now advertising a lot of unions—those committees are not independent of the employers or of the Government. China now has unions that

are part of the Communist government, and the Sultanic decree that prohibits unions in Oman allows representatives of workers to get together but not independent of employers or the Government.

By the way, the Sultan of Oman has written to our U.S. Trade Ambassador and promised that he will improve Oman's labor laws in October of this year. That would be next month. How do you calculate that? That would be after the U.S. Congress votes, wouldn't it? They are going to improve their labor laws after we have voted. Yes, I guess I have heard that before. Maybe this country ought to be suggesting that some of these things be improved before they negotiate free-trade agreements.

Under fast-track rules, the Congress, in its own lack of wisdom, said: We would like to put ourselves in a straightjacket. We can negotiate agreements and treaties on nuclear arms without fast track, but on trade agreements, we must negotiate in a way that says when we come back to the Congress, we are prohibited from offering amendments. So the Congress actually votes to put itself into a straightjacket and prohibit any amendments. I don't vote for that. I lead the fight against it because I think it is fundamentally undemocratic. But the Congress has already done that. That is why there will be no amendments to the Oman Free Trade Agreement.

Let me describe one other provision in the Oman agreement, and it has been in a couple of other agreements as well.

Earlier this year, there was a big fight in this country about Dubai Ports World, which is a company owned by the United Arab Emirates, taking over major seaports in this country—six major U.S. seaports—New York, New Jersey, Baltimore, New Orleans, and Miami—taken over to be managed by a company owned by the United Arab Emirates. There was a huge blowup as a result of that, a massive firestorm of protest. The President had already approved it, said: It is fine; don't worry about it; we think American ports can be managed by the United Arab Emirates or the company it owns, Dubai Ports World. I didn't think so, but the President said it is fine.

Brushing aside suggestions from Republicans and Democrats alike, President Bush endorsed the taking over of shipping operations at six major seaports by a state-owned business in the United Arab Emirates. He pledged to veto any bill Congress might approve to block that amendment. But still, in all, there was such a storm of protest by the American people saying: With all of the terrorist threats, maybe we ought to manage our own seaports; there was such a storm of protest that Dubai Ports World announced they had reached an agreement and they decided they would sell or negotiate to sell their interests in managing our ports.

Michael Chertoff, Homeland Security Secretary, said during that period that the proposed takeover of terminal operations at five U.S. ports by a Dubai company would give U.S. law enforcement a better handle on security at U.S. terminal operations. Let me talk about terminally bad judgment here. Here is the guy in charge of Homeland Security who says that allowing foreign interests to take over the management of America's ports will fully actually provide better security for our country. You talk about unbelievably bad judgment. Everybody has a right to be wrong, including the head of Homeland Security. Let's just hope that when he is wrong, it doesn't result in another terrorist attack on this country.

Here is what is in the Oman Free Trade Agreement, a provision that says that the U.S. government cannot block Oman's acquisition of the following activities:

> Landside aspects of port activities, including operation and maintenance of docks, loading and unloading of vessels directly to or from land, marine, cargo handling operations and maintenance at piers.

That is the managing of a port. That provision says that we can't block Oman from acquiring or an Oman company from acquiring—that is in the trade agreement. This agreement says we will not be able to block, without abrogating this trade agreement, a company from Oman from operating America's seaports. This alone should defeat this trade agreement. It will not because there are 60 or 65 Members of this body who will vote for any trade agreement, almost. This provision alone should defeat this trade agreement.

Let me finish by talking about the consequences of this senseless trade policy on jobs in this country. I know it is tiresome to some of my colleagues to keep hearing about this, but I believe it is worthy to describe where we are headed in textiles, manufacturing, high tech, and other areas.

You will remember the television commercials advertising Fruit of the Loom underwear. It ran a lot of commercials talking about how wonderful Fruit of the Loom underwear would be for each of us. They paid someone to dress as green grapes and someone to dress as red grapes. I guess that is the little logo on Fruit of the Loom underwear. They danced, the green and red grapes danced and sang and played music and various things. I don't know who would actually accept money to dance as grapes, but they found actors to dance as grapes, and they danced right out of this country. They don't make one pair of Fruit of the Loom underwear in this country anymore, not one.

If you want Mexican food, go to the grocery store and buy Fig Newton cookies. They left this country. They went to Monterrey, Mexico.

Every Member of this Senate, I will bet, once had a Radio Flyer, a little red wagon. It was made in America for 110 years. You can still buy them here, but they are not made here anymore; they left for China—all made in China, the little red wagon, the Radio Flyer.

If you wear Tony Lama cowboy boots, you might be wearing Chinese shoes. I have told this story until everyone is tired of it. Americans used to make them, but they lost their jobs. When they were fired, the last job they had was to take the ''American made'' decals off existing inventory. They had an hourly job plus benefits. The jobs left our country and went to China.

They still sell these Huffy bicycles in this country, but they are made for 33 cents an hour by people working 7 or 8 days a week, 14 hours a day. The last thing those American workers did on their last day of work and leaving the parking lot was to leave a pair of empty shoes in the parking lot. They left a pair of empty shoes in their parking space. It was a way for workers to say to the company: You can ship our jobs to China, but you are not going to fill our shoes.

It goes on and on and on—yes, with product after product, textiles and manufacturing, high tech. One-half of the Fortune 500 are now doing software development offshore, overseas. It is pretty unbelievable.

In all of this, we give a tax cut, tax break. We not only manage bad trade agreements to make it easy to ship jobs overseas, we say: If you do that, we will give you a big fat tax cut. Four times I have tried to eliminate that in the Senate, and four times the Chamber of Commerce and others who support that tax cut rounded up enough votes in the Senate to preserve it. I find that appalling. Nonetheless, that is what is happening with trade.

Ultimately, this country will not long remain a world economic power if it does not retain a world-class manufacturing base. This country will not continue to expand the middle-class workers if it continues to incentivize the shipment of jobs overseas. The construct of many big companies of saying: We want to produce where it is cheap—China, Indonesia, Bangladesh; we want to sell in the established marketplace of Los Angeles, Chicago, Denver, Fargo, Pittsburgh, and run the income through the Cayman Islands to avoid paying taxes—will undermine the economic interests of this country.

This country made great progress by expanding the middle class with good jobs that paid well. We debate a lot of things in this Senate, but there is nothing we debate with respect to a social program that is more important than a good job that pays well. We would do well to remember that as we take a look at bad trade agreements and prepare ourselves, once again, as the majority of this Chamber—but not me—votes yes in favor of trade agreements which pull the rug out from under workers, pull the rug out from under farmers, and undermine the long-term economic interests of this country.

We have the same chorus of a tired song that is being sung today in the

Senate about the virtues of another bad trade agreement. This one was with a very small country of 3 million people. I have never been to Oman. I don't know much about Oman. I am not opposed to the country of Oman in any way. I am interested in standing up for the economic interests of this country. This is one more chapter in a book of failures on international trade. This country, this Senate, has a responsibility, finally, to start getting it right.

I will vote against the trade agreement with Oman and hope that, even as this trade agreement will likely pass, as other trade agreements have, an agreement that undermines our country's economic interests, in the next nine trade agreements, all of which are being negotiated now, we will finally see some negotiations that stand up for our interests.

It is long past the time, when we have a $68 billion-a-month deficit and nearly $800 billion-a-year trade deficit, it is long past the time to ask the questions: What is wrong? How do we make it right? What is not working? How do we fix it?

This Congress, this administration, seems content, as has been the case now for the last dozen years, in snoring through all of this, saying it will be handled by someone else, sometime later, pretending somehow the consequences do not matter.

The consequences do matter. There are significant consequences.

One can make a case when the Budget is debated here that whatever the budget deficit is, it is money we owe to ourselves. One can make that case. Economists make that case. It is not a case I make, but it is money we owe to ourselves. We cannot make that case with a trade deficit. That is money we owe to others. Over one-half of our trade deficit is now held by the Japanese and the Chinese, which is used to buy American property, American stocks, bonds, to buy part of this country—drip, drip, drip, every day, $2 billion a day.

I will vote against this trade agreement and hope the next trade agreement that comes to the Senate will be an agreement that fixes previous problems rather than negotiates new agreements. The problems in the previous agreements are legend: NAFTA, CAFTA, United States-Canada. It is absolutely legend, the problems that exist, and not one of them has been fixed. All of them continue to exist. We turn a blind eye to all them as we negotiate new agreements. That disserves this country's economic interests.

Mr. BAUCUS. Mr. President, two-and-a-half months ago, the Senate passed the United States-Oman Free Trade Agreement Implementation Act. We did so because we expected that this agreement will benefit our economy. That is still true. And we should pass it again today.

Under the agreement, virtually all American merchandise exports will enter Oman duty free. Oman will eliminate most of its duties right away. And Oman will liberalize the remainder of its duties within 10 years. This agreement gives free access to the growing Omani market to American industrial equipment, medical devices, frozen beef, and snack foods.

Oman has also agreed to go beyond its multilateral commitments to provide greater American access to its services markets. It has committed to protect intellectual property. It has committed to combat corruption and bribery. And it has implemented reforms of its labor laws to address American concerns.

I support this trade agreement on its merits. It is a good agreement. And it will strengthen our ties with a valuable partner in the Middle East. I urge my colleagues to vote for it.

Some may wonder why a small agreement like this has generated any controversy. In part, that is due to the process by which this agreement came before Congress.

The Finance Committee unanimously adopted an amendment to the Oman implementing legislation. Then the administration rejected that amendment outright. This disregard for the constitutional authority of Congress over international trade only weakens support for the administration's trade policy.

But more broadly, the controversy over Oman reflects more general frustration with trade agreements. In Congress, there is deep frustration with the way that the administration has negotiated these agreements. And there is frustration with the way that the administration has handled important issues like labor and the environment.

Americans are concerned about job losses. Americans associate globalization with threats to their jobs. And Americans are concerned that trade agreements might erode conditions in the workplace.

These issues will come to the fore as we approach the expiration of Trade Promotion Authority in the middle of next year. In the wake of the controversy surrounding Oman and other trade agreements, it is high time that we take a hard look at American trade policy. It is high time that we ask ourselves how we can make it work better.

For starters, we have to refocus our trade policy. We have to make sure that it helps American workers and businesses meet the competitive challenges that they face in the global marketplace. We have to rethink the types of trade initiatives that we pursue in the future. We have to build grassroots support for trade. And we have to pay far greater attention to domestic initiatives to increase our savings, reduce our trade deficit, improve education, and help the workers whom trade leaves behind.

I look forward to that debate. I look forward to laying the foundation for a broader consensus on trade. And I look forward to the day when we can once again join together on the trade agreements of the future.

Mr. FEINGOLD. Mr. President, I oppose this deeply flawed trade agreement. When the Senate passed its version of this legislation a few months ago, I noted that one group had said that this trade agreement is as bad as CAFTA, except where it is worse.

The Oman trade agreement is the latest in a series of agreements that have been based on the failed NAFTA-CAFTA model of trade that has shipped thousands of businesses and millions of jobs overseas, devastating communities across our country. The record of that model of trade is crystal clear. During the post-NAFTA era, our trade deficit has exploded from $98 billion in 1994 to $805 billion in 2005. And yet, once again we are debating more of the same.

As I noted in June, the Oman Free Trade Agreement is stamped from the NAFTA-CAFTA cookie cutter. It provides no real enforcement for the labor or environmental provisions. And even the most modest efforts to address the deficiencies of the NAFTA-CAFTA model were rejected by the White House. Most notably, an attempt by the Senate Finance Committee to deny trade benefits for products made with slave labor, approved unanimously by the Committee on an 18-to-0 vote, was rejected by the administration, which submitted this agreement without that reasonable protection.

You don't have to be a trade expert to know that our trade policy is alarmingly bad. When even the most reasonable addition is proposed by the Finance Committee to deny preferential benefits for products made by slaves, the administration refuses to include it.

Mr. President, any consultative role Congress was to have as part of the fast-track process has been shown to be meaningless. I very much hope my colleagues will remember this when we consider legislation to renew fast-track implementing authority. Until then, we should reject this and similarly flawed trade agreements.

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

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. 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. GRASSLEY. Mr. President, I would like to use my 10 minutes that has been allocated to me on the Oman Free Trade Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 10 minutes.

Mr. GRASSLEY. Mr. President, I rise in strong support of H.R. 5684, the United States-Oman Free Trade Agreement Implementation Act. The United

States-Oman Free Trade Agreement will benefit U.S. farmers, workers, and businesses. It will lead to economic growth and enhance the predictability of the rule of law in Oman, a reliable ally of the United States in the Middle East.

The United States-Oman Free Trade Agreement will also serve as a model for other free-trade agreements in the Middle East.

In this way, the United States-Oman Free Trade Agreement will contribute to the formation of a Middle East free trade area, a development that would provide major economic and political benefits for the United States.

Let me begin by discussing the economic gains that this agreement will bring to the United States. On the day that the agreement goes into effect, Oman will no longer impose any tariffs on U.S.-produced consumer and industrial products. The agreement will also benefit U.S. farmers as some 87 percent Oman's tariff lines will go to zero for U.S. agricultural products on day one of the agreement. Oman's remaining tariffs on U.S. farm products will be phased out over 10 years.

In addition, the United States-Oman Free Trade Agreement will result in substantial improvements in market access for U.S. service providers and new protections for U.S. investors.

Given the benefits that it will provide to the United States, the agreement has been endorsed by groups as varied as the American Farm Bureau Federation, the American Chemistry Council, the Association of Equipment Manufacturers, the National Foreign Trade Council, and the United States-Middle East Free Trade Coalition, an entity consisting of over 110 U.S. companies and associations supporting trade expansion in the Middle East.

The United States-Oman Free Trade Agreement will result in new market opportunities for farmers, workers, and businesses throughout the United States, including those in Iowa.

For example, the Midamar Corporation—a small business located in Cedar Rapids, IA, that specializes in halal foods—anticipates that the United States-Oman Free Trade Agreement will lead to new sales of Iowa-produced foods in Oman. Profit margins in the food sector are very low, and Oman's current average applied tariff of 5 percent on many of Midamar's products cuts into the company's profits.

With Oman's tariffs on many of Midamar's products going to zero on day one of the agreement, Midamar will have significantly improved access to the Omani market immediately upon implementation of the United States-Oman Free Trade Agreement.

At least two other Iowa businesses expect to benefit from the free-trade agreement. The HNI Corporation of Muscatine is the second largest manufacturer of office furniture in North America, and HNI is specifically targeting the fast-growing market of the Middle East. HNI anticipates that the agreement will provide improved opportunities for it to sell its products in Oman.

Likewise, Lennox—which manufactures residential heating and cooling products in Marshalltown—predicts that it will gain from the United States-Oman Free Trade Agreement. Thus, the United States-Oman Free Trade Agreement could have a direct impact on Iowans in Cedar Rapids, Muscatine, and Marshalltown. This agreement will benefit people in other States as well.

I am confident that the Oman Free Trade Agreement will ultimately lead to new market access opportunities for American products in yet more Middle Eastern countries. President Bush is advocating the development of a United States-Middle East free trade area by 2013, and the United States-Oman Free Trade Agreement is another building block toward the accomplishment of this goal.

The United States has already implemented free-trade agreements with four other countries in the Middle East—Bahrain, Israel, Jordan, and Morocco.

A completed United States-Middle East free trade area would result in significantly improved market access for U.S. farm, consumer, and industrial products in a region of the world populated by 350 million people that is growing quickly.

Such an arrangement would also benefit people throughout the Arab world by providing needed economic reforms. So a United States-Middle East free trade area is in the best interests of the people of the Middle East, and it would advance American interests as well.

In addition to providing new economic opportunities for the United States, the United States-Oman Free Trade Agreement will contribute to the security of our country. Oman is a consistent ally of the United States in an unstable part of the world. Given that the United States is currently engaged militarily in two countries in the region, now is a particularly appropriate time for us to further cement our close ties with Oman.

By improving economic conditions in Oman, I am convinced that the United States-Oman Free Trade Agreement will contribute to the stability of that country. Such stability will help solidify Oman's position as a moderate Arab country and a friend of the United States.

The United States-Oman Free Trade Agreement is a strong agreement. It will provide economic benefits for the United States. It will also benefit Oman, a consistent ally of the United States.

I urge my colleagues to vote for H.R. 5684, the United States-Oman Free Trade Agreement Implementation Act.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Under the previous order, the question is on the third reading of the bill.

The bill was read the third time.

Mr. SUNUNU. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Minnesota (Mr. COLEMAN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Indiana (Mr. BAYH), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from New Jersey (Mr. MENENDEZ) would each vote ''nay.''

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

The result was announced—yeas 62, nays 32, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—62

Alexander	Enzi	Murray
Allard	Frist	Nelson (FL)
Allen	Graham	Nelson (NE)
Baucus	Grassley	Obama
Bennett	Gregg	Pryor
Bond	Hagel	Roberts
Brownback	Hatch	Salazar
Bunning	Hutchison	Santorum
Burns	Inhofe	Sessions
Cantwell	Isakson	Shelby
Chafee	Jeffords	Smith
Chambliss	Kerry	Specter
Clinton	Kyl	Stevens
Cochran	Landrieu	Sununu
Cornyn	Lieberman	Talent
Craig	Lott	Thomas
Crapo	Lugar	Thune
DeMint	Martinez	Vitter
DeWine	McCain	Voinovich
Domenici	McConnell	Warner
Ensign	Murkowski	

NAYS—32

Biden	Dole	Lincoln
Bingaman	Dorgan	Mikulski
Boxer	Durbin	Reed
Burr	Feingold	Reid
Byrd	Feinstein	Rockefeller
Carper	Inouye	Sarbanes
Coburn	Johnson	Schumer
Collins	Kohl	Snowe
Conrad	Lautenberg	Stabenow
Dayton	Leahy	Wyden
Dodd	Levin	

NOT VOTING—6

Akaka	Coleman	Kennedy
Bayh	Harkin	Menendez

The bill (H.R. 5684) was passed.

CHANGE OF VOTE

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, on rollcall No. 250, I voted ''yea''; it was my intention to vote ''nay''. I ask unanimous consent I be permitted to change my vote since it will not change the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:33 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

EXECUTIVE SESSION

NOMINATION OF ALICE S. FISHER TO BE AN ASSISTANT ATTORNEY GENERAL

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Alice S. Fisher, of Virginia, to be an Assistant Attorney General.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I rise today in strong support of a person from my hometown of Louisville, KY, Alice S. Fisher, who has been nominated to be Assistant Attorney General for the Criminal Division at the Department of Justice.

As I remarked at her confirmation hearing last year, Ms. Fisher is a battle-tested veteran of the war on terror. For the last year, she has again been on the front lines of that struggle.

She has, really, an outstanding and impressive record. She first joined the Justice Department in July of 2001 as a Deputy Assistant Attorney General in the Criminal Division. She was placed in charge of its counterterrorism efforts. Just 2 months later came September 11.

After that horrific day, our Government responded forcefully and quickly. Ms. Fisher's role was absolutely vital to that fight. She was responsible for coordinating all matters related to September 11 investigations and prosecutions. In addition, she headed up the implementation of the USA PATRIOT Act.

As a Deputy Assistant Attorney General, Ms. Fisher also headed up the Department's efforts to combat corporate fraud just when the collapse of Enron and other corporate scandals were front-page news. She also helped draft the Sarbanes-Oxley Act and worked closely with the Securities and Exchange Commission.

In July of 2003, Ms. Fisher left the Department to become a partner at Latham and Watkins, where she concentrated on litigation and white-collar crime.

Last spring, Alice Fisher again answered the call to join her country by rejoining the front lines on the war against terror when the President nominated her to head the Criminal Division.

As I mentioned earlier, the Criminal Division has many important responsibilities, among them national security prosecutions, both counterterrorism and counterintelligence, combatting gang violence and organized crime, prosecuting corporate fraud and identity theft, going after public corruption and protecting kids from child pornography.

For the last year Ms. Fisher has impressively led the Department in all facets of its operations while serving as a recess appointment. In this capacity, she has further demonstrated her expertise, determination and integrity. Alice Fisher is a proven leader.

Under her tenure, the counterterrorism section has convicted numerous terrorists, including Zacarias Moussaoui, the 20th September 11 hijacker. She created a new gang squad of experienced prosecutors to combat national and international gangs such as MS–13. She supervised the Enron task force resulting in the convictions of top executives Ken Lay and Jeffrey Skilling. She heads the Katrina Fraud Task Force which combats all fraud and corruption resulting from this national disaster. As of the end of July, the task force has charged 371 defendants. Under her leadership the Public Integrity Section has prosecuted major public corruption cases.

In addition, since the beginning of her tenure, the Department has aggressively prosecuted crimes against children. It is now coordinating 18 national child pornography operations.

Ms. Fisher was born and raised in my hometown of Louisville, KY, and is part of a close-knit family. Her father ran a chemical plant. Her mother worked the night shift as a nurse. She still has a lot of family back home in Louisville.

She earned her B.A. degree from Vanderbilt University and her law degree from Catholic University. Her husband, Clint, also serves our Nation as the Director of Aviation Policy for TSA. Last, but certainly not least, she is the mother of two boys, Matthew, age nine, and Luke, age five.

In a relatively short time, Alice Fisher has accomplished a great deal. She served her country after the September 11 attacks. She rose to become a partner in one of America's most prestigious law firms, and she then chose to forego a more lucrative career in private practice to come back in and serve her country again.

Alice Fisher knows that every day she works on behalf of her country she is working to build a stronger and safer America for her two children and for all of ours. Thanks to her, America is a safer place than it was on September 11, 2001.

A man who held the job for which Ms. Fisher has been nominated is her old boss, Michael Chertoff, a pretty good lawyer in his own right. Alice earned praise when he called her ''one of the best lawyers I've seen in my entire career.''

America needs Alice Fisher to be confirmed as the next Assistant Attorney General of the Criminal Division. I look forward to her confirmation. She is a wonderful person, an accomplished lawyer, and a Kentuckian of whom all America can be proud.

She has support from a number of groups I will make reference to, including the support of the Fraternal Order of Police, the Federal Law Enforcement Officers Association and the National District Attorneys Association. I ask unanimous consent those letters of endorsement be printed in the RECORD.

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

NATIONAL DISTRICT ATTORNEYS ASSOCIATION,
Alexandria, VA, August 17, 2006.

Hon. ARLEN SPECTER,
Chairman Committee on the Judiciary, Washington, DC.
Hon. PATRICK J. LEAHY,
Ranking Member, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN SPECTER AND SENATOR LEAHY: I want to most strongly support the nomination of Alice Fisher as the Assistant Deputy Attorney General of the United States in charge of the Criminal Division and urge her speedy confirmation.

Ms. Fisher served her country well as the Deputy Assistant General in the Criminal Division during a unique and tragic time in this nation's history. During the period following September 11, 2001, Ms. Fisher was responsible for managing the Counter-Terrorism Section and worked on the development of policy issues on criminal law enforcement and national security.

Since her appointment as Assistant Attorney General in the Criminal Division she has been responsible for the Department of Justice's response to Hurricane Katrina and the aftermath of widespread fraud; the development of a strategic plan to address the burgeoning identity theft problem that confronts this nation; child sexual exploitation issues; corporate fraud; and public corruption issues.

Prior to Ms. Fisher's career in the Department of Justice she also served Congress in her capacity as Deputy Special Counsel to the United States Senate Special Committee to investigate the Whitewater Development and Related Matters.

Given Ms. Fisher's experience in both the legislative and executive branches of government and her exhibited level of commitment to the Department of Justice I can think of no one who would bring more ability to this position than she would.

If you have any questions or concerns in regard to my support of Ms. Fisher please do not hesitate to contact me.

Sincerely,

THOMAS J. CHARRON,
Executive Director.

GRAND LODGE, FRATERNAL ORDER OF POLICE,
Washington, DC, August 1, 2006.

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

Hon. PATRICK J. LEAHY,
Ranking Member, Committee to the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN AND SENATOR LEAHY: I am writing on behalf of the membership of the Fraternal Order of Police to advise you of our support for Alice S. Fisher to be continued as the next Assistant Attorney General for the Criminal Division at the U.S. Department of Justice.

For more than one year, Ms. Fisher has served as Assistant Attorney General for the Criminal Division as a recess appointment. She has diligently served in this role and has coordinated with law enforcement on a variety of issues, including antiterrorism prosecutions, public corruption cases, and child sex exploitation cases. Prior to this, Ms. Fisher served as Deputy Assistant Attorney General of the Criminal Division at the U.S. Department of Justice and was responsible for managing both the Counterterrorism and Fraud Sections at the Department. During her tenure, she was responsible for coordinating the Department's national counterterrorism activities, including all matters relating to September 11th investigations and prosecutions, terrorist financing investigations, and the implementation of the USA PATRIOT Act.

Her management of the Fraud Section included supervising many investigations into corporate fraud, particularly in the areas of securities, accounting, and health care. She worked on a variety of policy matters relating to identity theft and testified before the Senate Special Committee on Aging about the impact of these crimes on our nation's senior citizens.

Currently Ms. Fisher's management of the Innocence Lost Initiative, a cooperative effort to prevent and prosecute child prostitution between the FBI, the Criminal Division's Child Exploitation and Obscenity Section and the National Center for Missing and Exploited Children, has led to 188 open investigations, 547 arrests, 79 complaints, 105 indictments, and 80 convictions in both the Federal and State systems.

Ms. Fisher's experience as a litigator and policy-maker, as well as her strong, positive relationship with the law enforcement community, makes her an excellent choice to lead the Criminal Division. The F.O.P. has no doubt that she will continue to be an outstanding Assistant Attorney General, and we urge the Judiciary Committee to expeditiously approve her nomination. If I can provide any further recommendations for Ms. Fisher, please do not hesitate to contact me or Executive Director Jim Pasco in my Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION,
Lewisberry, PA, August 31, 2006.

Hon. HARRY REID,
U.S. Senate,
Washington, DC.

DEAR SENATOR REID: On behalf of the 25,000 members of the Federal Law Enforcement Officers Association (FLEOA), I am writing to you in support of the nomination of Alice S. Fisher for the position of Assistant Attorney General of the Criminal Division of the Department of Justice. Since her nomination easily cleared the Senate Judiciary Committee in May, we are now appealing to you in your leadership role as the Senate Minority Leader to intervene and help bring this important matter to the floor of the Senate for a full vote.

It our understanding that this process has stalled due to the unfortunate invocation of partisan politics. As the largest non partisan professional federal law enforcement association, FLEOA would like to see Ms. Fisher's nomination evaluated based on its merit. To that end, the membership of FLEOA is convinced that Ms. Fisher's impressive credentials would result in her being confirmed should the matter reach the floor of the Senate.

Why is this matter important to the membership of FLEOA? Several of our members have had the distinct pleasure of working with Ms. Fisher, or have served on one of the many task forces she oversees. Two notable examples are the Katrina Fraud Task Force and the President's Identity Theft Task Force. When you ask one our members about their experience working with Ms. Fisher, the typical response is an enthusiastic thumbs-up. Ms. Fisher has earned the reputation as a tireless proponent of federal law enforcement, and she commands the respect of our membership.

In her capacity as the Deputy Attorney General, Ms. Fisher did an outstanding job leading the Enron Task Force. Again, several FLEOA members who were involved in the Enron investigation have nothing but the highest praise for Ms. Fisher. A logical person that objectively reviews Ms. Fisher's long resume of distinguished accomplishments can only reach one conclusion: her confirmation as the Assistant Attorney General for the Criminal Division will significantly strengthen the law enforcement component of our nation.

While the threat of domestic terrorist attacks continues to escalate, time does not take pause to accommodate indecision. If we sit back and allow Ms. Fisher's recess appointment to expire, then we become complicit in weakening the Department of Justice. This is unacceptable to the membership of FLEOA.

We have reached a pivotal point in our government's history where it has become increasingly difficult to recruit and retain the best and the brightest minds to assume leadership positions. If we don't make every effort to confirm the nomination of Ms. Fisher, then who do we expect to get to fill these important positions? More importantly, who will the Attorney General have to turn to for assistance in initiating and overseeing numerous federal law enforcement task forces?

Senator Reid, the membership of FLEOA hopes that you will consider the nomination of Ms. Fisher a priority matter. We are prepared to provide you with additional recommendations and anecdotal support if necessary. Please don't hesitate to contact me or Executive Vice President Jon Adler if we can be of further assistance. On behalf of the FLEOA membership, I thank you for your leadership and your service to our great country.

Sincerely,

ART GORDON,
National President.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is the nomination of Alice Fisher. The Senator from Vermont has 30 minutes.

Mr. LEAHY. Mr. President, I will use part of that time.

Today we are considering the nomination of Alice Fisher for the position of Assistant Attorney General of the Criminal Division of the U.S. Department of Justice. We have less than 2 weeks left in the legislative session before we recess for the elections. The Republican leadership has once again delayed doing the work of the American people so they can consider a nominee about whom many questions remain.

We are being required to consider this nomination despite unanswered questions regarding her role in the administration's controversial, questionable detainee treatment policies. Of course, on these questions, as on so many other matters involving torture and detainees at Guantanamo, the administration has refused to provide Congress with the information it has sought.

As I said 2 weeks ago when the President re-nominated five extremely controversial choices for lifetime positions on the Nation's highest courts, I continue to be disappointed in the misguided priorities of the Bush-Cheney administration and, in fact, the rubberstamp Senate Republican leadership. I really think all Americans—Republicans and Democrats—would be better served if we used the few remaining weeks of this legislative session to address vital, unfinished business, such as the war in Iraq. That might be something the American people would really like to see us debate, the war in Iraq. We haven't had a real debate on it since we saw that huge sign a few years ago behind the President that said: ''Mission Accomplished.'' He was dressed up like Tom Cruise in ''Top Gun'' and put up the sign that said: ''Mission Accomplished.'' I guess they decided it was all over; why debate it?

It would be nice if we enacted a Federal budget. The law says—the law says, and I say this to my law-and-order friends who control the agenda, my Republican friends who control the agenda—the law says we have to have a budget passed by April. We didn't do it in April or May or June or July or August, now September. We are all law and order around here, but apparently we think we don't have to follow the law.

Of course, we are supposed to pass the 11 remaining required appropriations bills by the end of this month. It doesn't look like that is going to happen.

We talked about enacting lobbying reform and ethics legislation. I remember the Republican leadership having a wonderful press conference, just absolutely wonderful—just touched by it—especially knowing they would never bring up the legislation.

It would be nice to address the skyrocketing cost of fuel. I don't think any one of us goes home where we don't hear about the cost of gas, but we don't do anything about that.

People talk to me about health care. We don't do anything about that, either.

How about a bipartisan, comprehensive immigration reform bill? I stood outside the White House and praised President Bush for his support of a comprehensive immigration reform bill. He told several of us in a long meeting—and I think he was passionate about it—that we needed to have one. When a 30-vehicle caravan of Vice President CHENEY's with sirens wailing came up to the Hill today, I don't think they were saying: Let's pass a comprehensive immigration reform bill.

But what we can do is controversial nominations—not the items the law requires us to do but the things the fundraising letters require.

In this case, we have an interesting nominee to be the head of the Criminal Division for the Justice Department. She has never prosecuted a case. She has minimal trial experience. But she is going to be the head of the Criminal Division of the Justice Department. Her career has been spent almost entirely in private practice.

She is a longtime protegee of Homeland Security Secretary Michael Chertoff, who was in overall charge of cleaning up after Katrina, which I know will happen some day. So after being his protegee, she is rewarded with the post of heading the Criminal Division of the Justice Department.

I did not block her from coming out of the Judiciary Committee. We had a voice vote on June 16 of last year. But then concerns arose about her role, while Mr. Chertoff's deputy, in meetings in which controversial interrogation techniques used on detainees at the Naval Facility in Guantanamo Bay, Cuba, were discussed and decided upon with the Department of Defense. There remain questions about whether Ms. Fisher attended those meetings and her role in determining how these detainees would be questioned and treated. What did she know? When did she know it? What did she do about it? They are simple questions: What did she know? When did she know it? And what did she do about it? None of that has been answered.

This administration has yet to come clean to the Congress or to the American people in connection with the secret legal justifications it has generated and practices it employs. They can't dismiss these outrageous practices at Guantanamo as the actions of a few ''bad apples''. With the Senate adoption of the antitorture amendment last year, the recent adoption of the Army Field Manual, and 5 years of the Bush-Cheney administration's resistance to the rule of law and resistance to the U.S. military abiding by its Geneva obligations, that may be finally coming to a close. Of course, we can't even be sure of that, given that despite the great fanfare surrounding the law against torture, we had a Presidential Signing Statement that undermined enactment of the antitorture law and basically said the President and those he designates can work outside the law.

Now, I remain troubled by the nominee's lack of prosecutorial trial experience. There have been people who have held this position—Mr. Chertoff, James Robinson, William Weld—who were seasoned Federal prosecutors. In her case, she would be supervising people who have to prosecute and make judgment calls on very complex cases. They would have to decide whether to go forward. She will be the one to finally sign off on that, but she has never prosecuted a case. It is sort of like saying you are going to be the head brain surgeon; however, you have never really been in an operating room, you have never seen a brain, but there you go.

Even more troubling, perhaps, is the fact that there are so few senior officials at the Justice Department who do have experience in criminal prosecution. I agree with the chairman of the Judiciary Committee, Senator SPECTER, who has noted: The lack of criminal experience at the top of the Department ''does concern me.'' He said that while there were lots of ''first-class professionals'' throughout the ranks of prosecutors, ''there are tough judgment calls that have to be made at the top, and it's good to have some experience on what criminal intent means when you have to make those decisions.''

Both Senator SPECTER and I are former prosecutors. We understand that.

I also share the concern of the distinguished senior Senator from Michigan, Senator LEVIN, with the uncertainty about Ms. Fisher's role as Mr. Chertoff's deputy in the development and use of controversial detainee interrogation techniques. Despite repeated requests from Senator LEVIN, who is, after all, the ranking member and a past chairman of the Senate Armed Services Committee, joined by others, the Justice Department refused to satisfy Senators on these points. As a result, concerns remain whether Ms. Fisher had knowledge of the abuse of detainees at Guantanamo and what, if any, action she took. The rubberstamp Republican leadership of this Congress has gone along with the administration and said: You can't have the information.

Sometimes holding this stuff back creates far more of a problem than just telling the truth out front. If FBI Director Mueller had been more forthcoming with me at, or after, the May 2004 hearing in which I asked him what the FBI had observed at Guantanamo, we could have gotten to a detention and interrogation policy befitting the United States years sooner than we have. But rather than answer a simple, clear question, it is easier to stonewall.

If the administration had been forthcoming with Congress in October of 2001 when it decided secretly to flout the FISA law and conduct warrantless wiretaps of Americans, we could have avoided 5 years of lawbreaking, and we could have had a more effective surveillance program targeted at terrorists, not Americans.

In other words, every time they cover up, things get worse. Just tell the truth, be open, and things get better. If the administration had answered me when I asked over and over about the Convention Against Torture and about rendition, we could have come to grips with those matters before they degenerated, as they have, into what has become an international embarrassment for the United States. Former Secretary of State Colin Powell, a former Chairman of the Joint Chiefs of Staff, now acknowledges it threatens our moral authority on the war on terrorism. Again, if the administration had honestly answered years ago, we could have cleared it up, and we wouldn't be in a case where the rest of the world looks at us now and asks us what we are doing.

Just today, a Canadian commission, having studied it, reports that a Canadian citizen, Maher Arar, who was returning from vacation—a Canadian citizen, a Canadian citizen—was arrested by American authorities at JFK Airport in New York. He was held for 12 days, not allowed to speak to a lawyer or a Canadian consular official, and he was then turned over not to Canada, which was 200 miles away, but to Syria where he was tortured, thousands of miles away.

So here is what the United States is faced with. We seized a person from another country in New York, we don't allow him to speak to a lawyer, and we don't allow him to speak with his consular official from his own embassy. We don't send him back to his country, where if he is wanted for something they could arrest him—it is, after all, about a 5-hour drive to the Canadian border—instead we ship him thousands of miles away to be tortured in a Syrian prison, incidentally done without the knowledge of the Canadians.

Now, I know how Senator LEVIN must feel because all of my efforts to get to the bottom of this case have also been brushed aside by the Bush-Cheney administration. Over the years, I have yet to get a satisfactory explanation. The Canadian commission, though, found he had no ties to terrorists. He was arrested on bad intelligence, and his forced confessions in Syria reflected torture, not the truth. We know if you torture somebody long enough, they will say anything you want.

The United States should acknowledge what it did, but instead, it uses legal maneuvers to thwart every effort to get to the facts and be accountable for its mistakes. No matter how egregious the mistake, no matter how many international laws are broken, nobody ever admits a mistake around here.

Now, I certainly understand, if somebody votes against this nomination, it may be a vote not so much against Ms. Fisher, but a vote against this administration's stonewalling and going it alone to the detriment of the interest of the United States and the safety, security, and rights of all Americans.

Last month, our Nation commemorated the one-year anniversary of Hurricane Katrina and the devastation it wrought. We haven't done much to clean it up at Homeland Security, but it is the one-year anniversary. Last week, our Nation commemorated the fifth anniversary of the deadliest terrorist attack on American soil in our Nation's history. These twin tragedies—one caused by nature, one caused by terrorists—serve as somber, but ever present, reminders that our Nation is still not secure. One year after this administration's appalling foot-dragging, incompetent, and wasteful response to Hurricane Katrina, our Nation still has citizens on the Gulf Coast who do not have homes to return to or jobs waiting when they get there. Five years after 9/11, our country still lacks an effective international strategy to protect the American people from terrorism. We need to refocus our efforts and our resources where they belong: on providing real security for the American people. America can do better. The full agenda before us as we enter the final weeks of this legislative session reflects how, even though one party controls the White House, the House of Representatives, and the Senate—even though we have a one-party Government—these Republicans have failed, at our Nation's most pressing hour, to provide this country with leadership.

Mr. President, I see the distinguished Senator from Texas on the Senate floor. I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I come to the floor to speak in favor of the confirmation of Alice Fisher, the President's nominee to be Assistant Attorney General in charge of the Criminal Division at the U.S. Department of Justice. I am glad to say that Ms. Fisher's confirmation will finally overcome the unnecessary obstruction that she faces in this Congress which has forced the President to reassess her appointment.

Ms. Fisher is an outstanding nominee for this position. In addition to her credentials, she has substantial previous public service experience, particularly in the Criminal Division during a difficult time following the terrorist attacks of September 11. That experience will serve her well as Assistant Attorney General for the Criminal Division.

The Criminal Division is one of the most important jobs of the Department of Justice. It handles a variety of issues, including counterterrorism, violent crime, corporate fraud, and crimes against children. The Criminal Division's importance to the success of America's fight in the war against terror makes it all the more important that the Senate end this obstruction and make Ms. Fisher's appointment permanent.

Beginning with her service as Deputy Special Counsel to the U.S. Senate's Special Committee to Investigate Whitewater, Ms. Fisher has exemplified the attributes needed to lead an organization with a mission vital and important, obviously, to the Department of Justice's Criminal Division. Prior to her latest Government service, she was a litigation partner for 5 years at the DC office of Latham & Watkins, one of the premier law firms in the country. She takes from that experience a respect and deep knowledge of the law.

Since her recess appointment in November of 2005, necessitated because of holds on her nomination, Ms. Fisher has served as Assistant Attorney General with distinction, honor, and success. She immediately refocused the division's mission in a way that reflects the priorities of the administration. For example, under Ms. Fisher, the Criminal Division has made impressive headway in supporting the Nation's national security mission, in combating violent crime, including gang violence, and protecting our children from exploitation on the Internet and elsewhere.

What is troubling about the debate today on this nomination is that we are having a debate about a nominee who so clearly deserves confirmation. What is troubling about today's debate is that it is reflective of the continued obstruction of nominees by Democrats in the U.S. Senate. This obstruction has not only affected judicial nominations, which is perhaps better known, but also the confirmation of important executive branch nominees with significant national security responsibilities. Ms. Fisher oversees vital counterterrorism and counterespionage divisions. But because her nomination has been blocked, these critical components have operated without a Senate-confirmed supervisor for more than a year.

Consider the constant refrain from our colleagues on the other side of the aisle that this Republican-led Congress is not doing everything it can to protect America's national security. Beyond Ms. Fisher's nomination, this message stands in stark contrast with the democrats' record of obstruction on other key national security posts.

Perhaps the most inexcusable obstruction pertains to the nomination of Kenneth Wainstein, who would head the newly created National Security Division. Mr. Wainstein's confirmation would fulfill one of the key recommendations of the WMD Commission, the Weapons of Mass Destruction Commission. It was the WMD Commission that recommended the reorganization of intelligence-gathering components within the Department of Justice. Mr. Wainstein has broad-based, bipartisan support, yet he inexplicably still faces a Democrat filibuster-by-hold.

We cannot wait any longer for Democrats to release their hold on Mr. Wainstein. In the 5 years since the attacks of September 11, the Federal Government has taken a number of steps to reorganize and improve its resources to better fight terrorism. Our terrorist enemies are always changing and adapting, and so must we—if we are to keep the upper hand in the war on terror.

Some 15 months ago, the WMD Commission recognized that improvements should be made to the Department of Justice's national security apparatus. They recommended a reorganization of the Department and the creation of a new National Security Division—which would bring together under one umbrella all the national security components of the DOJ.

The National Security Division that Mr. Wainstein would oversee is critically important to the Department—and to America's national security. It will integrate the key national security components—the Counterterrorism and Counterespionage Sections of the Criminal Division and the Office of Intelligence Policy and Review, which has the lead role in implementing the Foreign Intelligence Surveillance Act, FISA—under the leadership of a single Assistant Attorney General. Bringing together these mission-critical entities will enhance our ability to fulfill our top priority of preventing, disrupting and defeating terrorist acts before they occur.

The President approved the WMD Commission's recommendation more than a year ago. And Congress embraced the concept and fully authorized the National Security Division as part of the USA PATRIOT Act reauthorization. Congress has also approved a reprogramming request submitted by the DOJ and office space has been dedicated and renovated—but unfortunately, it remains vacant. It remains vacant because holds have been placed on the nomination and we have seen a filibuster-by-hold. The Department has done everything it can until this Senate confirms Mr. Wainstein. Obstruction from the other side of the aisle, Mr. President, is impeding efforts to improve national security. Long-term planning is being delayed and uncertainty is beginning to affect morale. The Department of Justice needs Mr. Wainstein on board, to provide leadership, vision and guidance. Again, like Ms. Fisher's stalled nomination, Democrat obstruction is impeding this effort to improve national security.

But Ms. Fisher and Mr. Wainstein are not the only nominees to face obstruction. Just looking back to a few others who were slotted to fill positions critical to our Nation's war on terror have likewise been filibustered. For instance, the current Deputy Secretary of Defense, Gordon England, was filibustered before the President was forced to recess-appoint him. He was eventually confirmed. Undersecretary of Defense for Policy, Eric Edelman, was filibustered, recess-appointed, and finally confirmed; and Office of the Director of National Intelligence General Counsel, Ben Powell, likewise was filibustered, recess-appointed and finally confirmed.

This obstruction is not limited solely to nominations. Who can forget how proud Democrats were when they celebrated killing the reauthorization of the PATRIOT Act, one of the most important anti-terror tools for our frontline law enforcement and intelligence agents. Democrats also complain that we are not doing all we can to secure the safety of our citizens, and then promote hyperbole and hysteria about the Terrorist Surveillance Program, which is well within the President's authority during wartime, to conduct critical battlefield intelligence-gathering against foreign threats to America.

I think the American people see through this Democrat obstruction. But nominations to critical national security positions should not face partisan road blocks. I recently read a newspaper report on the nomination of Mr. Wainstein. It reported that the office was ready, the phone lines up and the computers humming, waiting on him to start. But, his nomination is being blocked on reasons unrelated to him. This obstruction must stop.

I am glad Ms. Fisher will be confirmed later today and I hope that the Senate will be able to move on to Mr. Wainstein's nomination quickly so that we do not leave critical national security offices unfilled.

In closing, I am pleased that President Bush has nominated Ms. Fisher to serve as Assistant Attorney General and I look forward to her continued service in that post. I ask my colleagues to support her nomination.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Michigan.

Mr. LEVIN. Mr. President, I listened to the Senator from Texas, but I do not want to debate the Wainstein nomination today because we have the Fisher nomination in front of us. I would just say one thing in response; that is, the delays in his confirmation vote are directly the result of the administration's obstruction of Senate requests for very relevant documents. Any delays can be placed right at the feet of the administration that has stonewalled requests for information. I hope the Senator from Texas and other Republicans would join in legitimate requests for relevant information. The documents that are being sought are directly related to Mr. Wainstein and his role in the FBI as General Counsel from mid-2002 to mid-2003 and when he was the Chief of Staff for the FBI Director from mid-2003 to 2004.

So the delays here are directly attributable to the obstruction and the stonewalling of the administration in response to legitimate requests for documents. These impediments to votes can be easily removed by simply having the committee chairman join in the request for these documents, but that has not been forthcoming.

Today the issue is Ms. Alice Fisher. It is another example where requests for documents and for information have been denied. These are legitimate requests which directly relate to Ms. Fisher and to whether she should be confirmed. I want to get into the history of this matter in some detail. I yield myself 45 minutes for that purpose.

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

Mr. LEVIN. Mr. President, today the issue of detainee abuse at Guantanamo Bay is very much on our minds and in the headlines as we debate how we will treat detainees in the future. In this context, the nomination of Ms. Alice Fisher for the position of Assistant Attorney General for the Criminal Division at the Department of Justice is not just a routine appointment. Alice Fisher was the deputy at the Criminal Division while the abuse at Guantanamo was occurring and while concerns about interrogation tactics were being raised within the Criminal Division at that same time. We are being asked to confirm Ms. Fisher today with unanswered relevant questions about any knowledge she may have had or actions she might have taken relative to those interrogation tactics.

I want to share with my colleagues longstanding unanswered questions regarding Ms. Fisher's nomination to this position. The constitutional duty of the Senate to provide its advice and consent to nominations is a solemn one. Instead of respecting this constitutional duty, the administration has consistently sought to thwart it by denying us relevant information.

The administration has put up barrier after barrier, hurdle after hurdle to efforts to get legitimate information that bears on Ms. Fisher's fitness to serve in this important position. Why the administration has stonewalled for so long instead of answering questions and providing information can only be speculated by me. Is it because it is part of an effort to prevent information about interrogation tactics from being provided to Congress, or does it relate directly to Alice Fisher? I don't know the answer, but the fact of the stonewalling is undeniable. It is part of a pattern of secrecy that this administration has engaged in in so many areas and so many ways.

The information I have sought relates to what Ms. Fisher knew about aggressive and abusive interrogation techniques in use at Guantanamo Bay, Cuba, during the time that Ms. Fisher served as deputy head of the Criminal Division in the Justice Department from July 2001 to July 2003. From publicly released FBI documents, we have learned that FBI personnel raised serious concerns about these DOD interrogation tactics at weekly meetings between FBI and Department of Justice Criminal Division officials. I have sought to find out what Ms. Fisher knew about these FBI concerns over aggressive DOD methods; what, if anything, was reported to Ms. Fisher; and what steps, if any, she took in response.

If Ms. Fisher knew of aggressive interrogation techniques at Guantanamo and did nothing about it, or she knew about them but has denied knowing, then I would be deeply troubled. The administration has repeatedly obstructed efforts to get this information, information which is, in my judgment, relevant to Ms. Fisher's suitability for the position to which she is nominated.

The administration has literally and figuratively covered up the Guantanamo abuses. This refusal by the administration to provide relevant information is part of a larger pattern by the executive branch of denying the Senate the information needed to carry out confirmation and oversight responsibilities. Over and over again, the administration seems to use every means at its disposal to deny documents or information to the Senate, or to withhold key portions of documents, or to limit access to information.

It threatens to erode the Senate's constitutional obligations and responsibilities and the constitutional balance between the executive and legislative branches of Government. Senate acquiescence in the administration's refusal to provide relevant information undermines the fundamental principle of Congress as a co-equal branch of Government.

The story of the administration's concealing information about Guantanamo abuses began during a previous confirmation, that of Judge Michael Chertoff in early 2005 to head the Department of Homeland Security. Judge Chertoff had been the head of the Justice Department's Criminal Division, where Alice Fisher served as his deputy from July 2001 to July 2003. In preparing for the Homeland Security and Governmental Affairs Committee's hearing on Judge Chertoff's nomination, I became aware of a document bearing on what officials under Judge Chertoff's supervision knew, and therefore about what he might have known, about the mistreatment of detainees at Guantanamo. This document had been made public in response to a Freedom of Information Act, or FOIA, request.

The document, dated May 10, 2004, consists of a series of e-mails by an FBI agent—unnamed—recounting the concerns that FBI Agents as law enforcement personnel down at Guantanamo, had during 2002 and 2003. He was recounting what the FBI Agents saw in

those critical years when Ms. Fisher was the Deputy Director for the Criminal Division. It spoke about DOD interrogation techniques which ''differed drastically'' from methods employed by the FBI. It recounted ''heated'' conversations of FBI personnel with DOD officials.

There were heated conversations between FBI personnel and DOD officials about aggressive interrogation techniques. This FBI agent said that the Department of Defense has their marching orders from the Secretary of Defense and that the two techniques again differed drastically.

E-mails during those years recounting these heated conversations between the FBI which was objecting to the techniques being used at Guantanamo and DOD officials who were engaged in those techniques confirmed the serious FBI concern about what they saw at Guantanamo. FBI agents expressed alarm about the military's interrogation plans, saying in an e-mail dated December 9, 2002: ''You won't believe it.'' Also in that e-mail dated December 9, 2002, they included an outline of the coercive techniques in the military's interviewing toolkit.

So you have the FBI on the one hand talking to their headquarters about coercive techniques being used against Guantanamo detainees, complaining about those details, and in one e-mail dated September 30, 2002, FBI agents were asked whether or not they could even work with the military interrogators. They were told that FBI agents had guidance to work with military interrogators ''as long as there was no 'torture' involved.''

Think about it. We read the headlines in today's newspapers of the techniques being used by the Department of Defense, the CIA and the Department of Justice. These are the headlines that we see in today's papers. These are the events from which those headlines flow. These are e-mails back in 2002 and 2003 referring to coercive techniques that the FBI objected to, talking about heated conversations that the FBI was having with the Department of Defense over those techniques. That is what today's story flows from.

Yet the FBI was finally told by their superiors that you can be present as long as no torture is involved.

FBI agents complained of DOD techniques in a number of settings, including to the generals at Guantanamo, to the DOD General Counsel here in Washington, and in video teleconferences with the Pentagon. According to FBI emails, a senior member of the Department of Justice Criminal Division was present at Guantanamo at the time of a ''heated'' video teleconference during late 2002. FBI officials were so concerned that their agents at Guantanamo received guidance during this period from headquarters ''to step out of the picture'' and ''stand clear'' when these aggressive interrogation techniques are being used. That is how deep this went.

This was all brought back to the Department of Justice when Alice Fisher was the deputy head of the Criminal Division. And if the Criminal Division people were deeply involved in these debates, was Ms. Fisher involved? What did she know about the aggressive tactics? What did she know about the objection of the FBI agent, which is part of the Department of Justice, to these techniques? That is what we have tried to find out over the last year and a half.

The May 2004 FBI document I mentioned describes how senior FBI officials communicated regularly with their Justice Department counterparts in the Criminal Division during the period in question, the period when Ms. Fisher was Deputy Director of Department's Criminal Division. In these meetings, the FBI's deep concerns about techniques employed by DOD personnel were discussed. Efforts to learn more began during Judge Chertoff's confirmation as head of the Department of Homeland Security. He had been head of the Criminal Division during the time of these events, from April of 2002 through March of 2003 that Alice Fisher was his deputy.

Let me read from the May 2004 document. This was the highly redacted version which was available at the time of the Senate's consideration of Judge Chertoff's nomination. The document reads in part as follows:

In my weekly meetings with DOJ, we often discussed [redacted, blanked out] techniques and how they were not effective for producing intelligence that was reliable.

Then there is a series of blotted-out names of several individuals with the abbreviation SES after the names indicating the individuals were members of the Senior Executive Service. The document states that the named individuals ''all from the Department of Justice Criminal Division'' attended meetings with the FBI. Again, Alice Fisher was the Deputy Director of the Department of Justice Criminal Division at the time.

The document continues:

We all agreed [blank, redacted, covered over] were going to be an issue in the military commission cases. I know [blank] brought this to the attention of [blank].

That was the document that we were given during the Chertoff nomination. Clearly, the redacted information—the deleted portions of this document—was relevant. It included the names of senior Criminal Division officials participating in those meetings with the FBI agents. The administration withheld this information during Judge Chertoff's confirmation hearing before the Homeland Security Committee of which I am a member.

On February 2, 2005 during his confirmation hearing, I asked Judge Chertoff about this document. In that hearing, Judge Chertoff could not say which Criminal Division officials were named in the document or even whether the weekly meetings referred to in the document occurred on his watch as head of the Criminal Division. He could not recall any discussion about DOD's interrogation techniques at Guantanamo ''other than simply the question of whether interrogations or questioning down there was effective or not.''

Judge Chertoff further testified that he ''had no knowledge'' of the use of any interrogation techniques other than those that he described as ''plain vanilla.''

We learned a few months after Judge Chertoff's confirmation that the interrogation techniques the military was using at Guantanamo were anything but ''plain vanilla.'' The Defense Department investigation by Generals Schmidt and Furlow into the FBI allegations of detainee mistreatment at Guantanamo during the period of 2002 to 2003 found that interrogators at Guantanamo could subject detainees to numerous aggressive interrogation techniques. These included nudity, sleep deprivation, isolation, temperature extremes, both hot and cold, loud music and strobe lights and ''gender coercion;'' that is, inappropriate touching by female interrogators.

The report found that the interrogation of one high-value detainee involved many of these techniques as well as forcing the detainee to wear a dog leash and perform dog tricks; also forcing him to wear women's underwear; strip searches; and 20-hour interrogations for 48 out of 54 days.

Here is what one of the persons in the Army helping to keep these detainees in custody wrote about her experiences. She wrote:

On a couple of occasions, I entered interview rooms to find a detainee chained hand and foot in a fetal position to the floor with no food or water, or care. Most times, they would urinate and defecate on themselves. They had been left there for 18 to 48 hours or more. On one occasion the air conditioning had been turned down so far the temperature was so cold in the room that the barefooted detainee was shaking with cold. When I asked the MPs on duty what was going on, I was told the interrogators the day prior had ordered this treatment and the detainee was not to be moved. The detainee was almost unconscious on the floor with a pile of hair next to him. He had apparently been literally pulling out his own hair throughout the night.

''Plain vanilla'' is all that Judge Chertoff heard about. But members of his Division heard about those techniques, and we didn't know that during the Chertoff nomination because the information was denied to us.

Other FBI documents include a partially redacted letter dated July 14, 2004 from Thomas Harrington, Deputy Assistant Director of the FBI's Counterterrorism Division to Major General Donald Ryder, Commanding General of the Army's Criminal Investigation Command.

Detailee highly aggressive, interrogation techniques at Guantanamo.

The subject line in the letter is ''suspected mistreatment of detainees.''

The letter describes alleged incidences of abuse witnessed by FBI

agents as early as the fall of 2002. These include allegations of a female interrogator squeezing a male detainee's genitals, bending back his thumbs; an interrogator reportedly wrapping a detainee's head in duct tape; the use of a dog to intimidate a detainee.

The letter describes a detainee suffering from extreme mental trauma after being kept in isolation in a cell flooded with lights for 3 months.

The letter indicates these incidents and other FBI concerns were discussed with two officials in the DOD General Counsel's office in mid-2002.

There are two points to emphasize here. These events took place from 2002 to 2003 when Ms. Fisher was the Department's Director of the Criminal Division.

These events were reported to top level people in the Criminal Division.

The question is, What did she know about these events as Deputy Director of that Criminal Division? That is what we have tried to find out since her nomination. That is where we have been thwarted and frustrated and obstructed by the administration in getting information from them.

These are not some unknown people making these complaints to the Department of Justice's Criminal Division. This is our own FBI people who are strongly objecting to these aggressive DOD interrogation techniques. They were writing in. They were sending e-mails back to their headquarters about the military's coercive interrogations.

One e-mail said, ''You won't believe it''—the techniques used and what they were involved with. At the same time, FBI personnel had weekly meetings with senior Criminal division officials discussing the Department of Defense techniques. Again, Michael Chertoff was head of that division at the time Alice Fisher was his deputy.

Other Department of Defense investigations into detainee abuse, in particular the report of Major General George Fay and the Schlesinger panel, concluded that it was some of these aggressive techniques in use at Guantanamo which migrated to Afghanistan and Iraq and were part and parcel of detainee abuse at Abu Ghraib and elsewhere. If the techniques at Guantanamo that I have just described sound familiar, it is, because the pictures of those techniques used at Abu Ghraib became painfully familiar to us and to the world.

That Judge Chertoff did not recall any discussions about DOD interrogation techniques other than perhaps whether they were effective, never heard of a discussion about abuses, aggressive techniques being used by the Department of Defense, Judge Chertoff did not recall any knowledge, did not have any knowledge about who in his division might have engaged in such discussions or when those discussions might have taken place, should not have been the end of the Senate inquiry into this matter. If the Senate had access to the names listed in the May 2004 FBI document at the time of Judge Chertoff's confirmation, we would have tried to refresh Judge Chertoff's recollection about the conversations referred to in these documents.

The Senate clearly had a right to find out the names of these Department of Justice Criminal Division officials and ask them what they knew about these interrogations, what if anything they reported, what actions if any were taken. The Senate was frustrated and thwarted by an administration that wanted to cover up what was going on in the area of interrogation of detainees at Guantanamo.

In February of 2005, Senator LIEBERMAN and I wrote to FBI director Mueller requesting that he provide an unredacted version of the May 2004 document referring to the weekly FBI Criminal Division meetings or, if a copy was not provided, then provide a legal justification for denying us the unredacted document.

In letter dated 3 days later, February 7, 2005, the Department of Justice—not the FBI but the Department of Justice—wrote to deny the request. The Justice Department claimed that an unredacted copy could not be provided because it contained ''information covered by the Privacy Act . . . as well as deliberative process material.'' A few days later, on February 10, Senator LIEBERMAN and I wrote to the Attorney General requesting that he reconsider his decision not to provide an unredacted copy of the May 2004 FBI document.

Despite repeated requests, the Justice Department refused to provide either an unredacted copy of the May 10, 2004 e-mail or information on the names of the FBI and the Department of Justice personnel redacted from the document prior to the Senate confirmation vote on February 15, 2005 of Judge Chertoff, the Secretary of the Department of Homeland Security.

The Justice Department's refusal to provide this information based on the Privacy Act was a misuse of that statute. The Privacy Act was designed primarily to prevent the U.S. Government from disclosing personal information about private individuals who have not consented to that disclosure. That act is not intended to authorize the Government to conceal from Congress the names of public officials engaged in Government conduct funded with taxpayers dollars. Invoking the Privacy Act to deny the Senate relevant information regarding a nomination before the Senate was an abusive and dangerous precedent, and we were determined not to let it stand.

The excuses used to deny us an unredacted May 2004 document went beyond any assertion that a U.S. Senate has ever accepted from any administration as far as I can determine. There is no claim of executive privilege, and the document itself has no bearing on any advice given to the President. The particular FBI document that Senator LIEBERMAN and I sought, and the other documents that I have referred to, dramatize the refusal of the administration to be straight with the American people and with the Congress relative to the detainee abuse issue.

The thwarting of congressional oversight over this and so many other issues is deeply ingrained in this administration. The executive branch is determined to seize any crumb of justification to prevent Congress's access to executive branch documents needed to carry out our constitutional responsibilities of confirmation and oversight.

We found out a month after the Senate confirmed Judge Chertoff to head the Department of Homeland Security the redacted portions of the May 2004 FBI e-mail were, indeed, very relevant to Judge Chertoff's nomination. On March 18, 2005, the Justice Department finally responded to our February 10, 2005 letter, a letter from Senator LIEBERMAN and myself, asking the Department to reconsider its decision to withhold an unredacted copy of the May 2004 document. In its May 2005 response, the Justice Department stated it had reviewed the May 2004 FBI e-mail and provided a new version of the document, somewhat less redacted than previously.

While significant information continued to be withheld, including the name of the FBI agent who authored the e-mail, the new version contained new information, including the names of the four Department of Justice Criminal Division officials who had regularly met with FBI personnel concerned about Department of Defense interrogation techniques.

Specifically, the named Criminal Division officials who, according to this e-mail, were present at those meetings, discussing those interrogation techniques, were Alice Fisher, who served as Judge Chertoff's deputy, Dave Nahmias, then counsel to Judge Chertoff within the Criminal Division, and two other senior Criminal Division officials, Bruce Swartz and Laura Parsky. Also newly revealed was that one Criminal Division official, Bruce Swartz, had brought concerns about Department of Defense tactics to the attention of the Department of Defense Office of General Counsel.

On May 2, 2005, I wrote to Attorney General Gonzales requesting the name of the author of that May 2004 e-mail. Who was the FBI agent who wrote that e-mail naming those persons? I also requested an opportunity to interview both the FBI and the Department of Justice personnel named in that document, including, specifically, senior Justice Department officials David Nahmias, Bruce Swartz, and Laura Parsky.

I don't think there is any doubt that information would be relative to the

nomination of Judge Chertoff. The administration essentially told us, however, to trust them, that the information and interviews we were seeking were not relevant to Judge Chertoff's nomination.

Yes, it was.

This saga, the pattern of withholding relevant information about Guantanamo abuses continued in relation to Alice Fisher's nomination in April 2005 to fill the position vacated by Judge Chertoff, the head of the Criminal Division of the Department of Justice.

Remember, Ms. Fisher was specifically named by the FBI agent in the May 10, 2004 e-mail as having attended weekly FBI Department of Justice meetings where DOD interrogation techniques were discussed. The name of the agent, however, was still redacted. There was still, and is to this day, stonewalling and obstruction to legitimate requests of Senators who must vote under the Constitution on the confirmation of these appointees.

I ask unanimous consent to have a chronology of my attempts to get information relative to the Alice Fisher nomination printed in the RECORD.

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

CHRONOLOGY RELATING TO THE NOMINATION OF ALICE FISHER FOR ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION—AS OF SEPTEMBER 2006

Feb. 4, 2005: First Levin-Lieberman request (to FBI Director Robert Mueller) for an unredacted copy of the May 10, 2004 FBI e-mail referring to weekly DOJ–FBI meetings at which DoD interrogation techniques were discussed.

Feb. 7, 2005: DOJ response denies the Levin-Lieberman request for unredacted copy of May 10, 2004 FBI e-mail.

Feb 10, 2005: Second Levin-Lieberman request (to Attorney General Alberto Gonzales) for an unredacted copy of the e-mail.

Mar. 10, 2005: DOJ response provides a revised version of the May 10, 2004 FBI document with fewer redactions. New version includes a reference to Alice Fisher as one of the senior officials attending meetings where FBI agents expressed concerns about interrogation techniques at Guantanamo Bay.

April 4, 2005: Alice Fisher nominated for Assistant Attorney General of DOJ Criminal Division.

April 6, 2005: DOJ letter to Senator Levin supplementing the February 10, 2005 Levin/Lieberman letter, including third version of May 10, 2004 document with additional text restored. Name of e-mail's author remains redacted.

May 2, 2005: Levin letter to Attorney General Gonzales requesting again that DOJ provide the names of the author of the e-mail and other FBI personnel still redacted from the May 10, 2004 document and for an opportunity to interview FBI and DOJ personnel named in that document.

May 12, 2005: Judiciary Committee holds hearing on Fisher nomination.

May 2005: In response to written questions from Judiciary Committee member Senator Richard Durbin, Fisher states she did ''recall general discussions about interrogations at Guantanamo Bay'' but did ''not recall that interrogation techniques were discussed'' at weekly meetings between DOJ and FBI. She states she does ''recall being aware of FBI concerns about interviews'' but ''cannot recall the content of specific meetings about detainee interrogation at Guantanamo Bay.''

June 7, 2005: In response to second set of written questions from Senators Durbin and Kennedy, Fisher says she does ''not recall FBI personnel or anyone else expressing to me allegations about mistreatment of detainees at Guantanamo Bay.'' She states that she ''cannot reconcile my recollection with statements contained in the (May 10, 2004) e-mail. . . .''

June 14, 2005: Senators Durbin, Kennedy, and Levin interview Alice Fisher. Fisher says she does not recall FBI expressing concerns about interrogation techniques at Guantanamo Bay, other than concerns about their effectiveness.

June 16, 2005: Judiciary Committee reports Fisher nomination. Nomination placed on the Senate Executive Calendar.

June 29, 2005: Levin letter to Attorney General Gonzales asking for a reply to his May 2, 2005 letter and renewing requests for information and interviews of David Nahmias, Laura Parsky, Bruce Swartz, and other officials named in the May 10, 2004 e-mail.

July 26, 2005: DOJ Letter to Judiciary Committee Chairman Arlen Specter stating that the author of the May 10, 2004 FBI e-mail now says that he ''did not have conversations with Ms. Fisher nor does he recall conversations in Ms Fisher's presence about the treatment of detainees at Guantanamo Bay.''

July 29, 2005: Letter from Attorney General Gonzales to Minority Leader Harry Reid stating that the steps the Department has taken in response to Senators' concerns ''are sufficient for the Senate to make an informed decision'' about the Fisher nomination.

August 19, 2005: Levin letter to DOJ Inspector General Glenn Fine inquiring about issues to be reviewed by the on-going IG investigation into FBI allegations of detainee mistreatment by DOD personnel at Guantanamo Bay. Among issues Senator Levin recommends be reviewed is ''the extent to which Ms. Fisher was aware of FBI concerns about detainee interrogations and efforts to convey these concerns to DOD and others.''

August 31, 2005: Alice Fisher receives recess appointment from President Bush to become Assistant Attorney General of DOJ Criminal Division.

Sept. 16, 2005: DOJ IG Fine letter to Levin indicating that ongoing review of FBI personnel's allegations regarding detainee abuse at Guantanamo will include issues relating to ''the role of Alice Fisher, Assistant Attorney General for the Criminal Division, and other Department officials regarding detainee interrogation techniques.''

Sept. 19, 2005: Alice Fisher is re-nominated for Assistant Attorney General of DOJ Criminal Division.

Sept. 29, 2005: Minority Leader Reid letter to Attorney General Gonzales requesting that DOJ provide interested Senators with the opportunity to interview relevant FBI and DOJ personnel.

Dec. 15, 2005: At meeting with Attorney General Gonzales and White House Counsel Harriet Miers, Senator Levin requests meeting with FBI agent who authored the May 2004 e-mail without DOJ representative present, but offers compromise of having DOJ IG representative sit in on the meeting.

July 25, 2006: Senator Specter letter to Attorney General Gonzales requesting to set up an interview between Senator Levin and the FBI Agent.

July 25, 2006: Levin letter to Attorney General Gonzales requesting to meet with the FBI Agent with Senator Specter, and an IG representative present, or alternatively, a representative from the FBI's Office of General Counsel (OGC).

July 26, 2006: DOJ letter to Levin agreeing to the request to make FBI Agent available to be interviewed with a representative from the FBI OGC present, but asserting that questions must be limited to those related to ''the agent's factual knowledge of communications to Ms. Fisher about the treatment of detainees at Guantanamo Bay.''

July 26, 2006: Levin letter to DOJ clarifies that Senator Levin intends to ask the FBI agent ''any question which I consider relevant to the nomination of Alice Fisher.''

July 26, 2006: Senators Levin and Specter meet with the FBI Agent, as well as FBI General Counsel Valerie Caproni. FBI Agent recalls only one FBI–DOJ meeting where Alice Fisher was present but states he had regular conversations with two Criminal Division officials, David Nahmias and Bruce Swartz, regarding DoD interrogation techniques. The FBI Agent told Mr. Nahmias that the DoD interrogation of one detainee was ''completely inappropriate.''

August 1, 2006: Levin letter to Attorney General Gonzales again requesting to interview David Nahmias and Bruce Swartz.

August 30, 2006: DOJ Letter to Levin requesting a vote on Ms. Fisher's nomination. The letter does not address Senator Levin's request for interviews of David Nahmias and Bruce Swartz.

Sept. 12, 2006: Levin letter to Attorney General Gonzales reiterating request to interview David Nahmias and Bruce Swartz, but proposing in the alternative that they provide answers to questions included with the letter.

Mr. LEVIN. Let me summarize these efforts. Alice Fisher was first asked in written questions what she knew or heard about these FBI concerns. In her answers, Ms. Fisher stated that she recalled regular meetings between the FBI and Department of Justice Criminal Division officials but did not ''recall that interrogation techniques were discussed at these meetings.'' She stated, also, that she did recall ''general discussions'' with Judge Chertoff, who was heading the Criminal Division, about the ''effectiveness'' of DOD interrogation techniques and methods compared to the FBI's methods.

On June 14, 2005, Senators KENNEDY, DURBIN, and I interviewed Ms. Fisher regarding her recollections of FBI concerns about Department of Defense interrogation techniques. At that meeting, she stood by her statement that she did not ''recall'' FBI officials expressing concerns about Department of Defense methods at Guantanamo other than general concerns about their effectiveness.

To attempt to resolve the conflict in those statements, I wrote to Attorney General Gonzales in June of 2005 requesting a response to my request originally made on May 2, 2005 for the name of the FBI agent who authored the e-mail and for an opportunity to interview the Criminal Division officials named in that document, including David Nahmias, Bruce Swartz, and Laura Parsky. So May of 2005 is the first time I made the request for the name of the FBI agent who authored the e-mail and an opportunity to interview the named Criminal Division officials that were listed in that document—Nahmias, Swartz and Parsky.

On July 26, 2005, the Justice Department wrote the Judiciary Committee

Chairman ARLEN SPECTER, responding to Senator SPECTER's request for information about the May 2004 e-mail. In that letter, the Department provided a summary of an interview it had conducted with the FBI agent who authored the e-mail regarding what he knew of conversations with Alice Fisher.

In that letter, the Department said:

[the FBI agent] did not have conversations with Ms. Fisher nor does he recall conversations in Ms. Fisher's presence about the treatment of detainees at Guantanamo Bay. He did participate in conversations with Ms. Fisher and other department and FBI representatives about a specific detainee and that detainee's links to law enforcement efforts. These discussions focused on the information gathered regarding the information and individual and his associations, but not on his treatment or interrogation.

The letter also stated that the unnamed FBI agent's conversation with Ms. Fisher:

. . . focused on the particular detainee described above and predated the broader conversations [in the weekly meetings] about DOD techniques with other department representatives.

And the letter concluded by expressing the hope that this would resolve any outstanding questions about Ms. Fisher's nomination.

A few days later, the Attorney General wrote to the minority leader, Democratic Leader HARRY REID, stating that the Department had taken steps in response to the Senator's concerns ''sufficient for the Senate to make an informed decision'' on Alice Fisher's nomination. In essence, what the Justice Department was saying, they will do the interview; trust them. It is up to them to decide on the sufficiency of information for the purpose of Senate confirmation. The Department was unwilling to trust Senators with the name of the FBI agent who had written e-mails despite the fact that the Senate, on a regular basis, has access to sensitive documents and information which frequently contains the names of FBI agents.

On this important issue of Senate advice and consent to a nomination, the Department was refusing to provide Senators with information relevant to our constitutional duty.

I requested that the nomination of Ms. Fisher not be considered until I had the opportunity to get the relevant information I had been seeking. The administration continued to refuse to provide the information and instead made a recess appointment of Alice Fisher to head the Criminal Division in August of 2005, and she was renominated in September of 2005.

In December of 2005, Attorney General Gonzales offered to make the FBI agent available to be interviewed by me if a Department of Justice official could be present. I declined an interview under these terms but told Attorney General Gonzales I could accept having someone from the Department of Justice Inspector General's office present.

This led to more delay, more stonewalling by the Department of Justice until this past June. With the help of the chairman of the Judiciary Committee, Senator SPECTER, and others, the Justice Department finally agreed to make the FBI agent who authors the e-mails available to be interviewed.

On July 26 of this year, more than 1 year after my request for the FBI agent's name, Senator SPECTER and I, along with FBI General Counsel Caproni, met with the FBI agent—1 year, delayed by the administration, simply providing access to the FBI agent who wrote a critically important e-mail.

There was reference made about the Senate obstructing the nomination.

(Mr. CHAFEE assumed the Chair.)

Mr. LEVIN. Mr. President, the obstruction here should be directly laid at the feet of the administration which, for 1 year, refused access to an FBI agent who wrote a critically important memo regarding detainee abuse at Guantanamo and whether Ms. Fisher had any knowledge of that and, if so, what she did relative to that knowledge.

The FBI agent said in the interview that he recalled Ms. Fisher attended only one of the weekly meetings, which dealt primarily with the relationship between a particular high-value detainee and the 9/11 hijackers. He also stated that he had ''frequent conversations'' with David Nahmias, counsel to the Criminal Division's head, Mr. Chertoff. That is now the issue which comes before the Senate.

Just a couple of months ago, it was finally provided to the Senate that an FBI agent says he had frequent conversations about the issue of interrogation techniques at Guantanamo with the counsel, the attorney to the head of the Criminal Division of which the current nominee was the deputy. This is the same David Nahmias named in that FBI agent's May 2004 e-mail regarding FBI concerns about aggressive DOD techniques. The FBI agent added that he specifically shared with Mr. Nahmias his view that interrogation methods used on one detainee were ''completely inappropriate.'' This is the same David Nahmias I have repeatedly sought to interview since May of 2005.

Compare these statements of the FBI agent when interviewed in person to the assurances the Justice Department made in their July 2005 letter about the FBI agent's discussions with the Criminal Division officials, including Alice Fisher. The Justice Department wrote that the discussions at the meeting attended by Alice Fisher ''focused on the information gathered'' from one specific detainee ''but not on his treatment or interrogation. . . .'' The Justice Department never said that the FBI agent had ''frequent conversations'' about interrogation techniques being used at Guantanamo with David Nahmias, counsel to the head of the Criminal Division, or less frequent conversations with Bruce Swartz, also a Deputy Assistant Attorney General in the Criminal Division. That wasn't disclosed—very critical information, which is the subject now of the debate. Why can we not get questions answered from David Nahmias, who we now believe, acting as counsel to Chertoff, head of the Criminal Division, of which Alice Fisher was the deputy—why can we not get David Nahmias to answer questions as to whether he shared those deeply held concerns, which were shared with him by FBI agents at Guantanamo, with Alice Fisher, the deputy head of the Department?

Following the interview, I also learned of a December 11, 2002, e-mail to Mr. Nahmias from the FBI agent I interviewed, asking for his comments on ''legal issues regarding Guantanamo Bay,'' which were apparently set out in an attachment to that e-mail.

The FBI agent's statements to me in that December 11, 2002, e-mail reveal that FBI personnel raised concerns with senior Department of Justice Criminal Division officials, including David Nahmias and Bruce Swartz, that went beyond simply questions about the ''effectiveness'' of Department of Defense techniques, which was the only FBI concern that both Chertoff and Ms. Fisher could recall during their confirmation proceedings—the only concern they ever heard about the effectiveness of DOD techniques, despite a raging debate between the FBI and the Department of Defense about the aggressiveness of those techniques and whether those techniques were abusive and indeed illegal.

To try to determine whether those FBI concerns were shared with Nahmias, counsel to the Criminal Division, and were shared with the deputy head of that Criminal Division, Ms. Fisher, I wrote to Attorney General Gonzales on August 1, 2006, to renew for the third time my request to interview these two senior Criminal Division officials, David Nahmias and Bruce Swartz.

This is a highly relevant request. The FBI agent said he discussed the Department of Defense interrogation tactics during regular meetings with Mr. Nahmias and Mr. Swartz. Mr. Nahmias was counsel to Assistant Attorney General Chertoff, who was head of the Criminal Division. Alice Fisher and Bruce Swartz were both deputies in that division. Alice Fisher was in charge of overseeing terrorist suspect prosecutions. FBI objections to aggressive DOD interrogation tactics were a major issue, a raging issue, according to numerous e-mails sent back and forth from Guantanamo to Washington. This issue was so intense that FBI agents were wondering whether they could even be present during interrogation. They were so intense that FBI agents were writing back to headquarters saying: Can you believe what is going on down there? These differences between the FBI and the Department of Defense were so intense

that there were regular discussions, meetings, debates, and heated conversation over the tactics being used by the DOD at Guantanamo that the FBI rejected, reacted to, and shared with their headquarters.

All we needed to do—and we still need to ask—is ask, Did Mr. Nahmias and Mr. Swartz talk to the deputy head of the Criminal Division about those concerns? Did they talk to Alice Fisher about those concerns? Alice Fisher may not recall hearing about those concerns, about abusive and aggressive tactics, but they might recall talking to her about them. If the administration has its way, we will never know. We are never going to know whether David Nahmias and Bruce Swartz discussed with Alice Fisher what we now know they knew about in their capacities—one as counsel to the Criminal Division, of which she was the deputy, and the other as a deputy director of that division.

In an August 30 response, the Justice Department ignored my request to interview Mr. Nahmias and Mr. Swartz, urging instead that the Senate proceed to a vote on Ms. Fisher's nomination. On September 12, a week ago, I wrote back, reiterating my request for an interview, offering in the alternative that Mr. Nahmias and Mr. Swartz respond to just a set of questions I had provided. The Justice Department has not responded to this letter.

So the Justice Department stalled for 1 year in allowing me access to an FBI agent whose information is clearly relevant to this nomination; for 1 year, they stonewalled; for 1 year, they stood in the way of information coming to the U.S. Senate; for 1 year, they set up a roadblock to a Senator who is making a request that is clearly relevant to the fitness of a person to serve as head of the Criminal Division of the Department of Justice of the United States. And then finally I am given access to that agent 1 year later. And when that agent discloses that he, in fact, shared concerns about aggressive interrogation techniques with two other individuals who were working at the Criminal Division with Ms. Fisher, and when I simply say I want to talk to those two people to see if they shared those concerns with Ms. Fisher because she denied ever hearing concerns about aggressive techniques, of course, I have been denied that.

The stonewalling continues. Obstruction by the Department of Justice of access to information relevant to the nomination of Alice Fisher continues to this day.

When I wrote the Attorney General on September 12 saying: OK, if we cannot meet with these two witnesses, at least would you ask them to answer questions as to whether they shared this information they had heard about these techniques being used at Guantanamo, there is no answer from the Department of Justice. They are silent. The current form of stonewalling and obstruction by the Department of Justice of information that is relevant to this nomination is silence.

There is one other important background fact I wish to bring to the attention of the Senate. The Justice Department's inspector general has been investigating for over a year now the allegations by FBI personnel of having observed the mistreatment of detainees at Guantanamo, Abu Ghraib, and elsewhere. The inspector general of the Justice Department, Glenn Fine, has assured me that this review will look into ''the role of Alice Fisher, Assistant Attorney General for the Criminal Division, and other Department officials regarding detainee interrogation techniques.'' We have been waiting for the IG's findings for many months. The Senate is about to vote on Ms. Fisher's nomination before the IG report comes out.

The delay in voting on the confirmation of this nominee is directly attributable to the administration stonewalling on requests for relevant information from the Senate. Ms. Fisher is in place. She is in office. She is in an acting capacity. I have had a standing request to interview former Department of Justice Criminal Division officials, seeking relevant information, since May of 2005. This is not a last-minute request to talk to Messrs. Nahmias and Swartz. I have made four requests since May of 2005 to interview the two of them.

What is new here is that now we know, in addition to them being named in the e-mail I referred to, now we know from an FBI agent, the unnamed author of that e-mail, that he shared with those two men at the Criminal Division—one being counsel and one being a deputy director—that he shared with them the aggressive techniques, abusive techniques I have outlined, which were being utilized at Guantanamo.

Why stonewall? Why not simply just ask Mr. Nahmias and Mr. Swartz the questions I have submitted to the Department of Justice? What is behind this?

By the way, I ask unanimous consent that the questions I asked the Attorney General to submit to Mr. Nahmias and Mr. Swartz be printed in the RECORD at this time.

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

QUESTIONS FOR DAVID NAHMIAS

1. BACKGROUND

A. What was your position during Ms. Alice Fisher's tenure as Deputy Assistant Attorney General in the Criminal Division (July 2001 to July 2003)?

B. What was your professional relationship with Ms. Fisher? Did you report to her?

2. FBI CONCERNS REGARDING DOD INTERROGATION TECHNIQUES

The FBI agent whom I interviewed on July 26, 2006, (the ''FBI Agent'') stated that he had ''frequent contacts'' with you, during which he shared his concerns regarding aggressive Defense Department (DOD) interrogation techniques at Guantanamo Bay.

A. Did you have frequent contacts with the FBI Agent? If so, how frequently?

B. Were you aware of FBI personnel's concerns regarding aggressive DoD interrogation techniques? If so, what were these concerns?

C. Were you aware of FBI personnel's concerns regarding legal issues associated with DoD interrogation techniques? If so, what were those legal concerns?

D. Were you aware of FBI personnel's concerns about the alleged mistreatment of detainees? If so, what were those concerns? Did you ever hear of any incidents of detainee mistreatment at Guantanamo?

E. Did you at any time discuss FBI concerns regarding DoD interrogation techniques or the mistreatment of detainees with Alice Fisher? If not, why not? If so, please describe when these discussions occurred and what was said.

F. Did you at any time discuss FBI concerns regarding DoD interrogation techniques or the mistreatment of detainees with Bruce Swartz, Laura Parsky, or other DOJ officials in the Criminal Division? If not, why not? If so, please identify with whom you discussed these concerns, when, and what was said.

3. MAY 10, 2004 DOCUMENT

A May 10, 2004 email authored by the FBI Agent stated: ''In my weekly meetings with DOJ we often discussed DoD techniques and how they were not effective or producing intel that was reliable. Bruce Swartz (SES), Dave Nahmias (SES), Laura Parskey (now SES, GS–15 at the time) and Alice Fisher (SES Appointee) all from DOJ Criminal Division attended meetings with FBI. We all agreed DoD tactics were going to be an issue in the military commission cases. I know Mr. Swartz brought this to the attention of DoD OGC.''

A. Please identify the FBI and DOJ personnel who attended these meetings. How frequently did Alice Fisher attend these meetings?

B. How often were DoD interrogation techniques discussed at these weekly meetings? During what time period did these discussions occur?

C. Did you believe that DoD interrogation techniques would be an issue for the military commissions? If so, in what way?

During my interview with the FBI Agent, he recalled one DOJ–FBI meeting where Ms. Fisher was present. The FBI Agent stated that the main subject of that meeting was the possible relationship between a particular high value detainee at Guantanamo and the 9/11 hijackers, but also discussed was how the Defense Department was ''pushing hard'' on the FBI on-site commander to ''speed up'' getting information out of this particular detainee and others.

D. Do you recall the DOJ–FBI meeting at which Ms. Fisher was present and FBI concerns about DoD ''pushing hard'' on FBI personnel to ''speed up'' getting information was discussed?

E. What actions were taken in response to these concerns?

4. DECEMBER 11, 2002 DOCUMENT

A December 11, 2002 email from the FBI Agent to you is entitled ''Fwd: Legal Issues re: Guantanamo Bay'' and requests your comments, apparently on an attachment to that email.

A. Are you familiar with this email?

B. Did the legal issues raised in this email relate to DoD interrogation techniques at Guantanamo Bay?

C. Did you bring this email to the attention of Ms. Fisher? Did you discuss the legal issues raised in this email with her? If so, what actions were taken in response?

D. Please provide a copy of any communication you provided in response to the December 11, 2002 document.

QUESTIONS FOR BRUCE SWARTZ

1. BACKGROUND

A. What was your position during Ms. Alice Fisher's tenure as Deputy Assistant Attorney General in the Criminal Division (July 2001 to July 2003)?

B. What was your professional relationship with Ms. Fisher? Did you report to her?

2. FBI CONCERNS REGARDING DOD INTERROGATION TECHNIQUES

The FBI agent whom I interviewed on July 26, 2006, (the ''FBI Agent'') stated that he had ''contacts'' with you during the period when FBI personnel at Guantanamo Bay were raising concerns regarding aggressive Defense Department interrogation techniques.

A. Did you have contact with the FBI Agent? If so, how often?

B. Were you aware of FBI personnel's concerns regarding aggressive DoD interrogation techniques? If so, what were these concerns?

C. Were you aware of FBI personnel's concerns regarding legal issues associated with DoD interrogation techniques? If so, what were those legal concerns?

D. Were you aware of FBI personnel's concerns about the alleged mistreatment of detainees? If so, what were those concerns? Did you ever hear of any incidents of detainee mistreatment at Guantanamo?

E. Did you at any time discuss FBI concerns regarding DoD interrogation techniques or the mistreatment of detainees with Alice Fisher? If not, why not? If so, please describe when these discussions occurred and what was said.

F. Did you at any time discuss FBI concerns regarding DoD interrogation techniques or the mistreatment of detainees with David Nahmias, Laura Parsky, or other DOJ officials in the Criminal Division? If not, why not? If so, please identify with whom you discussed these concerns, when, and what was said.

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A May 10, 2004 email authored by the FBI Agent stated: ''In my weekly meetings with DOJ we often discussed DoD techniques and how they were not effective or producing intel that was reliable. Bruce Swartz (SES), Dave Nahmias (SES), Laura Parsky (now SES, GS–15 at the time) and Alice Fisher (SES Appointee) all from DOJ Criminal Division attended meetings with FBI. We all agreed DoD tactics were going to be an issue in the military commission cases.''

A. Please identify the FBI and DOJ personnel who attended these meetings. How frequently did Alice Fisher attend these meetings?

B. How often were DoD interrogation techniques discussed at these weekly meetings? During what time period did these discussions occur?

C. Did you believe that DoD interrogation techniques would be an issue for the military commissions? If so, in what way?

During my interview with the FBI Agent, he recalled one DOJ–FBI meeting where Ms. Fisher was present. The FBI Agent stated that the main subject of that meeting was the possible relationship between a particular high value detainee at Guantanamo and the 9/11 hijackers, but also discussed was how the Defense Department was ''pushing hard'' on the FBI on-site commander to ''speed up'' getting information out of this particular detainee and others.

D. Do you recall the DOJ–FBI meeting at which Ms. Fisher was present and FBI concerns about DoD ''pushing hard'' on FBI personnel to ''speed up'' getting information was discussed?

E. What actions were taken in response to these concerns?

4. DISCUSSIONS WITH DOD OFFICIALS

In the May 10, 2004, document regarding FBI concerns over DoD interrogation techniques, the FBI Agent states ''I know Mr. Swartz brought this to the attention of DoD [Office of General Counsel (OGC)].'' In her written answers during the confirmation process, Alice Fisher recalled discussing FBI concerns about the effectiveness of DoD interrogation techniques with members of the DoD OGC, or being present when such discussions took place. Did you bring FBI concerns regarding DoD interrogation techniques to the attention of DoD OGC? If so, please identify any meetings or discussions with DoD OGC in this regard, when and where those meetings or discussion occurred, and what was discussed. Did Ms. Fisher participate in any such meeting or discussion?

Mr. LEVIN. Mr. President, why is the administration more interested in keeping information from the Senate relevant to the knowledge of senior Department of Justice Criminal Division officials, including Alice Fisher, of the administration's policies and practices on the interrogation of detainees?

What is going to happen again is that the administration's obstructionism will result in the Senate acting without relevant information. I know there will be many who will say we have more than enough information, and for many in this body, they have every right to vote based on the information they have. But when any Member of this body seeks relevant information on a confirmation, every Member of this body ought to stand in unison behind that request.

We are all either going to be or have been in the position of seeking relevant information to a confirmation. We have all been in this position, and many of us will be in this position again. This should be treated as an institutional matter.

There is no reason these questions that have been addressed to Mr. Nahmias and Mr. Swartz should not be answered. I believe this body, as a body, should ask the Attorney General to have these questions answered. There is no reason any relevant information to a confirmation should be denied to a Senator, providing the information is relevant and germane, and clearly this is.

Again, I want to emphasize, this is not a last-minute request. This is something which arose from a meeting that was held with the FBI agent in question back in July. But the request for these meetings with Messrs. Swartz and Nahmias were made as early as May of 2005. They have been asked for on four occasions since then.

Do David Nahmias and Bruce Swartz recall the FBI agent sharing his concerns about aggressive DOD interrogation techniques? He does. Do they remember? Did those two senior officials share those FBI concerns about DOD techniques with Alice Fisher? If so, what was her response? These are directly relevant questions.

The pattern of this administration is transparent. The administration stonewalls on providing requested information. It then accuses Senators of delay and demands that the Senate act to confirm their nominees without the information. The administration follows this pattern because it works, and it works because this institution allows it to work.

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

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator has 32 minutes remaining.

Mr. LEVIN. I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I think Alice Fisher is a fine person. My colleague and those on the other side are never happy with whatever the President does to try to protect this country.

He looked the American people in the eye—after he was elected, we had 9/11—and he said: I am going to use every power I have to prosecute, investigate, and stop those who threaten the safety of the American people. That is my responsibility as Commander in Chief. I took an oath to do that, and I intend to do that.

And he appointed some good people. Now all we have had is second-guessing, second-guessing, second-guessing, complaint, complaint, complaint, hold up nominees; never happy.

Somebody has to do something. I remember right after 9/11. What happened? We had a national epiphany. We found out in a spasm of political activity years ago, just like in many ways today, the Congress, to placate critics and liberals and activists, prohibited the FBI from talking to the CIA. They prohibited CIA agents because they heard some of them had made a mistake somewhere—there were allegations of that—that they couldn't talk, when they were out doing undercover operations trying to obtain human intelligence in dangerous areas of the world, with people who had criminal records and might have done something wrong.

What happened after 9/11? We said: Why didn't we have any human intelligence? What are the problems here? What we concluded was that both of those proposals, for example, were wrong, and we promptly reversed them. We changed the law.

That is all I am saying about this flap—and I have been involved with it on the Armed Services Committee, and I have been involved with it on the Judiciary Committee. We have had 30 or more hearings investigating the people of this country who are trying to preserve, protect, and defend this Nation. That is who we investigate and complain about. Do we ever hear about how to better catch the terrorists? It is time we start thinking about defending and protecting this country rather than to prosecute and block and obstruct those who have been giving their every waking moment to make us safer.

My good colleague from Michigan is such an able Senator. I am sorry this

didn't all work out to his satisfaction. The Department of Justice, the administration offered this, he didn't like that. They offered that, he didn't like that. Maybe sometimes one gets to thinking there has been a little strategy around here—and I have seen it in case after case that began with Miguel Estrada—for the Members on the other side to demand records, statements, internal conversations, internal memoranda to which they are not entitled. They don't want people coming in and demanding everything they said to everybody who came into their office. So they come up with this, and they ask for all these items. Then when they don't get them, they say: Obstruction, obstruction; we can't vote for the nominee. Now they have created an excuse to vote against a very fine nominee, when the person is doing an excellent job and ought to be confirmed so they can continue to be even more effective in the war against terror.

I have seen it time and again. With regard to the Sixth Circuit Court of Appeals, one of our Senators down here complaining had a whole host of those nominees held up for years. The court ended up deciding the University of Michigan higher education, affirmative action case with far less judges than should have been on that panel. There has been some real concern expressed about that.

Obstructing, holding up, and delaying nominees is not the right thing to do. We have important governmental actions to do here.

Let me tell my colleagues about Alice Fisher. She has proven herself in the Criminal Division. Under her leadership, the division has made a number of great strides. The Criminal Division has been responsible for the national coordination of all national security prosecutions, of all the criminal cases in Federal court, including domestic and international terrorism and counterintelligence matters.

Alice Fisher has also worked closely with the intelligence community. That is her responsibility. We had too much of a wall of separation. Sure, she is to be engaged in these issues to assess potential threat information to our national security and disrupt potential attacks against this country.

Alice Fisher provides advice to U.S. attorneys. I was a U.S. attorney for 12 years. There are 93 of them around this country covering the whole country. She provides them advice on terrorism matters, including such areas as terrorist acts in the United States and abroad, weapons of mass destruction, principles of extraterritorial jurisdiction, and use of classified evidence and intelligence information in prosecutions. Alice Fisher also established the Office of Justice for Victims of Overseas Terrorism.

During her tenure, the division's counterterrorism section, which Fisher also had previously organized and supervised as Deputy Assistant Attorney General, has prosecuted numerous ''material support'' terrorism cases, cases against people who have given material support to terrorists to further their ability to attack and kill innocent people in this country and abroad. Those prosecutions have been located throughout the country and include alleged planners supporting terrorism in Georgia, Ohio, Florida, New York, Virginia, and California; defendants facing extradition from the United Kingdom and other foreign countries; international terrorist organizations, such as al-Qaida, Hezbollah, FARC—the Revolutionary Armed Forces of Colombia—and domestic terrorists.

Under the direction of the Attorney General, the Justice Department is placing increased emphasis on targeting gangs. Fisher was chosen by the Attorney General to head that effort. Under her guidance, the Criminal Division has created the National Gang Targeting, Enforcement and Coordination Center, a multiagency initiative led by the Criminal Division, with participation from the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Bureau of Prisons, the Drug Enforcement Administration, the Federal Bureau of Investigation, U.S. Immigration and Customs Enforcement, and the U.S. Marshals Service. Those are agencies she coordinates.

The gang initiative will create law enforcement strategies and facilitate operations across agency lines aimed at dismantling national and transnational violent gangs. Fisher also established a new gang squad of experienced gang prosecutors who coordinate nationwide prosecutions and make them more effective.

Under her leadership, in partnership with various U.S. Attorney's Offices and the Drug Enforcement Administration, more than 130 defendants were recently indicted and hundreds of thousands of dollars seized as part of an international operation targeting the trafficking of black tar heroin in the United States. The multistate investigation, called Operation Black Gold Rush, included arrests in 15 U.S. cities and 10 indictments in eight Federal judicial districts, along with State charges. More than 17 kilograms of black tar heroin, a potent form of heroin that is dark and sticky in appearance, were seized during this operation.

As Assistant Attorney General, she also has been involved now, and earlier when she was the Deputy Assistant Attorney General, with the Enron task force. We remember when everybody talked about Enron that something had to be done about it. Many people doubted anything would be done about it. President Bush announced that we were going to have integrity in big business, and big business people who cheat and harm their employees and others in this country will be vigorously prosecuted. She was involved in that effort.

She supervised the Enron task force. It has investigated that entire scheme created by the executives of Enron to deceive the investing public, the Securities and Exchange Commission, and others. The case has resulted in convictions of top Enron executives. Many said that wouldn't happen, but they have been indicted, convicted, assets seized, and those include Ken Lay and Jeffrey Skilling, the two top people.

As a member of the corporate fraud task force—and we need to be aggressive in prosecuting corporate fraud in America—Fisher coordinates with other agencies on corporate fraud policies and investigations.

She has supervised recent corporate fraud prosecutions involving defendants from AIG, BP, and Qwest. She is not afraid to take on the big boys. She has done so effectively and courageously.

She is cochair of the Law Enforcement Subcommittee of the President's Identity Theft Task Force. That is an important issue in our country. I have a staff person, and someone stole her identity and used it. She spent years trying to clear her record and get the situation straightened out.

Under her direction, this subcommittee is focusing on enhancing coordination among law enforcement agencies, the Federal Trade Commission, and others to maximize the Government's capabilities to curb the international problem of identity fraud.

Mr. President, I know you served so ably in Florida as a mayor and then later as a member of the President's Cabinet. Florida and other areas received terrific losses during Hurricane Katrina. We will probably spend over $100 billion on trying to help that whole region recover and a whole city, New Orleans, that was flooded. Having been a prosecutor in Mobile on the gulf coast after hurricanes, I can tell you that fraud does occur. You want to get money out to people who are hurting in a hurry. You can't ask for the same amount of time and evidence that you would normally ask. People need help right now. They have no place else to go. But people take advantage of that. The scum of the Earth take advantage of the generosity of the American people by often slipping in as contractors or claimed beneficiaries, lying about losses, to get money that is supposed to go to people who are hurting.

Well, just days after Hurricane Katrina hit the Nation, Attorney General Gonzales established the Katrina Fraud Task Force. This task force would send a message right off the bat that fraud would be investigated and prosecuted, and it was to focus on fraud and corruption resulting from the hurricanes. He named Fisher the Katrina Fraud Task Force chairman. As chairman, Alice Fisher quickly set up a forward-looking strategic plan and resource allocation for this interagency task force, among all the other things she was doing, to investigate and prosecute fraud arising from Hurricane Katrina and related disasters. Under her guidance, the task force has made great strides to combat fraud.

As of July 25, the task force had charged 371 defendants in 29 separate Federal districts. A majority of the cases charged to date have involved emergency benefits fraud against both FEMA and the American Red Cross—charitable donation fraud. People have gone out and claimed they are raising money to help people, and they just steal it. What kind of sorry person is that, who would ask people to sacrifice and give help to someone else, and then steal the money? We have that, and she is working against it.

Other cases have involved Government contract fraud. We have people taking advantage of the contracting process and cheating when they are supposed to follow through and do certain amounts of work for the Government. They have certified they have done it, they get paid, and then we find out they didn't do it. Some of them need to go to jail.

The task force has therefore been taking a number of proactive measures to identify, investigate and prosecute these kinds of cases.

Alice Fisher created the Katrina Fraud Task Force Joint Command Center in Baton Rouge where analysts, agents, and inspectors from the Inspector General and Federal law enforcement communities co-locate—these are all of the agencies, State and local—they get together to focus on procurement fraud and public corruption which could result from the over $100 billion reconstruction money flowing into the affected region. As of July 25, 2006, the Command Center has received and referred 6,424 complaints to various Federal agencies.

The task force has provided training for the Inspector General community. Each one of these agencies have their own Inspector General, and many of those Inspector Generals are not familiar with hurricane work. They train all of them so that the Commerce Department, the Agriculture Department, the Coast Guard, and other agencies involved with this relief effort can have watchdogs within their agencies trained to prevent fraud.

I am going to tell my colleagues, we have had a problem in this Nation, and we still do, of public corruption. There are public officials, whether in hurricane areas or not, who are taking money, extorting bribes and that sort of thing. Unfortunately, that is true. For the most part, we are a Nation of high integrity, but there are those who don't meet those standards and need to be prosecuted. I would say, in many cases, the Federal investigators are the ones who really have the best opportunity, the independence, the distance, from the situation to handle these cases, and they just have to do it. They have been rightfully praised over the years for their leadership in that area.

Under Fisher's leadership, the Public Integrity Section has prosecuted major public corruption cases, including the ongoing Jack Abramoff investigation, which has to date resulted in five pleas of guilty and in a conviction after trial of David Safavian, the former chief of staff of the General Services Administration—the GSA, a big Government agency here in Washington, their chief of staff. In addition, Fisher supervised the successful prosecution of former Alabama Governor Don Siegelman and former HealthSouth CEO Richard Scrushy for conspiracy and public corruption offenses.

Fisher was recently named by the Deputy Attorney General to establish a national procurement fraud initiative. Now, we have a lot of money that is paid out as a result of Government procurement by our military and other agencies, and there is a good bit of fraud there, so she is forming a national initiative on that.

Since Fisher's tenure began, the Department of Justice has made headway in aggressively prosecuting crimes against children. A lot of people say the Department of Justice shouldn't be involved in those kinds of things; that it is not important, and we need to focus on other big issues. But I submit the Department of Justice's leadership and work in these cases can make quite a difference.

For example, the Criminal Division is currently coordinating 18 national child pornography operations targeting hundreds and, in some cases, thousands of customers or participants in mass child pornography distribution schemes. In addition, as of July 26, 2006, the Innocence Lost Initiative targeting children victimized through prostitution has resulted in 228 open investigations, 543 arrests, 86 complaints, 121 informations or indictments, and 94 convictions in both the Federal and State systems.

Fisher is working on the implementation of the Adam Walsh Act. We all know John Walsh, what a tragic story he has lived through and, as a result of it, has become a national leader, well-known throughout this country for his work in the protection of children. So she is working now to create the mechanism to fully implement the Adam Walsh Act, which was passed by Congress just recently to combat child exploitation, and the Department's new initiative targeted at protecting children from predators, Project Safe Childhood, another time-consuming and challenging activity.

Fisher serves as a key member of the Department of Justice Intellectual Property Task Force and oversees the Computer Crimes and Intellectual Property Section of the Criminal Division. Under Fisher's leadership, the Department has increased its prosecution of these cases and enhanced international partnerships in this area. It is important that we do operate internationally.

As Assistant Attorney General in charge of the Justice Department's Criminal Division, Fisher developed and implemented a strategic plan to focus and prioritize the mission of the Division's approximately 750 employees. This management plan has organized the Division around the following priorities and goals: Supporting the national security mission. Supporting the national security mission—that wasn't the No. 1 goal of the Department of Justice Criminal Division when I was a prosecutor. This is as a result of the leadership of the President and the Attorney General and Alice Fisher.

So the top goals are supporting the national security mission, protecting this country from attack, ensuring Government integrity, prosecuting fraud and corruption, ensuring market integrity. That is—in the free market, the banks, financial communities, businesses, securities, making sure that there is integrity in that. They have a record of achievement. Combating violent crime is still a part of the duties, particularly gangs and drug trafficking and protecting against crimes on the Internet and crimes against children.

So this is a very fine, hard-working public servant who gives her every waking hour to trying to promote justice and protecting this country from attack. What she can say and what she can't say in response to probing and fishing expeditions from Members of Congress about meetings and conversations and top-secret security activities that she may be involved in is not her decision; it is really the Executive Branch deciding how much of these actions should be made public. So it is not her fault.

I submit to my colleagues that she wasn't involved in any of these issues that people are so hot about. She didn't set the policies. She didn't write the memos. She was lower down in the chain of command at that time. That wasn't her responsibility. She is being drawn into this now so that we can continue to have complaints about the efforts of this President and his team to aggressively find, identify, prosecute, and convict those who would threaten the people of this United States.

So I am impressed with Alice Fisher. She was a young, aggressive woman when I met her. She didn't have a whole lot of experience. I questioned her about that. But I could sense that she had the drive to be successful, to serve our country, and she has utilized every opportunity she could to further the interests of law enforcement and justice in America. I think she is a good nominee. In a different time, she would go through just like that; it would not be a problem. But here we are with an election coming up, and the theme here is that this administration is abusing prisoners and being mean to unlawful combatants and terrorists, and they are trying to maintain that theme and drag her into it. They shouldn't do that.

She needs to be confirmed. She needs to have the full authority of the office of chief of the Criminal Division of the Department of Justice. She will be

more effective if she has been confirmed and holds the office permanently. She will do a great job, I believe. Her record has proven that. I urge my colleagues to support this nominee.

Mr. President, I thank the chair and yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I have sought recognition to speak in support of the nomination of Alice Stevens Fisher to be Assistant Attorney General of the Criminal Division of the United States Department of Justice.

Ms. Fisher has an outstanding academic record. She received a bachelor's degree from Vanderbilt in 1989. At Vanderbilt, she was a member of the Gamma Beta Phi Honorary Society. She received her law degree from the Catholic University of America's Columbus School of Law in 1992. She served as Note & Comment Editor of the Catholic University Law Review, which was a mark of distinction. After law school, she was an associate with Sullivan & Cromwell from 1992–1996.

She served as Deputy Special Counsel to the United States Senate Special Committee to Investigate the Whitewater Development Corporation from 1995 to 1996.

She was an associate of the law firm of Latham & Watkins from 1996 to 2000, and was made a partner in 2001.

From 2001 until 2003, she served as the Deputy Assistant Attorney General in the Criminal Division of the Department of Justice.

She went back to Latham & Watkins from 2003 to 2005. On August 31, 2005, she was appointed as the Assistant Attorney General for the Criminal Division via recess appointment, which is her current position.

She is a member of a number of bar associations, and she has extensive writings on a number of subjects.

I ask unanimous consent that a full statement of her qualifications be printed in the RECORD.

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

ALICE STEVENS FISHER, NOMINEE—ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION

Alice Stevens Fisher was nominated by President Bush to be Assistant Attorney General, Criminal Division, Department of Justice on April 5, 2005. The President appointed Ms. Fisher to that position via a recess appointment on August 31, 2005.

Ms. Fisher has had a distinguished legal career and brings over ten years of experience to the Department of Justice.

After graduating from the Catholic University of America's Columbus School of Law in 1992, Ms. Fisher became a member of the law firm of Sullivan & Cromwell.

In 1995, Ms. Fisher served as Deputy Special Counsel to the U.S. Senate Committee Investigating Whitewater Development Corporation and Related Matters, where she supported the Senate's investigation and assisted in drafting the final report.

In 1996, Ms. Fisher returned to private practice and joined the law firm of Latham & Watkins. At Latham, Ms. Fisher's practice focused on the representation of corporations in government investigations and complex civil litigation. In 2001 she became a partner.

From 2001 until 2003, Ms. Fisher served as Deputy Assistant Attorney General in the Criminal Division of the Department of Justice.

As Deputy Assistant Attorney General, she supervised the Divisions Counter-Terrorism Section, Fraud Section, Appellate Section, Capital Case Unit, and Alien Smuggling Task Force.

In 2003, Ms. Fisher returned to Latham & Watkins as a partner.

On April 5, 2005, President Bush nominated Ms, Fisher to be Assistant Attorney General, Criminal Division, Department of Justice. She was appointed to that position via a recess appointment on August 31, 2005.

SUPPORT FOR ALICE FISHER

''It is with the greatest enthusiasm that I write this letter in support of Alice Fisher. . . From personal experience, I know that she will serve the President and the country with great dedication, integrity, and talent. Her judgment and skills as both a lawyer and a leader are unparalleled.'' Michael Chertoff, Secretary to the Department of Homeland Security.

''During my tenure as Solicitor General, I had the privilege and pleasure of working with Ms. Fisher. . . I found Ms. Fisher to be an extremely accomplished, able and dedicated public servant. In my view, she is a superb choice to head the Criminal Division and I enthusiastically urge that the Committee and the full Senate vote to confirm her appointment.'' Theodore B. Olson, former United States Solicitor General.

''Ms. Fisher's experience as a litigator and policy-maker, as well as her strong, positive relationship with the law enforcement community, makes her an excellent choice to lead the Criminal Division. The F.O.P. has no doubt that she will continue to be an outstanding Assistant Attorney General, and we urge the Judiciary Committee to expeditiously approve her nomination.'' Chuck Canterbury, National President, Fraternal Order of Police.

''From the commencement of my appointment, my staff and I worked closely with Ms. Fisher, who at that time served as Deputy Assistant Attorney General in the Criminal Division in the Department of Justice. In all of my numerous dealings with Ms. Fisher, I found her to be a person of tremendous legal acumen and good judgment, extremely hard working, and a person committed to upholding the highest standards of the Department of Justice and the legal profession.'' Mike A. Battle, United States Attorney for the Western District of New York.

ALICE STEVENS FISHER—ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION, DEPARTMENT OF JUSTICE

Birth: January 27, 1967, Louisville, KY

Legal Residence: Virginia

Education: B.A., Vanderbilt University, 1989, Gamma Beta Phi Honorary Society

J.D., Columbus School Of Law, Catholic University of America, 1992, Note & Comment Editor, Catholic University Law Review

Employment: Associate, Sullivan & Cromwell, 1992–1996

Deputy Special Counsel, U.S. Senate Special Committee to Investigate Whitewater Development Corporation & Related Matters, 1995–1996

Associate, Latham & Watkins, 1996–2000

Partner, Latham & Watkins, 2001

Deputy Assistant Attorney General, Criminal Division, Department of Justice, 2001–2003

Partner, Latham & Watkins, 2003–2005

Assistant Attorney General, Criminal Division, Department of Justice (recess appointment August 31, 2005), 2005-present.

Selected Activities: Member, Virginia Bar Association, 1992–1996

Member, American Bar Association, 1992–1996, 1998–Present

Barrister, Edward Bennett Williams Inn of Court, 2002–Present

Member, The Kentuckian Society

Member, The Federalist Society, National Practitioner's Advisory Council, 2004.

Mr. SPECTER. Ms. Fisher's nomination has been delayed for a very long period of time. In the meantime, Ms. Fisher has been serving as Assistant Attorney General for more than a year. She has handled some very high profile investigations and has done an outstanding job.

When she appeared before the Judiciary Committee, she presented herself very well. She is extremely well-qualified for the position.

Since her nomination, some objections have been raised and her nomination has been delayed because an email memorandum, authored by an FBI agent, lists her as an attendee at a meeting where Department of Defense Guantanamo interrogation techniques were discussed. Ms. Fisher was not responsible for the interrogations conducted at Guantanamo by the Department of Defense or the FBI. She did not approve or direct the interrogation or interrogation techniques, and she was not involved in the approval of the Office of Legal Counsel's memorandum, the so-called Bybee memorandum.

Senator LEVIN, before withdrawing a hold on Ms. Fisher's nomination, wanted to talk to the FBI agent who was identified in the file in connection with Ms. Fisher's nomination. However, when the matter became protracted and delayed, the Attorney General asked me if I would meet with Senator LEVIN and the FBI agent. It was the practice of the Department of Justice not to make an FBI agent available to Senators but only to the chairman of the Judiciary Committee. I decided to honor that request even though I did not see the connection between Ms. Fisher and either the FBI or the Department of Defense's interrogation techniques.

Senator LEVIN wished to have the FBI agent appear, not with the customary representative from the Department of Justice, Office of Legislative Affairs, but instead with someone from the Department of Justice Inspector General's Office. We accommodated Senator LEVIN by having a representative from the FBI's General Counsel's office attend the meeting. We also accommodated Senator LEVIN on the location of the meeting, which was held

in his office and I was happy to meet there.

The interview with the FBI agent lasted approximately 1 hour, during which we had an extensive discussion about what the FBI agent knew about interrogation techniques. The meeting barely, barely, barely touched on Ms. Fisher. Nothing in the interview showed any misconduct or impropriety on the part of Ms. Fisher. Nothing contradicted her testimony. She was barely involved.

Following that meeting, Senator LEVIN made a request to see two other individuals who had no connection with Ms. Fisher and no connection with her nomination.

I am glad we have come to this point. I have included extensive documentation in the record demonstrating the way the Department of Justice responded in honoring Senator LEVIN's requests. I have worked with Senator LEVIN for 26 years. He is a very thorough and effective Senator. When he wanted to see this FBI agent, we worked it out so that he saw the FBI agent.

I am glad the hold is off. I understand we are going to vote on Ms. Fisher. I believe this comes under Shakespeare's edict: All's well that ends well. And now we will go on to work on some other important matters, such as trying to get habeas corpus in effect on the Guantanamo issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I thank my good friend from Pennsylvania for his words.

After I tried for about a year to get the Attorney General to make available an FBI agent so we could talk to him about a memo that he wrote naming Ms. Fisher, naming three other members of the Criminal Division that she was the Deputy Director of, as being very aware of the debate between the FBI and the Department of Defense over interrogation practices at Guantanamo, I was unsuccessful for about a year to simply get information.

Stonewalling has occurred in this case. The delay that has occurred in this case is directly attributable to the refusal of the Department of Justice to provide information to this Senator.

After that meeting—and I thank the good Senator from Pennsylvania for arranging it; it wouldn't have happened without him—after that meeting, something became clear which needed to be clarified. I sent a letter to the Department of Justice on that matter. It is a very important matter involving whether Mr. Nahmias, the counsel to the Criminal Division who was aware of the tactics which were being used at Guantanamo, was personally involved in knowing about this debate between the FBI—it did not like what it saw—which objected to the tactics being used and was very vehement about it and did not want his agents to participate in the interrogations and wrote e-mails to the Department of Justice saying: You cannot believe what is going on down here. There was this vehement dispute between FBI and the Department of Defense on interrogation tactics. This is the background for what is in the headlines today.

At the discussion which occurred in my office, which Senator SPECTER accurately described, the FBI agent indicated that Ms. Fisher's connection related to one discussion he could remember about a specific event, not abusive interrogation techniques but, rather, about whether one of the detainees down there had been involved in September 11. That is what his recollection was. We accept that. We have no basis to not accept it.

However, something came out at that July meeting which is critically important. He said he had regular discussions on this subject about the detainee treatment at Guantanamo with the counsel to the Criminal Division, David Nahmias, and another Deputy Director, Bruce Swartz. We simply wanted to find out from the two of them, particularly from Mr. Nahmias since he served in the same department of the Justice Department with Alice Fisher, and the Deputy Director of that department, whether he, David Nahmias, had shared the information that he got from the FBI that wrote the e-mail, with the Deputy Director of that department.

For reasons that I cannot fathom, the Justice Department is still stonewalling answering questions which are directly related to the nomination. That question is, Did Mr. Nahmias and Mr. Swartz share with the Deputy Director of their own department, the Criminal Justice Department, what they had learned from this FBI agent about the raging dispute going on between the FBI and the Department of Defense over these tactics?

We asked the Attorney General if we could talk with Mr. Nahmias. By the way, this is the fourth request I had made to meet with Mr. Nahmias. I started in May of 2005 because he was named, along with Ms. Fisher, and Mr. Swartz as having been present at meetings during which these tactics were discussed. So he was right in that e-mail. We asked four times to see Mr. Nahmias. We have been rejected every time.

But now, in my office, we learned something else which is significant, which is relevant, which is going to go unanswered. It is going to go unanswered because the Department of Justice will not even answer the questions which I want them to put to Mr. Nahmias.

What I finally have done out of exasperation was to write to the Attorney General saying: You obviously are not going to produce two relevant people so I can ask them very basic information—did they share the information they had about these abuses and these raging debates between FBI and DOD. You are not going to allow me to ask those two people whether they shared that with the Deputy Director of their department. You are simply not going to do it. Would you at least ask the two of them questions in writing about whether they shared that information with Ms. Fisher?

The answer of the Department of Justice is silence—stone, cold, silence—to my request.

That is where we are. I will be voting against this nomination because of the stonewalling by the Department of Justice of legitimate, reasonable requests for information which are still outstanding, relative to Nahmias and to Swartz.

That is unacceptable. It puts us in a position of voting on nominees without relevant information which we should have. The delay—and I emphasize this—the delay in this matter is not mine. The delay is the refusal of the Department of Justice to provide information, to provide witnesses for a year and a half.

Without the help of my good friend from Pennsylvania, Senator SPECTER, we never could have even received the information that we got from the FBI agent, and, as he knows, I am grateful to him for that. I can now only hope that he will join in asking the Department of Justice—it can come after this nominee's vote—I would hope he would consider joining the request of the Department of Justice that we have this information for the record as being relevant to the matters we are debating.

I close by saying I believe it is unacceptable, it is wrong for the Department of Justice to deny the Senate relevant information. We are going to end up voting now on this nomination of Ms. Fisher without it. It should not be that way. I will express my opposition to the stonewalling tactics of the Department of Justice by voting no on this nomination, again, with my thanks to the chairman of the Judiciary Committee for the help that he did provide in this matter.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, there are many things I can say in response to what the distinguished Senator from Michigan has said, but silence is the preferable course.

Instead, I ask, as the representative of the majority leader, to set the vote at 5:45 with the expectation there will be no other speakers. I ask unanimous consent we set the vote at 5:45.

Mr. LEVIN. I understand we have a thumbs up from the rear of the Chamber. I have no objection.

Mr. SPECTER. People who run the Senate, staffers, have just consented to the request.

Mr. LEVIN. They didn't consent, but they indicated to me there was no objection, to be technically correct.

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

Mr. BUNNING. Mr. President, I speak today on the nomination of Ms. Alice Fisher to be Assistant Attorney General for the Criminal Division at the

Department of Justice. Ms. Fisher, a native from Louisville, KY, is without question very well qualified to fill this position. As a fellow Kentuckian, it is an honor to address her nomination today, and I give her my full support.

I firmly believe that Ms. Fisher possesses the qualifications needed for this position. Her dedication and personal drive stand as an example to us all.

Ms. Fisher has served as Assistant Attorney General for over a year now. In this time she has coordinated with law enforcement agencies on a variety of issues, including antiterrorism prosecutions, public corruption cases, and child pornography cases.

Prior to this appointment, Ms. Fisher served within the Department of Justice managing both the Counterterrorism and Fraud Sections of the Department. In this time, she was responsible for coordinating the Department's national counterterrorism activities, including matters related to terrorist financing and the USA PATRIOT Act.

Throughout her tenure at the Department of Justice, Ms. Fisher has shown time and time again that she is a true leader and leads by example. Many of her colleagues testified before Congress this past year about her unwavering work habits and her true commitment to justice.

This is the type of leader that we need in our Government. I urge my colleagues across the aisle who have held up her nomination in the past to not let partisan politics get in the way this time. We need to move forward with her nomination. Not only does she have a proven record, but it was approved overwhelmingly by the Judiciary Committee, and now she deserves a fair up-or-down vote on the Senate floor.

I am confident that when she receives this vote that she will be confirmed, and I wish her continued success in her position.

Mr. SPECTER. Mr. President, I will yield back my time.

Mr. LEVIN. I yield back my time, also. I am willing to do that as Senator SPECTER has yielded his back. What time remains?

The PRESIDING OFFICER. The Senator from Vermont has 13 minutes. The minority leader has 59 minutes. The majority leader has 27 minutes.

Mr. LEVIN. I wonder if the Senator from Pennsylvania would agree that we can put in a quorum call and the time be deducted proportionally from all of the remaining speakers.

Mr. SPECTER. That is acceptable. Having set the vote at 5:45, we have given our colleagues ample notice. If somebody wants to speak in the next 14 minutes, they certainly would be at liberty to do that. My hunch is that we will have a quorum call for 14 minutes. The important thing is that we have finished the discussion on a reasonably harmonious note.

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. GREGG. 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. GREGG. Mr. President, I ask unanimous consent that we proceed to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask for the yeas and nays on the nomination.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Alice S. Fisher, of Virginia, to be an Assistant Attorney General? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Minnesota (Mr. COLEMAN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''nay.''

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

The result was announced—yeas 61, nays 35, as follows:

[Rollcall Vote No. 251 Ex.]

YEAS—61

Alexander	Domenici	Murkowski
Allard	Dorgan	Nelson (NE)
Allen	Ensign	Pryor
Bayh	Enzi	Roberts
Bennett	Feingold	Salazar
Bond	Frist	Santorum
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burns	Gregg	Smith
Burr	Hagel	Snowe
Chafee	Hatch	Specter
Chambliss	Hutchison	Stevens
Coburn	Inhofe	Sununu
Cochran	Isakson	Talent
Collins	Kyl	Thomas
Cornyn	Lincoln	Thune
Craig	Lott	Vitter
Crapo	Lugar	Voinovich
DeMint	Martinez	Warner
DeWine	McCain	
Dole	McConnell	

NAYS—35

Baucus	Feinstein	Mikulski
Biden	Harkin	Murray
Bingaman	Inouye	Nelson (FL)
Boxer	Jeffords	Obama
Byrd	Johnson	Reed
Cantwell	Kerry	Reid
Carper	Kohl	Rockefeller
Clinton	Lautenberg	Sarbanes
Conrad	Leahy	Schumer
Dayton	Levin	Stabenow
Dodd	Lieberman	Wyden
Durbin	Menendez	

NOT VOTING—4

Akaka	Kennedy
Coleman	Landrieu

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Virginia.

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

I now request the opportunity to address the Senate under that provision.

The PRESIDING OFFICER. If the Senator will withhold just a minute, please.

Mr. WARNER. Yes, Mr. President, without losing my right to the floor.

The PRESIDING OFFICER. The President is notified of the Senate's action with respect to this nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate now returns to legislative session.

The Senator's request is agreed to. The Senator from Virginia is recognized.

PRAYER IN THE ARMED FORCES

Mr. WARNER. Mr. President, at the present time, the members of the Armed Services Committee of the Senate and the members of the Armed Services Committee of the House are in a conference. A great deal of confidentiality is attached to that procedure. I do not in any way intend to violate that confidentiality.

But before the conference—and this is not a matter of confidentiality—is a provision in the bill of the House of Representatives which is related to military chaplains. I will read from the House bill.

Each Chaplain shall have the prerogative to pray according to the dictates of the Chaplain's own conscience, except as must be limited by military necessity, with any such limitation being imposed in the least restrictive manner feasible.

That is the end of the proposed bill language. That is what I would like to address at this time.

I first want to say that the Senate has no such provision, and therefore we have to resolve the difference between the two bodies. The House of Representatives put this provision in during markup, which is the time they go over their bill. Another amendment was offered in that markup and rejected. It is referred to as follows: ''Amendment to H.R. 5122, offered by Mr. Israel,'' Member of Congress, and it provides in section 590, which I just read, relating to military chaplains: at the end of the quoted matter inserted by each of the subsections (a), (b), (c), (d), and (e), insert the following: '', except that chaplains shall demonstrate sensitivity, respect, and tolerance for all faiths present on each occasion at which prayers are offered''.

I personally have not decided on what version I personally feel should

address this problem, so I remain of an open mind. But I remain very firmly of a mind that in the brief time that we have had an opportunity to look at it and examine it here on the Senate side, the time is inadequate to address an issue which I regard as of enormous importance. This is an issue that I would hope this Chamber would have the opportunity to discuss, whether to put into law a provision as proposed by the House or a provision as proposed by Mr. ISRAEL, a Member of Congress, which addresses the perspectives of this issue from a different angle. This is just an example of the diversity of views on this important issue.

Among the conferees—I cannot name names; I will not—there is a strong division, those in favor of certain language other than what is in the House bill. Some conferees think that the provision by Mr. ISRAEL should be included. So there is at this time just an enormous uncertainty among the conferees.

The House book that contains what we call report language, which is a very helpful instrument to try to explain the background of how provisions come into our legislation, trying to explain what some of the words mean, this book is silent. The only report language is a recitation, exactly, of the proposed bill language. So there is no guidance that Congress is providing on this important phrase.

I hasten to point out that, as is the case in just about all matters that we take up in the Armed Services Committee regarding the annual authorization bill, the Secretary of Defense transmits to us opinions that he has, on behalf of the Department, with regard to proposed legislation. I now will have printed in the RECORD what is entitled:

The Department of Defense Appeal, FY 2007 Defense Authorization Bill; Subject: Military Chaplains; Language/Provision: House section 590 established chaplains at each of the Military Services would have the prerogative to pray according to the dictates of their own conscience, except as must be limited by military necessity. The Senate included no similar provision.

The Department of Defense position is they oppose this provision. This reads as follows:

This provision could marginalize chaplains who, in exercising their conscience, generate discomfort at mandatory formations. Such erosion of unit cohesion is avoided by the Military's present insistence on inclusive prayer at interfaith gatherings—something the House legislation would operate against.

The Department urges exclusion of this provision.

We have not decided as yet. But that is another dimension to the diversity of thinking on this very important provision.

As all Members in this body fully appreciate and understand, when a matter of this controversy comes along you are often singled out by a variety of people who disagree. I have not taken a position, but nevertheless I am being besieged by telephone, by bloggers, by everything else—that I have taken this or that position. I will state momentarily what I think should be done. But I am very proud of my background.

I was blessed with two magnificent parents. We were active in the Episcopal Church, and I have remained active in that faith nearly all of my life, nearly 80 years now. My uncle was a rector of a very prominent parish here in Washington, DC, in the shadow of the Washington Cathedral where I was raised, not more than three blocks from his church, and I was a regular attendee of Sunday school through that. I am just sorrowful that people attack me personally, as if I had no religious foundation. I have that foundation.

I have had the privilege to serve in uniform. Not a career—and I have said it many times here on the floor of the Senate—of any great note, a very modest career, but as a young, 17, 18-year-old in the last year of World War II, just in the training command. We were trained to be replacements to go overseas to the Pacific. The war ended. We were sent home.

But many a time in the course of that period in military service, the second chapter, this time as a United States Marine, a young officer serving in Korea, the First Marine Air Wing, at a time when, indeed, certainly the infantry troops in the front lines, where I visited on occasion, were being subject to the most difficult combat under rigorous conditions in Korea, but I knelt and prayed many, many times with my fellow soldiers—men and women, fellow marines, fellow sailors.

So I speak as one who has benefited through the years from the religion that was instilled in me through my parents and the church of my choice, and it has given me a great strength to face up to the trials and tribulations that all of us experience in a lifetime.

I respect the chaplains. I went to chaplains on occasion, and I am grateful for the counseling that they gave me. So I say, I look back with a sense of humility on what the military has taught me. Many times have I said I don't think I would ever have achieved the opportunity to be a U.S. Senator had I not had the opportunity, the privilege of serving in uniform during the periods of two conflicts of our Nation and the learning that I received throughout the military. I have often said the military did more for me than I ever did for the military. But I just will stand my ground against anyone who wishes to challenge my religion.

Now, in my 28th year in this magnificent Chamber, many is the time I stood here as our Senate opens and listened to either our chaplain or a visiting clergy. Each of us have the privilege of inviting from our several States a visiting clergy to come and deliver a prayer. It is part of the life of the U.S. Senate. I know of no effort ever to try and censor or legislate the prayers given here in the Senate, either by our chaplain or by the many who come from all over America to give their prayers here. So I am not suggesting the military is like the Senate. But it is an example of the use of prayer.

The military is different. It is for that reason, that it is different, that I think it is important that we proceed to resolve such problems as may exist today in the military regarding how our chaplains pray, that we resolve that only after the institutions of the Senate and the House of Representatives go through a careful and deliberative process, not just try in the heat of resolving a conference report, in brief meetings here and there among just a very few—well, sometimes all the conferees, sometimes in small groups—trying to reconcile the differences between legislative provisions in the House bill and those in the Senate bill.

I would like to call our attention to the Constitution of the United States. It says:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

This is such a fundamental part of our democracy. It is a pillar of strength in this Republic. But it is constantly reviewed by the courts against the different factual situations that come up.

I think the military deserves no less than to have the most careful and deliberative review of this suggested language rather than to put it into law at this time. My recommendation—I will cooperate with the conferees—is that I am not prepared to take any position on how this language should be put into law or not put into law at this time. But I do say that I will strongly recommend to the Committee on Armed Services that the seriousness of this issue literally demands that as soon as the new Congress convenes in January, the committees of the Armed Services of the Senate and the House put on hearings at the earliest possibility. You could start with this language as recommended by the House of Representatives—the Senate has no language—to go through a process where people can come in.

For example, I asked each of the chiefs of the chaplains of the Army, Navy, and the Air Force to come in and speak to the conferees—there were only four conferees there at that time—which they did. I attached the utmost confidentiality as to what they said. But I was left with the impression that now is not the time to try to quickly put this one sentence into law by virtue of incorporating it into the final draft of the conference report. Those chaplains would be quite willing to come before the Congress in open session. Let the whole of the United States see this debate unfold, as it should.

Prayer is very important to the men and women of the Armed Forces. I remember so well the old maxim, ''There

is no atheist in the foxholes of war.'' Military people, military families are heavily dependent upon the comfort that is given by prayer—prayer alone or prayer with others.

I urge this Congress not to do at this time this one sentence. I will read it again. I have difficulty, as many times as I have read it, understanding exactly what it means.

It says: Each chaplain shall have the prerogative to pray according to the dictates of the chaplain's own conscience except as must be limited by military necessity.

What is that? What is military necessity? We should define that very carefully. I continue:

With any such limitation being imposed in the least restrictive manner feasible.

That, to me, is a complicated sentence and a complicated message to put forth.

In conclusion, I will recommend to the conferees that at this time Congress not enact this bill language in the House, that we defer it to a time when the entire Senate and the entire House in open before the public invites in as many as we can possibly accommodate to give their views on the institution of the chaplain in the Armed Forces of the United States, an institution that I have known since the closing days of World War II and have known for over a half century and have seen it function and have seen it work. Before we change those rules, I think we owe no less to the men and women in the Armed Forces to have these deliberative bodies of the House and Senate have their hearings, debate the language, and then decide whether they wish or not to write language that in many respects we were admonished by the Founding Fathers to be careful, at least at the most under the First Amendment.

In addition, some of the concern—and I think it is a legitimate concern—of those proposing this language emanates from actions taken by the Department of the Air Force, the Department of the Navy, and I believe—I have not seen it—the Department of the Army in issuing certain guidance. The guidance was issued recently about this subject of prayer and other matters relating to the chaplain.

I will not go into it, but I will put in today's RECORD the documents that were issued by several military departments. You can read it for yourselves.

I think that we should put in report language in our bill two things: First, that the Secretary of Defense will stay—that means hold in abeyance—enforcement of these newly promulgated regulations until such time as the Congress has had an opportunity to hold its hearings, go through a deliberative process, and then decide whether it wishes to act by way of sending a conference report to the President for purposes of becoming the law of the land.

So it is twofold: let the system of the chaplain, which has been operating for my lifetime, half a century, serving the needs of the men and women of the Armed Forces, continue to do as they have done but stand down any regulations until studied by this coequal branch of the Government, which under the Constitution has a very special language provision that says we have a responsibility to care for the needs in general of the men and women of the Armed Forces. That is what the conference report does.

I am hopeful that the conferees will see the wisdom of this action, let this bill go forward to the President's desk so it can become law, and it can care for the men and women of the Armed Forces.

That will be written in report language. It does not have the force of law. But I am basically assured by the Department of Defense that they will comply; stay for the time being the most recent regulations, whatever they wish to call them, that have been sent out to their respective commands until Congress has had a reasonable time within which to decide whether they feel it is necessary to prepare for the President's signature a new law.

Mr. President, I ask unanimous consent that additional materials regarding this subject be printed in the RECORD.

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

DEPARTMENT OF THE NAVY

SECNAV INSTRUCTION 1730.7C

d. Chaplains

(1) Chaplains are Qualified Religious Ministry Professionals (RMPs) endorsed by a Department of Defense (DOD)—listed Religious Organization (RO) and commissioned as CHC officers.

(2) As a condition of appointment, every RMP must be willing to function in a pluralistic environment in the military, where diverse religious traditions exist side-by-side with tolerance and respect. Every RMP must be willing to support directly and indirectly the free exercise of religion by all military members of the DON, their family members, and other persons authorized to be served, in cooperation with other chaplains and RMPs. Chaplains are trained to minister within the specialized demands of the military environment without compromising the tenets of their own religious tradition.

(3) In providing religious ministry, chaplains shall strive to avoid the establishment of religion to ensure that free exercise rights are protected for all authorized personnel.

(4) Chaplains will provide ministry to those of their own faith, facilitate ministry to those of other faiths, and care for all service members, including those who claim no religious faith. Chaplains shall respect the rights of others to their own religious beliefs, including the right to hold no beliefs.

(5) Chaplains advise commands in matters of morale, morals, ethics, and spiritual well-being. They also serve as the principal advisors to commanders for all issues regarding the impact of religion on military operations.

(6) Chaplains are non-combatants. Chaplains are not authorized to obtain weapons qualifications, warfare qualifications, or bear arms; however, chaplains who attained weapons or warfare qualifications during prior service as a combatant are authorized to wear their awards and/or warfare qualifications. Chaplains are eligible to qualify for and to wear the insignia of qualification designations such as Fleet Marine Force, Basic Parachutist, and Navy/Marine Parachutist.

6. Responsibilities of Commanders

a. Commanders shall provide a Command Religious Program (CRP) in support of religious needs and preferences of the members of their commands, eligible family members and other authorized personnel. The CRP is supported with appropriated funds at a level consistent with other personnel programs within DON.

b. Chaplains will not be compelled to participate in religious activities inconsistent with their beliefs.

c. Commanders retain the responsibility to provide guidance for all command functions. In planning command functions, commanders shall determine whether a religious element is appropriate. In considering the appropriateness for including a religious element, commanders, with appropriate advice from a chaplain, should assess the setting and context of the function; the diversity of faith that may be represented among the participants; and whether the function is mandatory for all hands. Other than Divine/Religious Services, religious elements for a command function, absent extraordinary circumstances, should be non-sectarian in nature. Neither the participation of a chaplain, nor the inclusion of a religious element, in and of themselves, renders a command function a Divine Service or public worship. Once a commander determines a religious element is appropriate, the chaplain may choose to participate based on his or her faith constraints. If the chaplain chooses not to participate, he or she may do so with no adverse consequences. Anyone accepting a commander's invitation to provide religious elements at a command function is accountable for following the commander's guidance.

d. Commanders shall, when in a combat area, only assign, detail, or permit chaplains, as non-combatants under the Geneva Convention, to perform such duties as are related to religious ministry under Art. 1063 of reference (b).

e. Commanders shall not assign chaplains collateral duties that violate the religious practices of the chaplain's religious organization or that require services in a capacity in which the chaplain may later be called upon to reveal privileged or sensitive information.

f. Commanders shall not assign chaplains duties to act as director, solicitor, or treasurer of funds, other than administrator of a Religious Offering Fund; or serve on a court-martial; or stand watches other than that of duty chaplain.

U.S. ARMY

Army Chaplains & Military/Patriotic Ceremonial Prayer: How does the Army Chief of Chaplains address chaplains and Military/Patriotic Ceremonial Prayer?

AR 1651–1, Chaplain Activities in the United States Army, has several pertinent statements. Paragraph. 1–4 a. reads, ''In, striking a balance between the 'establishment' and 'free exercise' clauses the Army chaplaincy, in providing religious services and ministries to the command, is an instrument of the U.S. Government to ensure that soldier's religious 'free exercise' rights are protected. At the same time, chaplains are trained to avoid even the appearance of any establishment of religion.'' Paragraph 4–4h. reads, ''Military and patriotic ceremonies may require a chaplain to provide an invocation, reading, prayer, or benediction. Such occasions are not to be considered religious

services. Chaplains will not be required to offer a prayer, if doing so would be in variance with the tenets or practices of their faith group.''

Chaplains provide prayer within worship services governed by the tenets of their faith. Chaplains also provide prayer in public ceremonies which are patriotic/military (sometimes called secular). The former are completely voluntary; the latter are often required functions at which all manner of people are present. It is at these non-worship ceremonies that the Chaplains must consider their obligations to assist every Soldier to pray.

There is no Army regulatory guidance prohibiting an individual from praying or directing an individual to pray in any specific manner. AR 165–1 is intended to strike a balance between a Chaplain's right to freely express his or her own personal religious beliefs and the Chaplain's duty to ensure that every Soldier is afforded his or her ''free exercise'' rights under the Constitution.

Pluralism and religious accommodation are trained throughout the Chaplain life cycle with the bulk of the subject matter conveyed in the foundation courses at the Chaplain Officer Basic Course. AR 165–1 is the reference for this training.

The Army Chief of Chaplains sees no reason to provide additional guidelines concerning Chaplains and public prayer since AR 165–1 is sufficient.

The Army Chief of Chaplains will not dictate how an Army Chaplain performs his or her prayer. Chaplains are trained and expected to use good judgment when addressing pluralistic audiences at public, non-worship ceremonies.

U.S. AIR FORCE

REVISED INTERIM GUIDELINES CONCERNING FREE EXERCISE OF RELIGION IN THE AIR FORCE

We are sworn to support and defend the Constitution of the United States. In taking our oath we pledge our personal commitment to the Constitution's protections for free exercise of religion and its prohibition against government establishment of religion.

We will remain officially neutral regarding religious beliefs, neither officially endorsing nor disapproving any faith belief or absence of belief. We will accommodate free exercise of religion and other personal beliefs, as well as freedom of expression, except as must be limited by compelling military necessity (with such limitations being imposed in the least restrictive manner feasible). Commanders should ensure that requests for religious accommodation are welcomed and dealt with as fairly and consistently as practicable throughout their commands. They should be approved unless approval would have a real, not hypothetical, adverse impact on military readiness, unit cohesion, standards, or discipline. Avoidance of schedule conflicts between official activities and religious observances can enhance unit effectiveness and demonstrate mutual respect.

Chaplain service programs are the responsibility of commanders. Chaplains impartially advise commanders in regard to free exercise of religion, and implement programs of religious support and pastoral care to help commanders care for all their people, including opportunities for free exercise of individual beliefs. We will respect the rights of chaplains to adhere to the tenets of their religious faiths and they will not be required to participate in religious activities, including public prayer, inconsistent with their faiths.

Leaders at every level bear a special responsibility to ensure their words and actions cannot reasonably be construed to be officially endorsing nor disapproving any faith belief or absence of belief. In official circumstances or when superior/subordinate relationships are involved, superiors need to be sensitive to the potential that personal expressions may appear to be official, or have undue influence on their subordinates. Subject to these sensitivities, superiors enjoy the same free exercise rights as all other airmen.

Voluntary participation in worship, prayer, study, and discussion is integral to the free exercise of religion. Nothing in this guidance should be understood to limit the substance of voluntary discussions of religion, or the exercise of free speech, where it is reasonably clear that the discussions are personal, not official, and they can be reasonably free of the potential for, or appearance of, coercion.

Public prayer should not imply Government endorsement of religion and should not usually be a part of routine official business. Mutual respect and common sense should always be applied, including consideration of unusual circumstances and the needs of the command. Further, non-denominational, inclusive prayer or a moment of silence may be appropriate for military ceremonies or events of special importance when its primary purpose is not the advancement of religious beliefs. Military chaplains are trained in these matters.

General rules regarding use of Government computers apply to personal religious matters as they do for other personal matters. Chaplain programs will receive communications support as would comparable staff activities.

These guidelines are consistent with the responsibility of commanders to maintain good order and discipline, and are consistent with the core values of the Air Force: integrity first; service before self; and excellence in all we do.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On March 8, 2006, in Savannah, GA, David Bennett was attacked by five men outside a local gay bar. According to police, Sidney Swift, one of the alleged attackers, made several antigay remarks towards Bennett while in police custody. Swift's motivation for attacking Bennett was based solely on his sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

TRIBUTE TO BEN CHATER

Mr. LEAHY. Mr. President, in my 32 years as a U.S. Senator, I have met many extraordinary people. They have included Presidents, Kings and Nobel laureates, artists, soldiers, nurses, activists, and ordinary Americans who are doing any number of wonderful, selfless, and courageous things for their families, their communities, and their country. Some of these people chose careers in public service. Others were leading normal, uneventful lives when they were unexpectedly confronted with circumstances that caused them to become leaders. Many have simply lived inconspicuous lives caring for others. And then there are those who have struggled to overcome unfair and seemingly impossible hurdles and in doing so have shown a force of character and spirit that breaks barriers and inspires awe among everyone they meet.

Ben Chater, a Vermonter who interned in my office several years ago during the summer after his sophomore year at the University of California at Berkeley, is in the latter category. Born with cerebral palsy, Ben has faced obstacles from birth that the rest of us could not even imagine, much less overcome. He has done so with amazing grace, courage, and good humor, and his accomplishments are nothing short of awe inspiring. Ben's refusal to let his disability prevent him from taking on practically any challenge has been an example for me and my wife Marcelle, for my staff, and for virtually everyone who has come into contact with him.

I have little doubt that Ben will continue to set ambitious goals and in reaching them he will demonstrate even further the incredible capacity of the human spirit to overcome adversity. He will also continue to erase the stereotypes and misconceptions about the potential of people with disabilities.

Ben was recently the subject of an article in the Vermont Sunday Magazine by Tom Slayton, who is also the editor of Vermont Life, and I ask unanimous consent that it be printed in the RECORD so others can be inspired by Ben's life and accomplishments.

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

[From the Vermont Sunday Magazine, September 10, 2006].

''IN AWE OF BEN''—BEN CHATER, 23, WITH CEREBRAL PALSY, FINISHES BERKELEY, PREPARES FOR LIFE'S NEXT CHALLENGE

(By Tom Slayton)

This is the story of a fine mind living in a body that won't cooperate.

Ben Chater, 23, of Montpelier has had cerebral palsy since birth. Due to a difficult birth, Ben's brain was deprived of oxygen for a few moments. As a result, he has a major disability—he has limited control over movements of his limbs, or the rest of his body.

He requires assistance with everyday living—getting dressed in the morning, eating a meal, taking a shower. He speaks with some difficulty and requires a motorized wheelchair to get around.

However, Ben's mind is complete and undamaged. In fact, he is extremely bright.

He graduated this year, with honors, from the University of California at Berkeley with degrees in English and linguistics, the study of language—how it works, how sounds combine to make meaning, how the language we use shapes our thinking and our experience.

Linguistics is not for the faint of heart. Or mind. But Ben is neither.

For his work in that field, Ben received the Departmental Citation for Excellence in Linguistics, awarded by the faculty of the department to an outstanding student. He was the only student at Berkeley to receive that award this year.

Ben is not only an outstanding student; he is an outstanding person.

After talking with him for even a few minutes, one forgets the fact that he is in a powered chair and has some difficulty forming words. What remains is the lasting impression of an intelligent, positive, hopeful young man.

''I'm frankly in awe of Ben,'' says his mother, Maude Chater. ''There's a grace about him that I don't understand—nor do I need to.''

Maude and her husband, Mike, have worked long and hard to help Ben achieve an independent life. Perhaps the hardest thing for them to do, in recent years, has been to stand back and get out of Ben's way.

''It's very hard for families to resist their protective instincts,'' she notes quietly.

In addition to academic success that would be remarkable in a person with normal abilities, Ben has served as an intern in the office of U.S. Sen. Patrick J. Leahy, living in Washington while working for the senator. And he recently took—and aced—the LSAT exams—the qualifying exam for law school.

However, all that success does not eliminate the fact that he has difficulties the rest of us cannot imagine.

Recently, Ben went outside into the back yard to check on a blueberry patch, alone, while family members were out and about, as usual. He drove his motorized chair uphill toward some trees—and got mired in a soft spot in the yard.

Two hours later, when his mother arrived back home, she found Ben, still mired, still in his chair, stuck in front of one of the trees. When she went to assist him, Ben's only wry comment was:

''It's a nice tree . . . really!''

Early on—when Ben was a junior at Montpelier High School, to be exact—his special qualities became apparent to all of his classmates.

For Ben, as for most kids, it was a time of change, uncertainty and social stress. Many of the young people he had grown up with had begun to change their interests, and old friends drifted away and new ones didn't appear to take their places. More than most kids, Ben felt isolated.

Unlike most kids, though, he decided to do something about it. He received permission from the school administration to call a school-wide assembly, and at it he spoke to his fellow students about what he saw and felt. He spoke about what it was like to be Ben Chater, teenager, confused and lonely. ''I felt I needed to do something,'' Ben says, remembering the assembly.

What he discovered that day was that he was not alone. Many of his classmates and other students approached him afterward and said they felt exactly the same way—and they thanked him for putting their feelings into words along with his own.

''I don't know a single kid who loved every minute of high school,'' he says.

With his parents' backing and encouragement, he has always tried to join in the activities and share the interests of his peers. If a school field trip involved climbing a mountain, Ben's first thought was not: ''I can't go,'' but ''How can I climb the mountain, too?''

(Answer: ''We need to get a really strong guy to carry me up the mountain on his back.'' And that's the way it happened.)

But college presented a whole new set of challenges.

How could Ben get by without the assistance of his parents? (Answer: Hire and manage assistants. There are some Social Security funds for just that purpose.)

How could he do the immense amount of work that college typically demands? What about lengthy term papers, for example?

(Answer: The world of electronic communication—computers, e-mail, the Web, blogging and so on—has actually been very helpful to Ben. True, his hands and fingers won't obey his mental commands, but he makes expert use of a headset that enables him to type by tapping with a pointer attached to his head.

When ''translated'' into computer strokes and electronic impulses, Ben's words and ideas can be communicated freely. And the excellence of his ideas and scholarship stands out.)

How would Ben get to classes in a multistory building, meet with professors, register, even accomplish something as basic as going to the bathroom in a standard multistory academic building? (Answer: Attend a university that prides itself on integrating disabled students into all its classes and activities.)

After considerable research and a couple of visits, Ben decided to apply and was accepted at Berkeley, one of the nation's most competitive universities.

''Going to Berkeley expanded my horizons in just about every way imaginable,'' he says of the school, which is located across the bay from San Francisco.

As Ben explains the situation at Berkeley, he smiles and mentions the school's diverse, multi-ethnic, multi-cultural student body.

''In most cities, 'diversity,' means there are a lot of different sections of town, each with its own different ethnicity or whatever,'' he said. ''But in Berkeley, everybody—all the different kinds of people—lives together. . . . And that creates a kind of social comfort I had never seen before.''

People in the Bay area—in California generally, according to Ben—prefer to make life easy and non-confrontational. They tend to be more accepting of different kinds of people because there are a lot of different kinds of people living close together. That means acceptance is the rule, not the exception.

''People with disabilities are just another element in that kind of melting pot,'' Ben said. ''There are a lot of folks in chairs out there—so it's easy to get around.''

And people with significant disabilities are more accepted, more worked into the everyday mix of society, he noted.

That doesn't mean that bad things, never happen.

Ben tells the story of the time he went into San Francisco to a concert. His plan was to meet friends in the city and go to the Fillmore, one of the city's main event venues. Then his friends would help him take the Bay Area Rapid Transit train back across the Bay to his apartment.

But things began to go wrong as soon as he reached San Francisco. He couldn't find his friends at all, and by the time the concert got out, he realized that he had to return home on his own.

Unfortunately, by the time he worked all that out, the BART trains had stopped for the night, so Ben had to go home by bus—a much longer and more circuitous route. He found his way to the Trans-Bay Bus terminal, and got a bus part-way home, to Oakland. It was late at night by then, and Ben had to wait in downtown Oakland for a bus to Berkeley.

The bus finally arrived and Ben drove his motorized chair onto the special lift that buses in the Bay area carry for passengers with disabilities. At that moment, the lift broke down.

And so at 3 a.m. Ben sat suspended over the street, waiting for 45 minutes for a mechanic to come and repair the lift.

Eventually the mechanic fixed the lift, the bus rolled out of the Oakland station, and Ben got home—as the sun was rising at about 5 a.m. He passed out in his chair and was later helped to bed by his roommate.

Such experiences have not cramped Ben's spirit. Now, with his degree in linguistics, a high score on the LSATs, and college behind him, he's taking a bit of a break, letting things settle, thinking about his next move.

There is an employment possibility at Berkeley that he's considering, but he's also visiting law schools—he and his father, Mike Chater, checked out Yale last week; and Ben would also like to visit Columbia and New York University. Eventually, he plans to apply to several law schools, choose one, and start next year. He's also thinking about traveling.

Like many young men and women his age, he also doesn't know precisely what career he wants to follow.

''The thought of being a lawyer . . . working in an office for the rest of my life is not all that exciting,'' he said. ''But going to law school gives you a lot of options—you can do a lot of things with a law degree.''

His dad, Ben notes, has counseled him to keep as many options open as he can.

Ben obviously has some things going for him. One is the steady, strong support of his parents.

''Our family was definitely oriented around Ben in his early years,'' Maude Chater says, ''When he got into high school, he directed us to back off a bit.''

Vacations and trips have occasionally been challenging. ''We travel, but we don't travel light,'' Maude quips.

Independence has been Maude and Mike's goal for Ben since his birth, and they realize that to foster independence in a person you have to let them be independent.

But there are moments—especially when Ben wants to take a significant step forward, like foreign travel or learning to drive—that can cause the mental brakes to go on in a parent's head. The difficulties Ben faces with daily living are probably at least as stressful on his parents as on Ben himself. But they have learned to stand back. They have learned to learn.

And they are regularly amazed by their son's courage.

For his part, Ben doesn't waste any time at all on self-pity. Not a moment.

''I've never spent a lot of time thinking about what life would be like if I weren't disabled,'' he said recently. ''I believe that everyone's dealt a set of cards, and it doesn't matter which cards you're dealt—it's how you play them.''

Interestingly, although he is well aware of the inequities that people with disabilities face in society, he said recently, ''There are a lot of things about our society that aren't right, and that aren't fair.''

But he said he doesn't want to spend his life worrying about that.

What he said he has learned, and is still learning, is that the more comfortable people can be with themselves, the more power they have over their lives—and by extension, the conditions around them.

Ben doesn't think of himself as a teacher, but he is one. Those who know him say he has taught them about the dignity and deep value inherent in every person, no matter

what their circumstances. At Berkeley, one of his nicknames was ''The Rabbi,'' because of the wise counsel he would offer his classmates, when asked.

He remains modest about his achievements, the long learning process he has come through and the long road that remains ahead. ''I'm definitely in the middle of a lengthy process of figuring out which end is up,'' he said. ''It's a process that everyone has to figure out for themselves.''

And what are his parents' hopes?

''Our hope for Ben is that he is able to live independently, support himself, and be happy,'' Maude says ''. . . that he finds his place in the world.''

DISASTER RECOVERY PERSONAL PROTECTION ACT

Mr. VITER. Mr. President, as the Senate author of the Disaster Recovery Personal Protection Act of 2006 and a cosponsor of the District of Columbia Personal Protection Act, I believe we must work to support the ability of law-abiding citizens to defend and protect themselves and their families from criminal activity. It has been proven time and time again that prohibiting law-abiding citizens from owning a legal and constitutionally protected firearm does not reduce crime but, as this article which I will ask to have printed in the RECORD states, in fact, increases crime.

I ask unanimous consent that an article published in the August 7 issue of Legal Times entitled ''The Laws That Misfire: Banning guns doesn't work—in the District or anywhere else'' authored by Don B. Kates be printed in the RECORD.

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

[From Legal Times, Aug. 7, 2006]

THE LAWS THAT MISFIRE

(By Don B. Kates)

The District of Columbia is now suffering from what its police chief on July 11 called a ''crime emergency.''

In 1976 the District banned handguns and required that all other guns be kept unloaded and disassembled, making them unavailable for self-defense. The result is that for 30 years, only lawbreakers have had guns readily available for use in the District.

Is that effective policy? Is it a sensible way to respond to a crime emergency? Those policy questions, in addition to purely legal issues, arise in pending litigation that brings a Second Amendment challenge against the District's gun bans.

I recently filed a Brandeis amicus brief supporting this constitutional challenge. My co-counsel were 12 other law professors, and the amici we represent include 16 American, Australian, and Canadian social scientists and medical school professors.

The case in question, Parker v. District of Columbia, is currently before the U.S. Court of Appeals for the D.C. Circuit, after an unfavorable ruling in the District Court. The plaintiffs include a woman under a death threat for reporting neighborhood drug-dealing to police and a gay man who used his handgun to defend himself against a hate crime. This brief was filed pro bono, and the amici are not being paid.

What this amicus brief shows is significant, and the information it contains may surprise some. For the truth about gun bans is that they are policy failures even on their own terms: More guns don't mean more death, and fewer guns don't mean less death. Gun bans like the District's simply don't work.

BRITAIN'S FAILURE

Before the District adopted these policies in 1976, its murder rate was declining. Shortly after the District adopted the gun bans in an effort to reduce crime and violence, its murder rate became the highest of any large American city. It has remained the highest throughout the 30 years these policies have been in force (excepting the few years when the District ranked second or third).

To excuse this disastrous history, anti-gun advocates assert that gun bans covering only a single city are unenforceable.

True enough, but experience shows that gun bans covering an entire nation are also unenforceable In the United Kingdom, decades of severe gun control failed to stem steadily rising violent crime. So in 1997 the United Kingdom banned and confiscated all legally owned handguns. Yet by 2000 the United Kingdom had the highest violent-crime rate in the Western world—twice ours—and it still does today.

Gun bans are far from working even in a relatively small island nation, the report of England's National Crime Intelligence Service laments: Although ''Britain has some of the strictest gun laws in the world [i]t appears that anyone who wishes to obtain a firearm [illegally] will have little difficulty in doing so.''

American anti-gun advocates used to cite the United Kingdom, Canada, and Australia as nations where low violence stemmed from severe gun restrictions. But in recent decades those nations' violent-crime rates have skyrocketed, first matching and now far surpassing ours.

In the 1990s those nations moved from severe controls to outright bans and confiscation of half a million guns. Today, Australia and Canada join the United Kingdom in having the highest violent-crime rates in the Western world—more than double ours.

MURDER RATES

For decades anti-gun advocates claimed that America, with the world's highest gun-ownership rate (true), had the highest murder rate (false).

In fact, the recently revealed Russian murder rate for the past 40 years has been consistently higher than the American rate. The Russian murder rate in the 1990s and 2000s has been almost four times higher than the U.S. rate. All this despite Russia's 70 years of banning handguns and strictly controlling long guns—laws that it enforced with police-state methods. Various European nations, including Luxembourg, also ban handguns but have much higher murder rates than the United States does.

Gun bans reflect a quasi-religious belief that more guns (particularly handguns) mean more violence and death, and, concomitantly, fewer guns mean fewer deaths.

This belief is quasi-religious because the believers cling fanatically to it despite scores of studies around the world finding no such correlation.

Consider the 2004 U.S. National Academy of Sciences evaluation: Having reviewed 253 journal articles, 99 books, 43 government publications, and some empirical research of its own, the academy could not identify any gun law that had reduced violent crime, suicide, or gun accidents.

American statistics on both the numbers of guns and murder rates are available from immediately after World War II to the present. In 1946, with about 48 million guns in the country, the U.S. murder rate was 6 per 100,000 people.

By 2000 the number of guns had increased fivefold (to more than 260 million), but the murder rate was almost identical (6.1). It remained there as of year-end 2004, despite the 12 million guns added to the American gun stock since 2000.

In the 60 years since World War II, U.S. murder rates dramatically increased and dramatically decreased—but not in relation to gun ownership, which increased substantially every year.

In the 1950s our murder rate held steady despite the addition of roughly 2 million guns per year. In the mid-'60s through the early '70s, the murder rate doubled, while 2.5 million to 3 million guns were added annually. In the late '70s, the murder rate held steady and then declined, even as 4 to 5 million more guns were added annually. Murder rates skyrocketed with the introduction of crack in the late '80s, but in the '90s they dramatically decreased, even as Americans bought 50 million more guns.

In sum, between 1974 and 2003, the number of guns doubled, but murder rates declined by one-third. So much for the quasi-religious faith that more guns mean more murder.

Multinational studies also discredit that faith. An American criminologist's comparison of homicide- and suicide-mortality data with gun-ownership levels for 36 nations (including the United States) for the period 1990–1955 showed ''no significant (at the 5% level) association between gun ownership and the total homicide rate.''

A somewhat later European study of data from 21 nations found ''no significant correlations [of gun-ownership levels] with total suicide or homicide rates.'' When you look at the data, guns aren't increasing murders.

WHO KILLS

The myth of more-guns-meaning-more-murder makes sense to people who think most murders involve ordinary people killing in moments of ungovernable rage because guns were available to them.

But ordinary people do not commit most murders, or many murders, or almost any murders. Almost all murderers are extreme aberrants with life histories of violence, psychopathology, substance abuse, and other crime.

Only about 15 percent of Americans have criminal records. But homicide studies reveal nearly all murderers have adult criminal records (often showing numerous arrests), have been diagnosed as psychotic, or have had restraining orders issued against them.

Obviously, such dangerous aberrants should not be allowed any instrument more deadly than a toothpick. Unfortunately, they disobey gun laws just as they disobey laws against violence. But law-abiding adults do not murder, guns or no guns, so there is little point is trying to disarm them.

DEFENDING THE INNOCENT

Worse, banning guns to the general public is not just useless but also counterproductive. Criminals prefer victims who are weaker than they are. The unique virtue of firearms is that they alone allow weaker people to resist predation by stronger, more violent ones.

A recent criminological evaluation states: ''Reliable, durable, and easy to operate, modern firearms are the most effective means of self-defense ever devised. They require minimal maintenance and, unlike knives and other weapons, do not depend on an individual's physical strength for their effectiveness. Only a gun can allow a 110 pound woman to defend herself against a 200 pound man.''

Research has shown guns are six times more often used by victims to repel criminals than by criminals committing crimes.

But Handgun Control Inc. tells victims not to resist rape or robbery in any way: ''The best defense against injury is to put up no defense—give them what they want or run.'' This anti-gun position, too, is bereft of criminological support. Twenty years of National Institute of Justice data show that victims who resist with guns are less likely to be injured, and much less likely to be raped or robbed, than victims who submit. Indeed, in more than 80 percent of cases where a victim pulls a gun, the criminal turns and flees whether he has a gun or not.

When speaking at universities here and abroad, I am often asked, ''Wouldn't it be a better world if there were no guns?''

I am a criminologist, not a theologian. If you want a world without guns and you think there is a God, pray for him to abolish guns. Human laws cannot disarm lawbreakers, but only the law-abiding.

Firearms are the only weaponry with which victims can reliably resist aggressors. In their absence, the ruthless and strong can oppress the weak.

Such oppression in the District is really the crime emergency. And as the District responds, it should take an unbiased look at the social-science data. It should rethink its gun bans now under legal challenge. And after 30 years of failed prohibition, it should now let its law-abiding citizens arm themselves for their own protection.

ADDITIONAL STATEMENTS

BRIGADIER GENERAL ROBERT FRANCIS McDERMOTT

● Mrs. HUTCHISON. Mr. President, I would like to take this moment to honor a dear friend and dedicated community leader who passed away on August 28, 2006. GEN Robert McDermott leaves behind a legacy of distinguished service to his country and his community, and he will be dearly missed.

GEN Robert Francis McDermott was born on July 31, 1920, in Boston, MA, to Alphonsus and Anna McDermott. He graduated from the Boston Latin School in 1937 and continued his education at Norwich University. He received an appointment to the United States Military Academy in 1940 and was commissioned on January 19, 1943. In 1950, General McDermott earned an MBA degree from Harvard University.

On January 20, 1943, General McDermott married Alice Patricia McDermott at Trinity Chapel at West Point. Their marriage would last 47 years until Alice's death in 1990. Following their wedding, General McDermott was assigned to the 474th Fighter Bomber Group as its deputy group operations officer and flew 61 combat missions in a P–38 during World War II in the European Theatre. After the war, he remained in Europe on General Eisenhower's staff and later served in the Pentagon.

After teaching economics at West Point for 4 years, General McDermott was assigned to the newly established Air Force Academy as vice dean and professor of economics. In 1956, he was appointed Dean of Faculty, and in 1959, President Eisenhower appointed General McDermott the first Permanent Dean of Faculty and promoted him to brigadier general. At that time, he was the youngest flag-rank officer in all of the armed services. In recognition of General McDermott's contributions and innovations at the Air Force Academy, the Air Force named the cadet library for him and called him the ''Father of Modern Military Education.'' He retired from the Air Force in 1968.

General McDermott joined USAA—United Services Automobile Association—as executive vice president, and became its president in January 1969. Throughout his career, McDermott's philosophy was to nurture the employees and to promote their personal and professional growth treating them and USAA's customers by the Golden Rule. His efforts bore success. In 1993, USAA was ranked No. 1 in ''The 100 Best Companies to Work for in America.'' General McDermott retired as chairman and CEO of USAA in 1993.

On August 6, 1994, General McDermott married Marion Slemon of Colorado Springs. They enjoyed his retirement in San Antonio and Colorado Springs, but General McDermott did not slow down. He was active in the San Antonio community with business and charitable organizations, enjoyed traveling to visit family and friends, and continued playing golf and his trombone.

As a dedicated and enthusiastic advocate for San Antonio, General McDermott worked tirelessly to advance economic development in the area. In 1974, he was elected chairman of the Greater San Antonio Chamber of Commerce and promoted San Antonio as a center for domestic and international growth. He also founded the Economic Development Foundation and was a cofounder of United San Antonio. In the 1980s, General McDermott focused on the development of biotechnology in San Antonio to provide the city with a viable economic sector for the 21st century. In 1984, he founded the Texas Research and Technology Foundation which began development of the Texas Research Park—TRP—the core of biotechnology for San Antonio. In the early 1990s, General McDermott also led a group of local investors to buy the San Antonio Spurs to assure it would stay in San Antonio. To coach the Spurs, he selected Air Force Academy graduate Gregg Popovich who led the team to win three NBA championships.

For General McDermott's wide-ranging efforts on behalf of San Antonio, the city of San Antonio named a section of Interstate Highway 10 West as the ''Robert F. McDermott Freeway.'' He also received recognition for his business and educational activities, including an elementary school named for him, induction into the Texas Business Hall of Fame in 1987 and the American National Business Hall of Fame in 1989; the recipient of the Distinguished Graduate Award from West Point in 1993; the recipient of Harvard Business School's Alumni Achievement Award in 1998; and most recently, the University of the Incarnate Word established the Robert F. McDermott Professorship in Organizational Leadership this year.

Today I honor the passing of a great family man, a terrific friend, and an outstanding community leader.●

NATIONAL MINE RESCUE COMPETITION

● Mr. ENZI. Mr. President, I am pleased today to report some good news with regard to mine safety and to congratulate FMC Corporation's White Team for being the best mine rescue team in the Nation. As we all know, the mining community experienced a profound loss this year with the disasters at the Sago and Aracoma coal mines in West Virginia and at the Darby Mine in Kentucky. The tragic loss of life in these accidents served to reaffirm the commitment of all those involved in the industry to ensuring and improving the safety and welfare of our Nation's miners.

Essential to that effort, and emblematic of our commitment, was the passage of the Mine Improvement and New Emergency Response, MINER, Act of 2006. The MINER Act passed this body unanimously. It was then signed into law by President Bush and implemented by the Mine Safety and Health Administration, MSHA.

As the primary sponsor of the MINER Act, I am confident that this new law will improve the safety of our underground mines and reduce the likelihood of similar tragic accidents in the future. In the careful and deliberate process of developing the MINER Act, the views of all stakeholders were solicited and carefully considered. Although in many areas there were differences of opinion, all those involved in the issue of mine safety were in agreement on the critical role played by mine rescue teams and universal in their praise of the dedicated individuals who serve on them.

Rescue teams represent the very finest traditions of the mining community. Composed of volunteers, highly trained and experienced, these teams stand ready to come to the aid of their fellow miners in the most critical and dangerous of situations. The MINER Act explicitly recognizes the essential role of mine rescue teams and the importance of their training and support.

Part of the training and the tradition of mine rescue teams is their participation in competitions that pit the teams against each another. Each year MSHA holds a national mine rescue competition that draws teams from throughout the United States. This year, the metal, nonmetal mine competition was held in Reno, NV. I am particularly pleased to report four teams from southwestern Wyoming placed in the top six spots in a field of 34 teams from across the Nation.

The FMC Corporation White Team, which was led by Leroy Hutchinson, won the competition. The White Team

was followed by the FMC Red Team, led by Bob Knot. OCI Chemical's Blue Team, which was led by Gary Ruiz, placed fifth, and Solvay's Silver Team, which was led by Shawn Marshall, placed sixth.

These teams represent the best of southwest Wyoming's soda ash industry. The four companies that mine the mineral Trona in Wyoming account for 90 percent of the U.S. production of soda ash. Soda ash is a commodity required for the production of glass. It is also a very important export that accounts for $500 million of our balance of trade.

I am very proud of this year's showing by our Wyoming soda ash industry in this competition. It is important to remember that although this is a competition, it is not a sport. The National Mine Safety Rescue Contest and other mine safety rescue contests are training events. They help prepare mine rescue teams so they are ready to act if they are ever called to deal with a situation that we hope will never occur.

When accidents happen, miners count on volunteer mine rescue teams to save them. Those mine rescue teams need to have the best resources available to them and the training they will need to be prepared for anything that may happen as they take on that important job. Mine rescue competitions play an important role in that effort by providing mine rescue teams with the kind of experience they will need if they are to perform at the highest level of efficiency in the event there is an emergency. They offer a chance for teams to improve their communication skills, to consider previously unforeseen problems, and to get feedback on their performance from contest judges.

Although these teams compete against each other in mine rescue contests, when a real world situation arises, they operate as one cohesive unit to affect a rescue. Each company can draw on the good will and collective expertise of the mine rescue teams to help bring miners in danger to safety. In the spirit of brotherhood and cooperation, the teams know that if there is a mine emergency, they will have the support they will need to bring the victims of the accident and their fellow rescue workers out of the mine and home to their families and loved ones.

In other words, while these companies compete in the marketplace and mine rescue teams compete in these contests, they will stand shoulder to shoulder should an accident occur at the mine.

I would like to include the names of each of the participants of our teams in southwest Wyoming who competed in the national mine rescue competition. Although I particularly want to congratulate the FMC White Team, the FMC Red Team, OCI Chemical's Blue Team, and Solvay's Silver Team, I congratulate and thank all those who participated. Your efforts continue to make a difference by making our mines a safer place for all our Nation's miners to work.

The information follows.

FMC White Team: Leroy Hutchinson (Captain) (Benchman), Tony Herrera, Alan Jones (Gas), Robert Byers, Brad Roll, Bronson Berg, Vern Plantenberg, Mike Padilla (Team Trainer).

FMC White First Aid: Robert Byers, Bronson Berg, Vern Plantenberg.

FMC Red Team: Bob Knott (Captain), Mark Anderson, Rick Owens (Gas), Robert Pope, Bill Madura, Daniel Hellickson, Rod Knight (Benchman), Mike Padilla (Team Trainer), Dave Hutchinson (Team Trainer), Rick Steenberg (Official in Charge), Robert Pope, Mark Anderson, Bill Madura.

FMC Red First Aid: Robert Pope, Mark Anderson, Bill Madura.

General Chemical Blue: Jeff Downey (Captain), Doug Cox (Gas), Steve McKeehan, Mickey Smith, Willie Cederburg, Stan Owens, Terry Hansen, Leslie Wareham (Benchman), Keith Mullins (Team Trainer), David Graham (Official in Charge), Mickey Smith, Terry Hansen, Steve McKeehan.

General Chemical Blue First Aid: Mickey Smith, Terry Hansen, Steve McKeehan.

General Chemical Black: Alan Brewer (Captain), Byron Willingham, Lucas Coon (Gas), Curtiss Cooley, Jr., Steve Roberts, Tommy Graham, Ken Ball, Charles Beard (Benchman), John E. Sykes (Team Trainer), David Graham (Official in Charge), Steve McKeehan.

General Chemical Black First Aid: Byron Willingham, Steve Roberts, Curtiss Cooley, Jr.

OCI White Team: Jack J. Volsey II (Captain), Chuck Jones, Paul Larson (Gas), Ted Laughlin, Scott Counts, Kyle Butcher, Willy Moore (Benchman), Nathan Kendall, Matt Cummings (Team Trainer), Rick Terry (Team Trainer), Tim Musbach (Official in Charge).

OCI White First Aid: Chuck Jones, Ted Laughlin, Nathan Kendall.

OCI Blue Team: Gary Ruiz (Captain), Bill Mehle (Gas), Brent Skorcz, Blake Barney, Dennie Hughes (Benchman), Don O'Lexey, Richard Clark, Tyler Lovato, Rick Terry (Team Trainer), Matt Cummings (Team Trainer), Tim Musbach (Official in Charge).

OCI Blue First Aid: Blake Barney, Don O'Lexey, Dennie Hughes.

Solvay Silver Team: Shawn Marshall (Captain), Joe Thompson, Bob Clement, Scott Brown (Benchman), Gerald Maxfield (Gas), Brian Liscomb, Ryan Hansen, Dusty Martin, Jeff Tetmore (Team Trainer), John Angwin (Official in Charge).

Solvay Silver First Aid Team: Shawn Marshall, Joe Thompson, Dusty Martin.

Solvay Blue Team: Joe McDonald (Captain), Chad Rawlins (Gas), Kent Boman, Jamie McGillis, Jerry Huntington, Brian Quick, Jody Burgener, Dennis Hughes (Benchman), David Stevenson (Team Trainer), John Angwin (Official in Charge).

Solvay Blue First Aid Team: Joe McDonald, Kent Boman, Jamie McGillis.●

CREATIVE PLANTERS GARDEN CLUB

● Mr. VITTER. Mr. President, today I acknowledge the Creative Planters Garden Club of Louisiana. After the catastrophic destruction of Hurricanes Katrina and Rita, this organization has dedicated itself to rebuilding the horticulture in Louisiana, and I would like to take a few moments to highlight their efforts.

Unfortunately, like many other citizens in south Louisiana, several members of this organization lost their homes to the hurricanes that ravished our State in 2005. While many members of the Creative Planters Garden Club are rebuilding their livelihoods, they are also volunteering their time to rebuild their State. Their priorities include replacing landscape projects devastated by Hurricanes Katrina and Rita and replanting the rose garden in New Orleans Botanical Gardens in City Park. It is community involvement like this that enriches our State.

For more than 23 years the Creative Planters Garden Club has worked to enhance Louisiana communities by promoting civic stewardship and horticulture education. They have worked in conjunction with many State and local government agencies to teach and encourage gardening to children.

I applaud the members of the Creative Planters Garden Club of Louisiana for their continued service to the citizens of their community.●

REAR ADMIRAL MICHAEL K. LOOSE

● Mr. DOMENICI. Mr. President, it is with great pleasure that I rise today to recognize and honor Rear Admiral Michael K. Loose for his exceptional achievement as Commander, Naval Facilities Engineering Command and Chief of Civil Engineers, from October 2003 to October 2006.

As Commander, Naval Facilities Engineering Command, NAVFAC, Rear Admiral Loose led 17,000 civilian and military employees, executing an annual workload of $10.6 billion supporting global contingency engineering operations, the Navy shore infrastructure, and systems command engineering and acquisition support. As the chief of civil engineers, he led Active and Reserve components of the Civil Engineer Corps community of over 2,000 officers and the enlisted Seabee community of over 20,000 sailors that jointly serve as the Navy's contingency and facilities engineering experts and comprise the Naval Construction Force of 22 battalions, 4 regiments, and other supporting units.

Upon assuming command of NAVFAC, Rear Admiral Loose quickly developed an overarching strategic plan that incorporated Department of Defense, Secretary of the Navy, and Chief of Naval Operations guiding principles. Building on this foundational document, and acutely focused on the critical imperative to dramatically reduce costs to support Sea Enterprise fleet recapitalization, improve service to joint/fleet operational commands, and align and single-up accountability, Rear Admiral Loose boldly conceptualized and implemented a dramatic restructuring and transformation of all components of NAVFAC—the most comprehensive and fundamental reorganization of the command since the Navy revamped the Bureau system more than three decades ago. As a direct result of his initiative and vision,

over $600 million in savings were harvested and redirected to the fleet starting in the Program Objective Memoranda for fiscal year 2006. Overall, Rear Admiral Loose increased production productivity by 13 percent while reducing the required workforce by 1,100 civilian positions. Key elements of the transformation that enabled these efficiencies included dramatically consolidating and fully aligning NAVFAC field commands with Navy regional commanders. This structural realignment combined Navy public works centers focused on maintenance, transportation, and utilities services with engineering field divisions focused on planning, environmental, design, and construction services to establish a single, aligned, and vastly streamlined organization—a Regional Facilities Engineering Command. He also developed and executed strategic partnership agreements with Commander, Navy Installations Command and Headquarters, U.S. Marine Corps—Installations—and Commander, Naval Supply Systems Command, to enable lowest facility lifecycle business analysis and management by leveraging the transformed NAVFAC organization. With the establishment of the single, aligned Facilities Engineering Command in each Navy region, Rear Admiral Loose operationalized NAVFAC, creating a command culture of accountability, technical competency, and responsiveness to fleet mission demands and surge requirements.

Rear Admiral Loose also aggressively supported the newly established Naval Expeditionary Combat Command/Naval Expeditionary Combat Enterprise as Systems Command Commander and first chief operating officer. He developed a $400 million program to replace overage and expended equipment, weapons, personal protective gear, and materials supporting the Naval Construction Force extended operations in support of Operations Noble Eagle, Iraqi Freedom, and Enduring Freedom. Rear Admiral Loose guided the largest mobilization since Vietnam of Seabees and Civil Engineer Corps Officers, enabling outstanding mission support of Operation Iraqi Freedom and Operation Iraqi Freedom II.

Clearly, Rear Admiral Loose's comprehensive knowledge of the Navy, keen judgment, and unwavering commitment to the sailor, the Navy family, and the fleet have made him an asset to the Navy. I am proud that he is my fellow New Mexican and my fellow American, and I am pleased to recognize and thank Rear Admiral Loose for his tenure as Commander, NAVFAC and Chief of Civil Engineers.

Today I honor Rear Admiral Loose for his service to our country, his inspirational moral courage, his exceptional strategic vision, and his relentlessly bold leadership. He and his wife Carol have made many sacrifices during his career in the Navy, and I call upon my colleagues and join his family, friends, and associates to wish them ''fair winds and following seas'' as they embark on yet another great Navy adventure and continue their dedicated and outstanding service to this grateful Nation.●

HONORING SOUTH DAKOTA GAME, FISH AND PARKS

● Mr. THUNE. Mr. President, today I honor South Dakota Game, Fish and Parks for being awarded the 2006 Secretary of Defense Employer Support Freedom Award.

South Dakota Game, Fish and Parks is 1 of only 15 employers nationwide to be honored with this prestigious award. The support, encouragement, and flexibility they provide to their employees who are called to serve their country with the South Dakota National Guard illustrates that they are truly deserving of this high honor. South Dakota Game, Fish and Parks serves as a fine example of South Dakotans coming together to support the cause of freedom around the world. They are going the extra mile to accommodate our service men and women and thus ensure a safer, more secure America.

Today I together with the entire State of South Dakota, commend South Dakota Game, Fish and Parks for their commitment to serving our State and our Armed Forces.●

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–8329. 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 ''Pantoea Agglomerans Strain E325; Exemption from the Requirement of a Tolerance'' (FRL No. 8091–6) received on September 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8330. 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 ''Metrafenone; Pesticide Tolerance'' (FRL No. 8093–7) received on September 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8331. 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 ''Dithianon; Pesticide Tolerance'' (FRL No. 8090–5) received on September 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8332. 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 ''Etofenprox; Pesticide Tolerances for Emergency Exemptions'' (FRL No. 8089–2) received on September 15, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8333. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General Joseph L. Yakovac, Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–8334. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the budget models used for base operations support, sustainment, and facilities recapitalization; to the Committee on Armed Services.

EC–8335. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report relative to the operation of the premerger notification program and the Commission's and the Antitrust Division's merger enforcement activities during Fiscal Year 2005; to the Committee on Commerce, Science, and Transportation.

EC–8336. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law the report of a rule entitled ''Drawbridge Regulations (including 2 regulations beginning with CGD05–06–087)'' (RIN1625–AA09) received on September 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8337. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations; Jamaica Bay and Connecting Waterways, New York City, NY (CGD01–06–006)'' (RIN1625–AA09) received on September 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8338. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones (including 2 regulations beginning with CGD05–06–062)'' (RIN1625–AA00) received on September 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8339. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations (including 2 regulations beginning with CGD05–06–069)'' (RIN1625–AA08) received on September 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8340. A communication from the Chief, Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones (including 11 regulations beginning with CGD05–06–059)'' (RIN1625–AA00) received on September 14, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8341. A communication from the Acting Secretary of Transportation, transmitting, pursuant to law, the annual report on the administration of the Surface Transportation Project Delivery Pilot Program; to the Committee on Commerce, Science, and Transportation.

EC–8342. 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 ''Approval and Promulgation of Air Quality Implementation Plans; Wisconsin'' (FRL No. 8217–8) received on September 15, 2006; to the Committee on Environment and Public Works.

EC–8343. 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 ''Control of Air Pollution from New Motor Vehicles; Second Amendment to the Tier 2/ Gasoline Sulfur Regulations'' (FRL No. 8221–2) received on September 15, 2006; to the Committee on Environment and Public Works.

EC–8344. 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 ''Methods for Measurement of Visible Emissions'' (FRL No. 8221–4) received on September 15, 2006; to the Committee on Environment and Public Works.

EC–8345. 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 ''Preliminary Assessment Information Reporting Rule and Health and Safety Data Reporting Rule; Revision of Effective Dates'' (FRL No. 8094–8) received on September 15, 2006; to the Committee on Environment and Public Works.

EC–8346. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update'' (Notice 2006–80) received on September 15, 2006; to the Committee on Finance.

EC–8347. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Election Under Section 355(b)(3)(C) of the Internal Revenue Code'' (Notice 2006–81) received on September 15, 2006; to the Committee on Finance.

EC–8348. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Certain Cost-Sharing Payments; Conservation Security Program'' (Notice 2006–46) received on September 15, 2006; to the Committee on Finance.

EC–8349. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Railroad Track Maintenance Credit'' (RIN1545–BE91) received on September 15, 2006; to the Committee on Finance.

EC–8350. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Extension of Replacement Period for Livestock Sold on Account of Drought'' (Notice 2006–82) received on September 15, 2006; to the Committee on Finance.

EC–8351. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–8352. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $50,000,000 or more to French Guiana; to the Committee on Foreign Relations.

EC–8353. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license agreement for the export of defense articles or defense services sold commercially under contract in the amount of $50,000,000 or more to Kazakhstan; to the Committee on Foreign Relations.

EC–8354. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $50,000,000 or more to Iraq; to the Committee on Foreign Relations.

EC–8355. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–8356. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad for the United Kingdom; to the Committee on Foreign Relations.

EC–8357. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Canada; to the Committee on Foreign Relations

EC–8358. A communication from the Agency Tender Official, Installation Services, Department of Labor, transmitting, pursuant to law, two letters for Congressional notification purposes; to the Committee on Health, Education, Labor, and Pensions.

EC–8359. A communication from the Deputy Assistant Secretary, Office of Legislative and Intergovernmental Affairs, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Department's efforts in the area of transportation security; to the Committee on Homeland Security and Governmental Affairs.

EC–8360. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Auditor's Examination of McKinley Technology High School Modernization Project''; to the Committee on Homeland Security and Governmental Affairs.

EC–8361. A communication from the Chairman, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Increase in Limitation on Authorized Committees Supporting Other Authorized Committees'' (Notice 2006–17) received on September 14, 2006; to the Committee on Rules and Administration.

EC–8362. A communication from the Acting Assistant Secretary for Policy, Planning, and Preparedness, Department of Veterans, transmitting, pursuant to law, a report relative to the commercial activities which are currently being performed by Federal employees for calendar year 2005; to the Committee on Veterans' Affairs.

EC–8363. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((Docket No. FEMA–7937)(71 FR 45424)) received on September 18, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–8364. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938; to the Committee on Banking, Housing, and Urban Affairs.

EC–8365. A communication from the Deputy Assistant Secretary, Land and Minerals Management, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Final Rule: Alaska Native Veterans Allotments'' (RIN1004–AD60) received on September 18, 2006; to the Committee on Energy and Natural Resources.

EC–8366. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, a report relative to the program to be initiated for Cuba by the Agency's Office of Transition Initiatives; to the Committee on Foreign Relations.

EC–8367. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Brucellosis in Cattle; State and Area Classifications; Wyoming'' (Docket No. APHIS–2006–0138) received on September 18, 2006; to the Committee on Agriculture, Nutrition , and Forestry.

EC–8368. A communication from the Director, Office of Energy Policy and New Uses, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Office of Energy Policy and New Uses; Designation of Biobased Items for Federal Procurement'' (RIN0503–AA26) received on September 18, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8369. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report of a proposed amendment to the Rural Electrification Act of 1936; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8370. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Additives Permitted for Direct Addition to Food for Human Consumption; Bacteriophage Preparation'' (Docket No. 2002F–0316) received on September 18, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–8371. A communication from the Chairman, National Commission on Libraries and Information Science, transmitting, a report relative to the Commission's review of the draft proposal for the consolidation of the Commission into the Institute for Museum and Library Services; to the Committee on Health, Education, Labor, and Pensions.

EC–8372. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled ''5 CFR Parts 1630, Privacy Act Regulations, 1651, Death Benefits, 1653, Court Orders and Legal Processes Affecting Thrift Savings Plan Accounts, and 1690, Thrift Savings Plan'' (CFR Parts 1630, 1651, 1653, 1690) received on September 18, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8373. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Auditor's Examination of the Escrow Account Established by Accenture and the Office of Tax

and Revenue (OTR) in Connection with Contract # 99–C–004''; to the Committee on Homeland Security and Governmental Affairs.

EC–8374. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report relative to the Commission's follow up work to its 2005 report entitled ''Report to the Congress: Physician-owned Specialty Hospitals''; to the Committee on Homeland Security and Governmental Affairs.

EC–8375. A communication from the Administrator, General Services Administration, transmitting, a report relative to copies of prospectuses that support the Administration's fiscal year 2007 Capital Investment and Leasing Program; to the Committee on Homeland Security and Governmental Affairs.

EC–8376. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, a report relative to the Arts Endowment's inventory of commercial activities performed by federal employees and inventory of inherently governmental activities for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–8377. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; 'Other Rockfish' in the Central Regulatory Area of the Gulf of Alaska'' (I.D. No. 072806D) received on September 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8378. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure of Tilefish Permit Category B (Full-Time Tier 2) to Directed Tilefish Fishing'' (I.D. No. 073106E) received on September 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8379. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 073106A) received on September 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8380. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Economic Exclusive Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet (18.3 Meters) Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 073106B) received on September 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8381. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands'' (I.D. No. 081506A) received on September 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8382. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 081406C) received on September 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8383. A communication from the Deputy Assistant Administrator for Regulatory Services, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Framework 43 to the Northeast Multispecies Fisheries Management Plan'' (RIN0648–AU33) received on September 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8384. A communication from the Deputy Assistant Administrator for Regulatory Services, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Approval of a Final Rule Regulatory Amendment to Amend Individual Fishing Quota (IFQ) Program Cost Recovery Regulations'' (RIN0648–AT43) received on September 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8385. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Implementation in the Export Administration Regulations of the United States' Rescission of Libya's Designation as a State Sponsor of Terrorism and Revisions Applicable to Iraq'' (RIN0694–AD81) received on September 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8386. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''December 2005 Wassenaar Arrangement Plenary Agreement Implementation: Categories 1, 2, 3, 5 Part I (telecommunications), 5 Part II (Information Security), 6, 8, and 9 of the Commerce Control List; Wassenaar Reporting Requirements; Definitions; and Certain New or Expanded Export Controls'' (RIN0694–AD73) received on September 18, 2006; to the Committee on Commerce, Science, and Transportation.

EC–8387. A communication from the Acting Secretary of Transportation, transmitting, pursuant to law, the Department's Annual Report of the Maritime Administration for fiscal year 2005; to the Committee on Commerce, Science, and Transportation.

EC–8388. A communication from the Acting Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report relative to the Department's intention to impose new foreign-policy based export controls; to the Committee on Commerce, Science, and Transportation.

EC–8389. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to the Board's 2006 Federal Activities Inventory Reform Act inventory; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 2010. A bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes (Rept. No. 109–337).

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 3570. A bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. STEVENS for the Committee on Commerce, Science, and Transportation.

*Kevin J. Martin, of North Carolina, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2006.

*John M. R. Kneuer, of New Jersey, to be Assistant Secretary of Commerce for Communications and Information.

*Coast Guard nominations beginning with Capt. Thomas F. Atkin and ending with Capt. Paul F. Zukunft, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 7, 2006.

Mr. STEVENS. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

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

Coast Guard nomination of Tina J. Urban to be Lieutenant.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mrs. CLINTON (for herself and Mr. SPECTER):

S. 3910. A bill to direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the Capitol; to the Committee on Rules and Administration.

By Mr. DURBIN (for himself, Mr. ALEXANDER, and Mr. FRIST):

S. 3911. A bill to amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products; to the Committee on Commerce, Science, and Transportation.

By Mr. ENSIGN (for himself, Mrs. LINCOLN, Ms. COLLINS, Mr. HATCH, and Mr. TALENT):

S. 3912. A bill to amend title XVIII of the Social Security Act to extend the exceptions process with respect to caps on payments for therapy services under the Medicare program; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 3913. A bill to amend title XXI of the Social Security Act to eliminate funding shortfalls for the State Children's Health Insurance Program (SCHIP) for fiscal year 2007; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BURNS (for himself and Ms. CANTWELL):

S. Res. 572. A resolution expressing the sense of the Senate with respect to raising awareness and enhancing the state of computer security in the United States, and supporting the goals and ideals of National Cyber Security Awareness Month; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD (for himself, Mr. BROWNBACK, Mr. DEWINE, Mr. MARTINEZ, Mr. COLEMAN, Mr. KERRY, Mr. DURBIN, Mrs. CLINTON, Mr. LEAHY, Mr. BIDEN, and Mr. KENNEDY):

S. Res. 573. A resolution calling on the United States Government and the international community to support the successful transition from conflict to sustainable peace in Uganda; considered and agreed to.

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

S. Res. 574. A resolution recognizing the North Carolina Farm Bureau Federation on the occasion of its 70th anniversary and saluting the outstanding service of its members and staff on behalf of the agricultural community and the people of North Carolina; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 119

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 119, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 155

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 155, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 772

At the request of Mr. CORNYN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 772, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 1035

At the request of Mr. FRIST, his name 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. 1057

At the request of Mr. MCCAIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1057, a bill to amend the Indian Health Care Improvement Act to revise and extend that Act.

S. 1174

At the request of Mr. FEINGOLD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1174, a bill to authorize the President to posthumously award a gold medal on behalf of Congress to Robert M. LaFollette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States.

S. 1278

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1278, a bill to amend the Immigration and Nationality Act to provide a mechanism for United States citizens and lawful permanent residents to sponsor their permanent partners for residence in the United States, and for other purposes.

S. 1507

At the request of Mrs. LINCOLN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1507, a bill to protect children from Internet pornography and support law enforcement and other efforts to combat Internet and pornography-related crimes against children.

S. 1687

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 2250

At the request of Mr. GRASSLEY, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Rhode Island (Mr. REED) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2453

At the request of Mr. HAGEL, his name was withdrawn as a cosponsor of S. 2453, a bill to establish procedures for the review of electronic surveillance programs.

S. 3393

At the request of Mr. DEMINT, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3393, a bill to suspend temporarily the duty on certain boys' water resistant pants.

S. 3394

At the request of Mr. DEMINT, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3394, a bill to suspend temporarily the duty on certain men's water resistant pants.

S. 3396

At the request of Mr. DEMINT, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3396, a bill to suspend temporarily the duty on certain girls' water resistant pants.

S. 3397

At the request of Mr. DEMINT, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3397, a bill to suspend temporarily the duty on certain women's and girls' water resistant pants.

S. 3400

At the request of Mr. DEMINT, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3400, a bill to suspend temporarily the duty on certain men's and boys' water resistant pants.

S. 3401

At the request of Mr. DEMINT, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3401, a bill to suspend temporarily the duty on certain women's water resistant pants.

S. 3402

At the request of Mr. DEMINT, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3402, a bill to suspend temporarily the duty on certain girls' water resistant pants.

S. 3403

At the request of Mr. DEMINT, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3403, a bill to suspend temporarily the duty on certain women's water resistant pants.

S. 3475

At the request of Mr. OBAMA, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3475, a bill to provide housing assistance for very low-income veterans.

S. 3493

At the request of Mr. SMITH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3493, a bill to provide that quantitative restrictions shall not apply with respect to certain knit performance outerwear pants.

S. 3494

At the request of Mr. SMITH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3494, a bill to provide that quantitative restrictions shall not apply with respect to woven performance outerwear pants.

S. 3651

At the request of Mr. DURBIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3651, a bill to reduce child marriage, and for other purposes.

S. 3738

At the request of Mr. BAUCUS, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 3738, a bill to amend the Internal Revenue Code of 1986 to provide an additional standard deduction for real property taxes for nonitemizers.

S. 3744

At the request of Mr. DURBIN, the names of the Senator from New York (Mr. SCHUMER), the Senator from Connecticut (Mr. DODD) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 3744, a bill to establish the Abraham Lincoln Study Abroad Program.

S. 3771

At the request of Mr. HATCH, the names of the Senator from Montana (Mr. BURNS), the Senator from Michigan (Mr. LEVIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Hawaii (Mr. INOUYE) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 3771, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 3808

At the request of Mr. HARKIN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 3808, a bill to reduce the incidence of suicide among veterans.

S. 3880

At the request of Mr. INHOFE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3880, a bill to provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror.

S. 3885

At the request of Mr. JOHNSON, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3885, a bill to amend Public Law 98-513 to provide for the inheritance of small fractional interests within the Lake Traverse Indian Reservation.

S. 3887

At the request of Mr. DORGAN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 3887, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. CON. RES. 97

At the request of Mr. GRASSLEY, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. Con. Res. 97, a concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON (for herself and Mr. SPECTER):

S. 3910. A bill to direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the Capitol; to the Committee on Rules and Administration.

Mrs. CLINTON. Mr. President it gives me pride and pleasure to introduce revised legislation that will enable the Joint Committee on the Library to display a bust depicting Sojourner Truth in the Capitol Building.

I began this effort with legislation I introduced 2 years ago during the 108th Congress. Because my colleagues in the other body and I were not able to enact our bill that time, we return in the 109th Congress with new legislation which would direct the Joint Committee on the Library to accept the donation of a bust depicting Sojourner Truth and to display the bust in a suitable location in the Capitol. I now lay down this version of the bill that reflects bipartisan support among leaders who share the goal of honoring this important figure in our Nation's and New York State's history.

Sojourner Truth was born into slavery in New York's Hudson Valley in 1797, She moved to New York City after gaining her freedom in 1826 and by 1843 had changed her name to Sojourner Truth, traveling the country preaching for human rights. After attending the 1850 National Woman's Rights Convention, Truth made women's suffrage a focal point of her speeches, portraying women as powerful, independent figures. Her most famous speech, ''Ain't I a Woman,'' given at the 1851 Women's Rights Convention in Akron, OH, has become a classic text on women's rights.

Because of her great, advocacy on behalf of women, despite all of the hardships she faced, Sojourner Truth deserves to be represented along with the suffragists depicted in the United States Capitol Building. I ask that the Senate come together and honor this visionary American for her service to our Nation.

By Mr. DURBIN (for himself, Mr. ALEXANDER, and Mr. FRIST):

S. 3911. A bill to amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products; to the Committee on Commerce, Science, and Transportation.

Mr. DURBIN. Mr. President, 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. 3911

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 ''Wool Suit Fabric Labeling Fairness and International Standards Conforming Act''.

SEC. 2. LABELING OF WOOL AND CASHMERE PRODUCTS TO FACILITATE COMPLIANCE AND PROTECT CONSUMERS.

(a) IN GENERAL.—Section 4(a) of the Wool Products Labeling Act of 1939 (15 U.S.C. 68b(a)) is amended by adding at the end the following new paragraphs:

''(5)(A) In the case of a wool product stamped, tagged, labeled, or otherwise identified as—

''(i) 'Super 80's' or '80's', if the average diameter of wool fiber of such wool product does not average 19.75 microns or finer;

''(ii) 'Super 90's' or '90's', if the average diameter of wool fiber of such wool product does not average 19.25 microns or finer;

''(iii) 'Super 100's' or '100's', if the average diameter of wool fiber of such wool product does not average 18.75 microns or finer;

''(iv) 'Super 110's' or '110's', if the average diameter of wool fiber of such wool product does not average 18.25 microns or finer;

''(v) 'Super 120's' or '120's', if the average diameter of wool fiber of such wool product does not average 17.75 microns or finer;

''(vi) 'Super 130's' or '130's', if the average diameter of wool fiber of such wool product does not average 17.25 microns or finer;

''(vii) 'Super 140's' or '140's', if the average diameter of wool fiber of such wool product does not average 16.75 microns or finer;

''(viii) 'Super 150's' or '150's', if the average diameter of wool fiber of such wool product does not average 16.25 microns or finer;

''(ix) 'Super 160's' or '160's', if the average diameter of wool fiber of such wool product does not average 15.75 microns or finer;

''(x) 'Super 170's' or '170's', if the average diameter of wool fiber of such wool product does not average 15.25 microns or finer;

''(xi) 'Super 180's' or '180's', if the average diameter of wool fiber of such wool product does not average 14.75 microns or finer;

''(xii) 'Super 190's' or '190's', if the average diameter of wool fiber of such wool product does not average 14.25 microns or finer;

''(xiii) 'Super 200's' or '200's', if the average diameter of wool fiber of such wool product does not average 13.75 microns or finer;

''(xiv) 'Super 210's' or '210's', if the average diameter of wool fiber of such wool product does not average 13.25 microns or finer;

''(xv) 'Super 220's' or '220's', if the average diameter of wool fiber of such wool product does not average 12.75 microns or finer;

''(xvi) 'Super 230's' or '230's', if the average diameter of wool fiber of such wool product does not average 12.25 microns or finer;

''(xvii) 'Super 240's' or '240's', if the average diameter of wool fiber of such wool product does not average 11.75 microns or finer; and

''(xviii) 'Super 250's' or '250's', if the average diameter of wool fiber of such wool product does not average 11.25 microns or finer.

''(B) In each case described in subparagraph (A), the average fiber diameter of the wool product may be subject to such other standards or deviations as adopted by regulation by the Commission.

''(6)(A) In the case of a wool product stamped, tagged, labeled, or otherwise identified as cashmere, if—

''(i) such wool product is not the fine (dehaired) undercoat fibers produced by a cashmere goat (capra hircus laniger);

''(ii) the average diameter of the fiber of such wool product exceeds 19 microns; or

''(iii) such wool product contains more than 3 percent (by weight) of cashmere fibers

with average diameters that exceed 30 microns.

''(B) The average fiber diameter for each product described in subparagraph (A) may be subject to a coefficient of variation around the mean that does not exceed 24 percent.''.

(b) APPLICABILITY DATE.—The amendments made by this section apply to wool products manufactured on or after January 1, 2007.

By Mr. ENSIGN (for himself, Mrs. LINCOLN, Ms. COLLINS, Mr. HATCH, and Mr. TALENT):

S. 3912. A bill to amend title XVIII of the Social Security Act to extend the exceptions process with respect to caps on payments for therapy services under the Medicare program; to the Committee on Finance.

Mr. ENSIGN. I am pleased to introduce the Securing Effective and Necessary Individual Outpatient Rehabilitation Services Act, the SENIORS Act, to ensure that Medicare beneficiaries who rely on medically necessary therapy services continue to have access to the services they need. The bill would allow exceptions to therapy caps for certain medically necessary services in 2007.

An exceptions process for Medicare patients who exceed the therapy cap was authorized in legislation last year. A Medicare patient may now obtain an exception if the service is deemed medically necessary and then receive covered therapy services above the cap. The exceptions process expires at the end of this year, so Congress must extend it for the 2007 calendar year.

I started the fight to eliminate the annual cap on outpatient rehabilitation services in its entirety when I was in the House of Representatives. I brought this fight to the Senate where I introduced legislation to completely repeal the annual Medicare cap on rehabilitation therapy services. I recognize that a complete repeal is not politically or financially viable at this time. However, an extension of the exceptions process should be possible.

Action is needed to address the therapy caps this year. This is not a Republican issue or a Democrat issue. At its heart, this issue is a patient issue. Forty-four of my Senate colleagues have joined me in legislation to repeal the therapy caps once and for all. In addition, almost 260 of members of the United States House of Representatives and more than 40 groups representing patients and providers support legislation efforts to repeal the caps or extend the current exceptions process. And, in May of this year, 47 Senators signed a letter to Senate leadership urging an extension of the exceptions process authorized in the Deficit Reduction Act beyond its current expiration of January 1, 2007.

Ensuring access to needed outpatient physical therapy, occupational therapy and speech language pathology services for Medicare beneficiaries in a fiscally responsible manner is essential. Denying access by an arbitrary cap will only shift costs as patients will delay rehabilitation, seek more costly interventions, or be admitted inpatient settings.

As a member of th1e Senate Budget Committee, I realize the serious budgetary constraints that are upon Congress. I also understand that we need to prioritize spending. I believe that extension of the exceptions process beyond 2006 should be a priority. I look forward to working with my colleagues to ensure that senior citizens continue to have access to high-quality rehabilitation services.

BY Mr. ROCKEFELLER:

S. 3913. A bill to amend title XXI of the Social Security Act to eliminate funding shortfalls for the State Children's Health Insurance Program (SCHIP) for fiscal year 2007; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce legislation to protect the vital health insurance coverage that millions of our Nation's children receive through the Children's Health Insurance Program (CHIP). As I stand here today, at least 17 States face looming Federal funding shortfalls of as much as $900 million, the cost of covering more than half a million children.

Mr. DINGELL, the distinguished ranking member of the House Energy and Commerce Committee, and I have worked for several weeks to craft a bill that reflects the intentions of this program when it was first created nearly ten years ago: to provide comprehensive health insurance coverage for children. Additionally, this legislation addresses an ongoing set of challenges associated with the program's block grant financing structure. I am pleased to report that Mr. DINGELL and others will be introducing companion legislation in the House of Representatives today.

We are introducing the Keep Children Covered Act now because it is critically important that we consider and pass this legislation before we adjourn this year. No one can dispute the success of the CHIP program in enrolling and providing coverage for more then 6 million children nationwide. In 2005, West Virginia provided coverage for more then 38,000 children, and an expansion to reach additional children is currently underway. This is quite an accomplishment. But, the ongoing success of this program depends on adequate Federal funding for all States.

It is a sad truth that persistent barriers to health care coverage have resulted in annual increases in the total number of uninsured Americans. Today, 46 million Americans are uninsured for all or most of the year. I am particularly troubled in that, in 2005, the number of uninsured children increased for the first time since the CHIP program was implemented in 1998. The number of uninsured children now stands at 8.3 million.

This is unacceptable. We have taken a significant step back in terms of covering children, and this will only get worse if the $900 million Federal funding shortfall is not immediately addressed. Children are the least expensive group to insure, and our future depends on their good health and well-being. There is clear evidence that children with consistent access to health care services are more likely to become healthy adults and successful members of our communities. Like West Virginia, a number of States have expressed their willingness to expand the CHIP program, but we must hold up our end of the bargain and supply them with the resources necessary to make these positive changes. It would be irresponsible for us to allow additional children to go without this much needed access to care. It would also run counter to the goals Congress set out when we created CHIP in 1997.

Preserving health care coverage for children is not an objective beyond our reach. Although it represents only a temporary fix of the larger funding issues facing CHIP, the bill I am introducing today will alleviate the fiscal year 2007 shortfalls and ensure that children currently enrolled in CHIP do not lose their coverage. I congratulate my colleagues on the House side, Congressmen DEAL and NORWOOD, who introduced similar legislation at the end of last week. They understand this is something we can come together on, pass, and enact into law before Congress recesses for the elections. It is my hope that Congress will act on a bipartisan basis to more comprehensively address the long-term financial challenges facing CHIP when the program is reauthorized next year.

In the meantime, I urge my colleagues to make children's health care a priority during the limited time we have left this session. Working families depend on this program in order to access the health care services—like check-ups and prescriptions—that their children need. I hope we will not let them down. We should not.

I ask unanimous consent that the full 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:

S. 3913

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 ''Keep Children Covered Act of 2006''.

SEC. 2. ELIMINATION OF SCHIP FUNDING SHORTFALLS FOR FISCAL YEAR 2007.

(a) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended—

(1) in each of subsections (a), (b)(1), and (c)(1), by striking ''subsection (d)'' and inserting ''subsections (d) and (h)''; and

(2) by adding at the end the following new subsection:

''(h) SPECIAL RULE FOR REDISTRIBUTION OF UNSPENT FISCAL YEAR 2004 ALLOTMENTS AND ADDITIONAL ALLOTMENTS TO ELIMINATE FISCAL YEAR 2007 FUNDING SHORTFALLS.—

''(1) SPECIAL RULE FOR REDISTRIBUTION OF FISCAL YEAR 2004 ALLOTMENTS.—

''(A) IN GENERAL.—In the case of a State that expends all of its allotment under subsection (b) or (c) of this section for fiscal year 2004 by the end of fiscal year 2006 and is an initial shortfall State described in subparagraph (B), the Secretary shall redistribute to the State under subsection (f) of this section (from the fiscal year 2004 allotments of other States) the following amount:

''(i) STATE.—In the case of one of the 50 States or the District of Columbia, the amount specified in subparagraph (C)(i) (less the total of the amounts under clause (ii)), multiplied by the ratio of the amount specified in subparagraph (C)(ii) for the State to the amount specified in subparagraph (C)(iii).

''(ii) TERRITORY.—In the case of a commonwealth or territory described in subsection (c)(3), an amount that bears the same ratio to 1.05 percent of the amount specified in subparagraph (C)(i) as the ratio of the commonwealth's or territory's fiscal year 2004 allotment under subsection (c) bears to the total of all such allotments for such fiscal year under such subsection.

''(B) INITIAL SHORTFALL STATE DESCRIBED.—For purposes of subparagraph (A), an initial shortfall State is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary as of the date of the enactment of this subsection, that the projected Federal expenditures under such plan for such State for fiscal year 2007 will exceed the sum of—

''(i) the amount of the State's allotments for each of fiscal years 2005 and 2006 that will not be expended by the end of fiscal year 2006; and

''(ii) the amount of the State's allotment for fiscal year 2007.

''(C) AMOUNTS USED IN COMPUTING REDISTRIBUTIONS FOR FISCAL YEAR 2004 ALLOTMENTS.—For purposes of subparagraph (A)(i)—

''(i) the amount specified in this clause is the total amount of unspent fiscal year 2004 allotments available for redistribution under subsection (f);

''(ii) the amount specified in this clause for an initial shortfall State is the amount the Secretary determines will eliminate the estimated shortfall described in subparagraph (B) for the State; and

''(iii) the amount specified in this clause is the total sum of the amounts specified in clause (ii) for all initial shortfall States.

''(2) ADDITIONAL ALLOTMENTS TO ELIMINATE FISCAL YEAR 2007 FUNDING SHORTFALLS REMAINING AFTER REDISTRIBUTION OF UNSPENT FISCAL YEAR 2004 ALLOTMENTS.—

''(A) IN GENERAL.—In addition to the allotments provided under subsection (b) and (c) for fiscal year 2007, the Secretary shall allot to each remaining shortfall State described in subparagraph (B) such amount as the Secretary determines will eliminate the estimated shortfall described in such subparagraph for the State.

''(B) REMAINING SHORTFALL STATE DESCRIBED.—For purposes of subparagraph (A), a remaining shortfall State is a State (including a commonwealth or territory described in subsection (c)(3)) with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary as of the date of the enactment of this subsection, that the projected federal expenditures under such plan for such State for fiscal year 2007 will exceed the sum of—

''(i) the amount of the State's allotments for each of fiscal years 2005 and 2006 that will not be expended by the end of fiscal year 2006;

''(ii) the amount of the State's allotment for fiscal year 2007; and

''(iii) the amount, if any, of unspent allotments for fiscal year 2004 that are to be redistributed to the State during fiscal year 2007 in accordance with subsection (f) and paragraph (1).

''(C) 1-YEAR AVAILABILITY; NO REDISTRIBUTION OF UNEXPENDED ADDITIONAL ALLOTMENTS.—Notwithstanding subsections (e) and (f), amounts allotted to a remaining shortfall State pursuant to this paragraph shall only remain available for expenditure by the State through September 30, 2007. Any amounts of such allotments that remain unexpended as of such date shall not be subject to redistribution under subsection (f) and shall revert to the Treasury on October 1, 2007.

''(D) APPROPRIATION; ALLOTMENT AUTHORITY.—For the purpose of providing additional allotments to remaining shortfall States under this paragraph there is appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as are necessary for fiscal year 2007.''.

(b) EXTENDING AUTHORITY FOR QUALIFYING STATES TO USE CERTAIN FUNDS FOR MEDICAID EXPENDITURES.—Section 2105(g)(1)(A) of the Social Security Act (42 U.S.C. 1397ee(g)(1)(A)) is amended by striking ''or 2005'' and inserting ''2005, or 2006''.

(c) EFFECTIVE DATE.—The amendments made by this section apply to items and services furnished on or after October 1, 2006, without regard to whether or not regulations implementing such amendments have been issued.

(d) PERIOD OF EFFECTIVENESS.—Section 2104(h)(2) of the Social Security Act (as added by subsection (a)) shall terminate on September 30, 2007, and shall be considered to have expired notwithstanding section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 572—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO RAISING AWARENESS AND ENHANCING THE STATE OF COMPUTER SECURITY IN THE UNITED STATES, AND SUPPORTING THE GOALS AND IDEALS OF NATIONAL CYBER SECURITY AWARENESS MONTH

Mr. BURNS (for himself and Ms. CANTWELL) submitted for the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 572

Whereas over 205,000,000 Americans use the Internet in the United States, including over 84,000,000 home-users through broadband connections, to communicate with family and friends, manage their finances, pay their bills, improve their education, shop at home, and read about current events;

Whereas the approximately 26,000,000 small businesses in the United States, who represent 99.7 percent of all United States employers and employ 50 percent of the private work force, increasingly rely on the Internet to manage their businesses, expand their customer reach, and enhance their connection with their supply chain;

Whereas, according to the Department of Education, nearly 100 percent of public schools in the United States have Internet access, with approximately 93 percent of instructional classrooms connected to the Internet;

Whereas having access to the Internet in the classroom enhances the education of our children by providing access to educational online content and encouraging responsible self-initiative to discover research resources;

Whereas, according to the Pew Institute, almost 9 in 10 teenagers between the ages of 12 and 17, or 87 percent of all youth (approximately 21,000,000 people) use the Internet, and 78 percent (or about 16,000,000 students) say they use the Internet at school;

Whereas teen use of the Internet at school has grown 45 percent since 2000, and educating children of all ages about safe, secure, and ethical practices will not only protect their computer systems, but will also protect the physical safety of our children, and help them become good cyber citizens;

Whereas the growth and popularity of social networking websites have attracted millions of teenagers, providing them with a range of valuable services;

Whereas teens should be taught how to avoid potential threats like cyber bullies, online predators, and identity thieves that they may encounter while using cyber services;

Whereas the critical infrastructure of our Nation relies on the secure and reliable operation of information networks to support our Nation's financial services, energy, telecommunications, transportation, health care, and emergency response systems;

Whereas cyber security is a critical part of the overall homeland security of our Nation, in particular the control systems that control and monitor our drinking water, dams, and other water management systems, our electricity grids, oil and gas supplies, and pipeline distribution networks, our transportation systems, and other critical manufacturing processes;

Whereas terrorists and others with malicious motives have demonstrated an interest in utilizing cyber means to attack our Nation;

Whereas the mission of the Department of Homeland Security includes securing the homeland against cyber terrorism and other attacks;

Whereas Internet users and our information infrastructure face an increasing threat of malicious attacks through viruses, worms, Trojans, and unwanted programs such as spyware, adware, hacking tools, and password stealers, that are frequent and fast in propagation, are costly to repair, and disable entire computer systems;

Whereas, according to Privacy Rights Clearinghouse, since February 2005, over 90,000,000 records containing personally-identifiable information have been breached, and the overall increase in serious data breaches in both the private and public sectors are threatening the security and well-being of the citizens of the United States;

Whereas consumers face significant financial and personal privacy losses due to identity theft and fraud, as reported in over 686,000 consumer complaints in 2005 received by the Consumer Sentinel database operated by the Federal Trade Commission;

Whereas Internet-related complaints in 2005 accounted for 46 percent of all reported fraud complaints received by the Federal Trade Commission;

Whereas the total amount of monetary losses for such Internet-related complaints exceeded $680,000,000, with a median loss of $350 per complaint;

Whereas the youth of our Nation face increasing threats online such as inappropriate content or child predators;

Whereas, according to the National Center For Missing and Exploited Children, 34 percent of teens are exposed to unwanted sexually explicit material on the Internet, and 1

in 7 children report having been approached by an online child predator;

Whereas national organizations, policymakers, government agencies, private sector companies, nonprofit institutions, schools, academic organizations, consumers, and the media recognize the need to increase awareness of computer security and enhance the level of computer and national security in the United States;

Whereas the mission of National Cyber Security Alliance is to increase awareness of cyber security practices and technologies to home-users, students, teachers, and small businesses through educational activities, online resources and checklists, and public service announcements; and

Whereas the National Cyber Security Alliance has designated October as National Cyber Security Awareness Month, which will provide an opportunity to educate the people of the United States about computer security: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Cyber Security Awareness Month; and

(2) will work with Federal agencies, national organizations, businesses, and educational institutions to encourage the development and implementation of existing and future computer security voluntary consensus standards, practices, and technologies in order to enhance the state of computer security in the United States.

SENATE RESOLUTION 573—CALLING ON THE UNITED STATES GOVERNMENT AND THE INTERNATIONAL COMMUNITY TO SUPPORT THE SUCCESSFUL TRANSITION FROM CONFLICT TO SUSTAINABLE PEACE IN UGANDA

Mr. FEINGOLD (for himself and BROWNBACK, Mr. DEWINE, Mr. MARTINEZ, Mr. COLEMAN, Mr. KERRY, Mr. DURBIN, Mrs. CLINTON, Mr. LEAHY, Mr. BIDEN and Mr. KENNEDY) submitted for the following resolution; which was considered and agreed to:

S. RES. 573

Whereas, for nearly 2 decades, the Government of Uganda has been engaged in a conflict with the Lord's Resistance Army (referred to in this preamble as the ''LRA'') that has resulted in—

(1) the deaths of approximately 200,000 individuals from violence and disease; and

(2) the displacement of more than 1,600,000 individuals from the northern and eastern regions of Uganda;

Whereas more than half of those internally-displaced individuals are under the age of 15, and 95 percent of those individuals live in absolute poverty in camps where they face malnutrition, high rates of AIDS and malaria, and egregious abuses of their human rights;

Whereas the LRA has used brutal tactics during that conflict, including the abduction and abuse of more than 25,000 children who the organization forces to attack, rape, and murder members of their families and communities on behalf of the LRA;

Whereas continued instability and a lack of security in the northern region of Uganda has severely hindered the delivery of sufficient humanitarian assistance and services to individuals who have been displaced or otherwise negatively affected by that conflict;

Whereas spillover from the war in the northern region of Uganda have had negative consequences in the neighboring countries of Sudan and the Democratic Republic of the Congo;

Whereas a successful transition to sustainable peace in the northern region of Uganda and throughout the country will depend in large part on a coordinated and comprehensive effort by the Government of Uganda, regional partners, and the international community to create new social, economic, and political opportunities for the citizens of Uganda who are affected by that conflict;

Whereas a sustainable political resolution to that conflict must include a range of locally and nationally driven reconciliation efforts that will require the endorsement and involvement of all parties to the conflict, as well as support from the international community;

Whereas the 2005 Country Reports on Human Rights Practices, published by the Department of State, relating to the Government of Uganda indicated that the ''security forces committed unlawful killings. . .and were responsible for deaths as a result of torture'' along with other ''serious problems'', including repression of political opposition, official impunity, and violence against women and children;

Whereas, in the Northern Uganda Crisis Response Act (Public Law 108–283; 118 Stat. 912), the Senate—

(1) declared its support for a peaceful resolution of the conflict in the northern and eastern regions of Uganda; and

(2) called for the United States and the international community to assist in rehabilitation, reconstruction, and demobilization efforts; and

Whereas the cessation of hostilities agreement, that was mediated by the Government of Southern Sudan and signed by representatives of the Government of Uganda and the LRA on August 20, 2006—

(1) required both parties to cease all hostile military and media offensives; and

(2) asked the Sudanese People's Liberation Army to facilitate the safe assembly of LRA fighters in designated areas for the duration of the peace talks: Now, therefore, be it

Resolved, That the Senate—

(1) commends the delegates from the Government of Uganda and the Lord's Resistance Army for agreeing to a cessation of hostilities for the first time in the 20 years of that devastating conflict;

(2) recognizes the leadership role that the Government of Southern Sudan played in mediating that cessation of hostilities and establishing a framework within which a lasting peace to that conflict could be achieved;

(3) emphasizes the importance of a complete implementation of the cessation of hostilities agreement by all parties to maintain progress towards a permanent resolution of that conflict;

(4) expresses the support of the citizens of the United States for the people of Uganda who have endured decades of violence as a result of that conflict;

(5) entreats all parties to address issues of accountability and impunity for war crimes and crimes against humanity, and to support broader national reconciliation efforts;

(6) strongly encourages the Government of Uganda to improve the professionalism of Ugandan military personnel currently stationed in the northern and eastern regions of Uganda, with an emphasis on enhancing respect for human rights, accountability for abuses, and effective protection of civilians;

(7) urges the Government of Uganda to follow through and augment its resettlement plan by—

(A) expanding social services;

(B) deploying professional civil servants; and

(C) developing the legal, political, and security infrastructure—

(i) necessary to facilitate the freedom of movement of civilians to their homes, land, and areas within and around camps; and

(ii) essential to fulfill the needs of returnees and former combatants; and

(8) calls on the United States Department of State and the United States Agency for International Development, as well as the international community—

(A) to provide adequate and coordinated humanitarian assistance through nongovernmental organizations to the individuals and areas most affected by that conflict;

(B) to, while providing humanitarian assistance, pay particular attention to women and children who have been victimized; and

(C) to provide—

(i) sufficient technical assistance for the demobilization and reintegration of rebel combatants and abductees;

(ii) both financial and technical support for reconciliation and reconstruction efforts; and

(iii) diplomatic and logistical support for the cessation of hostilities agreement and subsequent progress towards a sustainable peace in Uganda.

SENATE RESOLUTION 574—RECOGNIZING THE NORTH CAROLINA FARM BUREAU FEDERATION ON THE OCCASION OF ITS 70TH ANNIVERSARY AND SALUTING THE OUTSTANDING SERVICE OF ITS MEMBERS AND STAFF ON BEHALF OF THE AGRICULTURAL COMMUNITY AND THE PEOPLE OF NORTH CAROLINA

Mr. BURR (for himself and Mrs. DOLE) submitted for the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 574

Whereas the North Carolina Farm Bureau Federation was founded on March 2, 1936, in Greenville, North Carolina, during the Great Depression, a period of national frustration and economic disaster;

Whereas the North Carolina Farm Bureau Federation was established to organize North Carolina's farm families and to maximize their ability to engage in national, State, and local policy debates that affect North Carolina agriculture;

Whereas at its first annual meeting in Raleigh, North Carolina, on July 30, 1936, the North Carolina Farm Bureau Federation had slightly over 2,000 members from 24 counties;

Whereas in 2005, the North Carolina Farm Bureau Federation was composed of approximately 490,000 member families from all 100 counties of North Carolina, making it the second largest State farm bureau in the United States;

Whereas the North Carolina Farm Bureau Federation created a Women's Program in 1942 and a Young Farmer and Rancher Program in the 1970s to encourage leadership development among its members;

Whereas the North Carolina Farm Bureau Federation is committed to advancing agricultural education in North Carolina through its R. Flake Shaw Scholarship Fund, established in 1958, and the Institute for Future Agricultural Leaders, founded in 1984, which help ensure that the young men and women of North Carolina are well prepared for careers in agriculture;

Whereas the North Carolina Farm Bureau Federation created and continues to sponsor the Ag-In-The-Classroom initiative to introduce children to North Carolina agriculture and to improve the quality of teachers in North Carolina schools;

Whereas the North Carolina Farm Bureau Federation's visionary Board of Directors developed numerous initiatives that enable farmers to effectively produce and sell their products, such as the organization's marketing program, and that provide farmers with access to necessary farm resources, such as the tires, batteries, and accessories service;

Whereas in 1953, the North Carolina Farm Bureau Federation founded the North Carolina Farm Bureau Federation Mutual Insurance Company, which is North Carolina's largest domestic insurance company;

Whereas the Board of Directors of the North Carolina Farm Bureau Federation Mutual Insurance Company is composed entirely of farmers; and

Whereas the North Carolina Farm Bureau Federation is a true grassroots organization dedicated to ensuring that agriculture remains North Carolina's number 1 industry through the organization's unique policy development process and active legislative and regulatory advocacy programs: Now, therefore, be it

Resolved, That the Senate recognizes the North Carolina Farm Bureau Federation on the occasion of its 70th anniversary and salutes the outstanding service of its members and staff on behalf of the agricultural community and the people of North Carolina.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5019. Mr. FRIST (for Mr. LEAHY) proposed an amendment to the bill S. 2463, to designate as wilderness certain National Forest System land in the State of New Hampshire.

SA 5020. Mr. FRIST (for Mr. LEAHY) proposed an amendment to the bill S. 2463, supra.

TEXT OF AMENDMENTS

SA 5019. Mr. FRIST (for Mr. LEAHY) proposed an amendment to the bill S. 2463, to designate as wilderness certain National Forest System land in the State of New Hampshire; as follows:

Beginning on page 1, strike line 3 and all that follows through page 2, line 2, and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''New England Wilderness Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

TITLE I—NEW HAMPSHIRE

SEC. 101. DEFINITION OF STATE.

In this title, the term ''State'' means the State of New Hampshire.

On page 2, line 3, strike ''**3**'' and insert ''**102**''.

On page 2, line 23, strike ''**4**'' and insert ''**103**''.

On page 3, line 2, strike ''3'' and insert ''102''.

On page 3, line 14, strike ''**5**'' and insert ''**104**''.

On page 3, line 16, strike ''section'' and insert ''title''.

On page 3, line 24, strike ''Act'' and insert ''title''.

On page 4, line 5, strike ''Act'' and insert ''title''.

On page 4, line 10, strike ''3'' and insert ''102''.

On page 4, after line 16, add the following:

TITLE II—VERMONT

SEC. 201. DEFINITIONS.

In this title:

(1) MANAGEMENT PLAN.—The term ''Management Plan'' means the Green Mountain National Forest Land and Resource Management Plan.

(2) STATE.—The term ''State'' means the State of Vermont.

Subtitle A—Designation of Wilderness Areas

SEC. 211. DESIGNATION.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Certain Federal land managed by the United States Forest Service, comprising approximately 28,491 acres, as generally depicted on the map entitled ''Glastenbury Wilderness—Proposed'', dated September 2006, which shall be known as the ''Glastenbury Wilderness''.

(2) Certain Federal land managed by the United States Forest Service, comprising approximately 12,333 acres, as generally depicted on the map entitled ''Joseph Battell Wilderness—Proposed'', dated September 2006, which shall be known as the ''Joseph Battell Wilderness''.

(3) Certain Federal land managed by the United States Forest Service, comprising approximately 3,757 acres, as generally depicted on the map entitled ''Breadloaf Wilderness Additions—Proposed'', dated September 2006, which shall be known as the ''Breadloaf Wilderness''.

(4) Certain Federal land managed by the United States Forest Service, comprising approximately 2,338 acres, as generally depicted on the map entitled ''Lye Brook Wilderness Additions—Proposed'', dated September 2006, which shall be known as the ''Lye Brook Wilderness''.

(5) Certain Federal land managed by the United States Forest Service, comprising approximately 752 acres, as generally depicted on the map entitled ''Peru Peak Wilderness Additions—Proposed'', dated September 2006, which shall be known as the ''Peru Peak Wilderness''.

(6) Certain Federal land managed by the United States Forest Service, comprising approximately 47 acres, as generally depicted on the map entitled ''Big Branch Wilderness Additions—Proposed'', dated September 2006, which shall be known as the ''Big Branch Wilderness''.

SEC. 212. MAP AND DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by section 211 with—

(1) the Committee on Resources of the House of Representatives;

(2) the Committee on Agriculture of the House of Representatives; and

(3) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(b) FORCE OF LAW.—A map and legal description filed under subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(c) PUBLIC AVAILABILITY.—Each map and legal description filed under subsection (a) shall be filed and made available for public inspection in the Office of the Chief of the Forest Service.

SEC. 213. ADMINISTRATION.

(a) ADMINISTRATION.—Subject to valid rights in existence on the date of enactment of this Act, each wilderness area designated under this subtitle and in the Green Mountain National Forest (as of the date of enactment of this Act) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) FISH AND WILDLIFE.—Nothing in this subtitle affects the jurisdiction of the State with respect to wildlife and fish on the public land located in the State, including the stocking of fish in rivers and streams in the State to support the Connecticut River Atlantic Salmon Restoration Program.

(c) TRAILS.—The Forest Service shall allow the continuance of —

(1) the Appalachian National Scenic Trail;

(2) the Long Trail;

(3) the Catamount Trail; and

(4) the marking and maintenance of associated trails and trail structures of the Trails referred to in this subsection, consistent with the management direction (including objectives, standards, guidelines, and agreements with partners) established for the Appalachian National Scenic Trail, Long Trail, and Catamount Trail under the Management Plan.

Subtitle B—Moosalamoo National Recreation Area

SEC. 221. DESIGNATION.

Certain Federal land managed by the United States Forest Service, comprising approximately 15,857 acres, as generally depicted on the map entitled ''Moosalamoo National Recreation Area—Proposed'', dated September 2006, is designated as the ''Moosalamoo National Recreation Area''.

SEC. 222. MAP AND DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the national recreation area designated by section 221 with—

(1) the Committee on Resources of the House of Representatives;

(2) the Committee on Agriculture of the House of Representatives; and

(3) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(b) FORCE OF LAW.—A map and legal description filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(c) PUBLIC AVAILABILITY.—Each map and legal description filed under subsection (a) shall be filed and made available for public inspection in the Office of the Chief of the Forest Service.

SEC. 223. ADMINISTRATION OF NATIONAL RECREATION AREA.

(a) IN GENERAL.—Subject to valid rights existing on the date of enactment of this Act, the Secretary shall administer the Moosalamoo National Recreation Area in accordance with—

(1) laws (including rules and regulations) applicable to units of the National Forest System; and

(2) the management direction (including objectives, standards, and guidelines) established for the Moosalamoo Recreation and Education Management Area under the Management Plan.

(b) FISH AND WILDLIFE.—Nothing in this subtitle affects the jurisdiction of the State with respect to wildlife and fish on the public land located in the State.

(c) ESCARPMENT AND ECOLOGICAL AREAS.—Nothing in this subtitle prevents the Secretary from managing the Green Mountain Escarpment Management Area and the Ecological Special Areas, as described in the Management Plan.

SA 5020. Mr. FRIST (for Mr. LEAHY) proposed an amendment to the bill S. 2463, to designate as wilderness certain National Forest System land in the State of New Hampshire; as follows:

Amend the title so as to read: ''To designate certain land in New England as wilderness for inclusion in the National Wilderness Preservation system and certain land as a National Recreation Area, and for other purposes.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 19, 2006, at 9:30 a.m., in open session to consider the following nominations: General Bantz J. Craddock, USA, for reappointment to the grade of general and to be Commander, U.S. European Command; Vice Admiral James G. Stavridis, USN, for appointment to the grade of admiral and to be Commander, U.S. Southern Command; Nelson M. Ford to be Assistant Secretary of the Army for Financial Management and Comptroller; and Ronald J. James to be Assistant Secretary of the Army for Manpower and Reserve Affairs.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 19, 2006, at 10 a.m., to conduct a hearing on ''Combating Child Pornography by Eliminating Pornographers' Access to the Financial Payment System.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a full committee business meeting off the floor on Tuesday, September 19, 2006 at a time to be determined.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a full committee hearing on Online Child Pornography on Tuesday, September 19, 2006, at 2:30 p.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 19, 2006, at 9:30 a.m., to hold a hearing on Iran.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, September 19, 2006 at 10 a.m. for a hearing titled, ''Prison Radicalization: Are Terrorist Cells Forming in U.S. Cell Blocks?''

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

COMMITEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Judiciary be authorized to meet to conduct a hearing on ''The Cost of Crime: Understanding the Financial and Human Impact of Criminal Activity'' on Tuesday, September 19, 2006 at 10:30 a.m. in Dirksen Senate Office Building Room 226.

Witness List

Panel I: Harley Lappin, Director, Federal Bureau of Prisons, Washington, DC; Jeffrey Sedgwick, Director, Bureau of Justice Statistics, Washington, DC; Jens Ludwig, Professor, Georgetown Public Policy Institute, Georgetown University, Washington, DC; Mary Lou Leary, Executive Director, National Center for Victims of Crime, Washington, DC.

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

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Tuesday, September 19, 2006 immediately following the first vote, approximately 12 p.m., in Room S–219, The Capitol.

Agenda

I. Nominations: Terrence W. Boyle, to be U.S. Circuit Judge for the Fourth Circuit; William James Haynes, II, to be U.S. Circuit Judge for the Fourth Circuit; Kent A. Jordan, to be U.S. Circuit Judge for the Third Circuit; Peter D. Keisler, to be U.S. Circuit Judge for the District of Columbia Circuit; William Gerry Myers, III, to be U.S. Circuit Judge for the Ninth Circuit; Norman Randy Smith, to be U.S. Circuit Judge for the Ninth Circuit; Valerie L. Baker, to be U.S. District Judge for the Central District of California; Francisco Augusto Besosa, to be U.S. District Judge for the District of Puerto Rico; Philip S. Gutierrez, to be U.S. District Judge for the Central District of California; Marcia Morales Howard, to be U.S. District Judge for the Middle District of Florida; John Alfred Jarvey, to be U.S. District Judge for the Southern District of Iowa; Sara Elizabeth Lioi, to be U.S. District Judge for the Northern District of Ohio.

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

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Judicial Nominations'' on Tuesday, September 19, 2006 at 3 p.m. in Dirksen Senate Office Building Room 226.

Witness List

Panel I: The Honorable Thad Cochran, United States Senator, R–MS; The Honorable Trent Lott, United States Senator, R–MS; The Honorable Carl Levin, United States Senator, D–MI; The Honorable Debbie Stabenow, United States Senator, D–MI.

Panel II: Robert James Jonker to be United States District Judge for the Western District of Michigan; Judge Paul Lewis Maloney to be United States District Judge for the Western District of Michigan; Judge Janet T. Neff to be United States District Judge for the Western District of Michigan; Judge Leslie Southwick to be United States District Judge for the Southern District of Mississippi.

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

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following Finance Committee fellows and interns be allowed floor privileges today: Ali Sarafzade, Tory Cyr, Brett Youngerman, John Lageson, and Mia Warner.

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

SUPPORTING TRANSITION FROM CONFLICT TO SUSTAINABLE PEACE IN UGANDA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 573, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 573) calling on the United States Government and the international community to support the successful transition from conflict to sustainable peace in Uganda.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 573) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 573

Whereas, for nearly 2 decades, the Government of Uganda has been engaged in a conflict with the Lord's Resistance Army (referred to in this preamble as the ''LRA'') that has resulted in—

(1) the deaths of approximately 200,000 individuals from violence and disease; and

(2) the displacement of more than 1,600,000 individuals from the northern and eastern regions of Uganda;

Whereas more than half of those internally-displaced individuals are under the age of 15, and 95 percent of those individuals live in absolute poverty in camps where they face malnutrition, high rates of AIDS and malaria, and egregious abuses of their human rights;

Whereas the LRA has used brutal tactics during that conflict, including the abduction and abuse of more than 25,000 children who the organization forces to attack, rape, and murder members of their families and communities on behalf of the LRA;

Whereas continued instability and a lack of security in the northern region of Uganda has severely hindered the delivery of sufficient humanitarian assistance and services to individuals who have been displaced or otherwise negatively affected by that conflict;

Whereas spillover from the war in the northern region of Uganda have had negative consequences in the neighboring countries of Sudan and the Democratic Republic of the Congo;

Whereas a successful transition to sustainable peace in the northern region of Uganda and throughout the country will depend in large part on a coordinated and comprehensive effort by the Government of Uganda, regional partners, and the international community to create new social, economic, and political opportunities for the citizens of Uganda who are affected by that conflict;

Whereas a sustainable political resolution to that conflict must include a range of locally and nationally driven reconciliation efforts that will require the endorsement and involvement of all parties to the conflict, as well as support from the international community;

Whereas the 2005 Country Reports on Human Rights Practices, published by the Department of State, relating to the Government of Uganda indicated that the ''security forces committed unlawful killings. . .and were responsible for deaths as a result of torture'' along with other ''serious problems'', including repression of political opposition, official impunity, and violence against women and children;

Whereas, in the Northern Uganda Crisis Response Act (Public Law 108–283; 118 Stat. 912), the Senate—

(1) declared its support for a peaceful resolution of the conflict in the northern and eastern regions of Uganda; and

(2) called for the United States and the international community to assist in rehabilitation, reconstruction, and demobilization efforts; and

Whereas the cessation of hostilities agreement, that was mediated by the Government of Southern Sudan and signed by representatives of the Government of Uganda and the LRA on August 20, 2006—

(1) required both parties to cease all hostile military and media offensives; and

(2) asked the Sudanese People's Liberation Army to facilitate the safe assembly of LRA fighters in designated areas for the duration of the peace talks: Now, therefore, be it

Resolved, That the Senate—

(1) commends the delegates from the Government of Uganda and the Lord's Resistance Army for agreeing to a cessation of hostilities for the first time in the 20 years of that devastating conflict;

(2) recognizes the leadership role that the Government of Southern Sudan played in mediating that cessation of hostilities and establishing a framework within which a lasting peace to that conflict could be achieved;

(3) emphasizes the importance of a complete implementation of the cessation of hostilities agreement by all parties to maintain progress towards a permanent resolution of that conflict;

(4) expresses the support of the citizens of the United States for the people of Uganda who have endured decades of violence as a result of that conflict;

(5) entreats all parties to address issues of accountability and impunity for war crimes and crimes against humanity, and to support broader national reconciliation efforts;

(6) strongly encourages the Government of Uganda to improve the professionalism of Ugandan military personnel currently stationed in the northern and eastern regions of Uganda, with an emphasis on enhancing respect for human rights, accountability for abuses, and effective protection of civilians;

(7) urges the Government of Uganda to follow through and augment its resettlement plan by—

(A) expanding social services;

(B) deploying professional civil servants; and

(C) developing the legal, political, and security infrastructure—

(i) necessary to facilitate the freedom of movement of civilians to their homes, land, and areas within and around camps; and

(ii) essential to fulfill the needs of returnees and former combatants; and

(8) calls on the United States Department of State and the United States Agency for International Development, as well as the international community—

(A) to provide adequate and coordinated humanitarian assistance through nongovernmental organizations to the individuals and areas most affected by that conflict;

(B) to, while providing humanitarian assistance, pay particular attention to women and children who have been victimized; and

(C) to provide—

(i) sufficient technical assistance for the demobilization and reintegration of rebel combatants and abductees;

(ii) both financial and technical support for reconciliation and reconstruction efforts; and

(iii) diplomatic and logistical support for the cessation of hostilities agreement and subsequent progress towards a sustainable peace in Uganda.

NEW HAMPSHIRE WILDERNESS ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of S. 2463 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 (S. 2463) to designate as wilderness certain National Forest System land in the State of New Hampshire.

There being no objection, the Senate proceeded to consider the bill.

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

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

The amendments (Nos. 5019 and 5020) were agreed to, as follows:

AMENDMENT NO. 5019

Purpose: To designate certain National Forest System land in the State of Vermont for inclusion in the National Wilderness Preservation system and designate a National Recreation Area)

Beginning on page 1, strike line 3 and all that follows through page 2, line 2, and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''New England Wilderness Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

TITLE I—NEW HAMPSHIRE

SEC. 101. DEFINITION OF STATE.

In this title, the term ''State'' means the State of New Hampshire.

On page 2, line 3, strike ''**3**'' and insert ''**102**''.

On page 2, line 23, strike ''**4**'' and insert ''**103**''.

On page 3, line 2, strike ''3'' and insert ''102''.

On page 3, line 14, strike ''**5**'' and insert ''**104**''.

On page 3, line 16, strike ''section'' and insert ''title''.

On page 3, line 24, strike ''Act'' and insert ''title''.

On page 4, line 5, strike ''Act'' and insert ''title''.

On page 4, line 10, strike ''3'' and insert ''102''.

On page 4, after line 16, add the following:

TITLE II—VERMONT

SEC. 201. DEFINITIONS.

In this title:

(1) MANAGEMENT PLAN.—The term ''Management Plan'' means the Green Mountain National Forest Land and Resource Management Plan.

(2) STATE.—The term ''State'' means the State of Vermont.

Subtitle A—Designation of Wilderness Areas

SEC. 211. DESIGNATION.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Certain Federal land managed by the United States Forest Service, comprising approximately 28,491 acres, as generally depicted on the map entitled ''Glastenbury Wilderness—Proposed'', dated September 2006, which shall be known as the ''Glastenbury Wilderness''.

(2) Certain Federal land managed by the United States Forest Service, comprising approximately 12,333 acres, as generally depicted on the map entitled ''Joseph Battell Wilderness—Proposed'', dated September 2006, which shall be known as the ''Joseph Battell Wilderness''.

(3) Certain Federal land managed by the United States Forest Service, comprising approximately 3,757 acres, as generally depicted on the map entitled ''Breadloaf Wilderness Additions—Proposed'', dated September 2006, which shall be known as the ''Breadloaf Wilderness''.

(4) Certain Federal land managed by the United States Forest Service, comprising approximately 2,338 acres, as generally depicted on the map entitled ''Lye Brook Wilderness Additions—Proposed'', dated September 2006, which shall be known as the ''Lye Brook Wilderness''.

(5) Certain Federal land managed by the United States Forest Service, comprising approximately 752 acres, as generally depicted on the map entitled ''Peru Peak Wilderness Additions—Proposed'', dated September 2006, which shall be known as the ''Peru Peak Wilderness''.

(6) Certain Federal land managed by the United States Forest Service, comprising approximately 47 acres, as generally depicted on the map entitled ''Big Branch Wilderness Additions—Proposed'', dated September 2006, which shall be known as the ''Big Branch Wilderness''.

SEC. 212. MAP AND DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by section 211 with—

(1) the Committee on Resources of the House of Representatives;

(2) the Committee on Agriculture of the House of Representatives; and

(3) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(b) FORCE OF LAW.—A map and legal description filed under subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(c) PUBLIC AVAILABILITY.—Each map and legal description filed under subsection (a) shall be filed and made available for public inspection in the Office of the Chief of the Forest Service.

SEC. 213. ADMINISTRATION.

(a) ADMINISTRATION.—Subject to valid rights in existence on the date of enactment of this Act, each wilderness area designated under this subtitle and in the Green Mountain National Forest (as of the date of enactment of this Act) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) FISH AND WILDLIFE.—Nothing in this subtitle affects the jurisdiction of the State with respect to wildlife and fish on the public land located in the State, including the stocking of fish in rivers and streams in the State to support the Connecticut River Atlantic Salmon Restoration Program.

(c) TRAILS.—The Forest Service shall allow the continuance of —

(1) the Appalachian National Scenic Trail;

(2) the Long Trail;

(3) the Catamount Trail; and

(4) the marking and maintenance of associated trails and trail structures of the Trails referred to in this subsection, consistent with the management direction (including objectives, standards, guidelines, and agreements with partners) established for the Appalachian National Scenic Trail, Long Trail, and Catamount Trail under the Management Plan.

Subtitle B—Moosalamoo National Recreation Area

SEC. 221. DESIGNATION.

Certain Federal land managed by the United States Forest Service, comprising approximately 15,857 acres, as generally depicted on the map entitled ''Moosalamoo National Recreation Area—Proposed'', dated September 2006, is designated as the ''Moosalamoo National Recreation Area''.

SEC. 222. MAP AND DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the national recreation area designated by section 221 with—

(1) the Committee on Resources of the House of Representatives;

(2) the Committee on Agriculture of the House of Representatives; and

(3) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(b) FORCE OF LAW.—A map and legal description filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(c) PUBLIC AVAILABILITY.—Each map and legal description filed under subsection (a) shall be filed and made available for public inspection in the Office of the Chief of the Forest Service.

SEC. 223. ADMINISTRATION OF NATIONAL RECREATION AREA.

(a) IN GENERAL.—Subject to valid rights existing on the date of enactment of this Act, the Secretary shall administer the Moosalamoo National Recreation Area in accordance with—

(1) laws (including rules and regulations) applicable to units of the National Forest System; and

(2) the management direction (including objectives, standards, and guidelines) established for the Moosalamoo Recreation and Education Management Area under the Management Plan.

(b) FISH AND WILDLIFE.—Nothing in this subtitle affects the jurisdiction of the State with respect to wildlife and fish on the public land located in the State.

(c) ESCARPMENT AND ECOLOGICAL AREAS.—Nothing in this subtitle prevents the Secretary from managing the Green Mountain Escarpment Management Area and the Ecological Special Areas, as described in the Management Plan.

AMENDMENT NO. 5020

Amend the title so as to read: ''To designate certain land in New England as wilderness for inclusion in the National Wilderness Preservation system and certain land as a National Recreation Area, and for other purposes.''.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2463

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''New England Wilderness Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

TITLE I—NEW HAMPSHIRE

SEC. 101. DEFINITION OF STATE.

In this title, the term ''State'' means the State of New Hampshire.

SEC. 102. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following Federal land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(1) Certain Federal land managed by the Forest Service, comprising approximately 23,700 acres, as generally depicted on the map entitled ''Proposed Wild River Wilderness—White Mountain National Forest'', dated February 6, 2006, which shall be known as the ''Wild River Wilderness''.

(2) Certain Federal land managed by the Forest Service, comprising approximately 10,800 acres, as generally depicted on the map entitled ''Proposed Sandwich Range Wilderness Additions—White Mountain National Forest'', dated February 6, 2006, and which are incorporated in the Sandwich Range Wilderness, as designated by the New Hampshire Wilderness Act of 1984 (Public Law 98–323; 98 Stat. 259).

SEC. 103. MAP AND DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by section 102 with the committees of appropriate jurisdiction in the Senate and the House of Representatives.

(b) FORCE AND EFFECT.—A map and legal description filed under subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(c) PUBLIC AVAILABILITY.—Each map and legal description filed under subsection (a) shall be filed and made available for public

inspection in the Office of the Chief of the Forest Service.

SEC. 104. ADMINISTRATION.

(a) ADMINISTRATION.—Subject to valid existing rights, each wilderness area designated under this title shall be administered by the Secretary in accordance with—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to any wilderness area designated by this title, any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(c) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this title affects any jurisdiction or responsibility of the State with respect to wildlife and fish in the State.

(d) WITHDRAWAL.—Subject to valid existing rights, all Federal land in the wilderness areas designated by section 102 are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under the mineral leasing laws (including geothermal leasing laws).

TITLE II—VERMONT

SEC. 201. DEFINITIONS.

In this title:

(1) MANAGEMENT PLAN.—The term ''Management Plan'' means the Green Mountain National Forest Land and Resource Management Plan.

(2) STATE.—The term ''State'' means the State of Vermont.

Subtitle A—Designation of Wilderness Areas

SEC. 211. DESIGNATION.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Certain Federal land managed by the United States Forest Service, comprising approximately 28,491 acres, as generally depicted on the map entitled ''Glastenbury Wilderness—Proposed'', dated September 2006, which shall be known as the ''Glastenbury Wilderness''.

(2) Certain Federal land managed by the United States Forest Service, comprising approximately 12,333 acres, as generally depicted on the map entitled ''Joseph Battell Wilderness—Proposed'', dated September 2006, which shall be known as the ''Joseph Battell Wilderness''.

(3) Certain Federal land managed by the United States Forest Service, comprising approximately 3,757 acres, as generally depicted on the map entitled ''Breadloaf Wilderness Additions—Proposed'', dated September 2006, which shall be known as the ''Breadloaf Wilderness''.

(4) Certain Federal land managed by the United States Forest Service, comprising approximately 2,338 acres, as generally depicted on the map entitled ''Lye Brook Wilderness Additions—Proposed'', dated September 2006, which shall be known as the ''Lye Brook Wilderness''.

(5) Certain Federal land managed by the United States Forest Service, comprising approximately 752 acres, as generally depicted on the map entitled ''Peru Peak Wilderness Additions—Proposed'', dated September 2006, which shall be known as the ''Peru Peak Wilderness''.

(6) Certain Federal land managed by the United States Forest Service, comprising approximately 47 acres, as generally depicted on the map entitled ''Big Branch Wilderness Additions—Proposed'', dated September 2006, which shall be known as the ''Big Branch Wilderness''.

SEC. 212. MAP AND DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by section 211 with—

(1) the Committee on Resources of the House of Representatives;

(2) the Committee on Agriculture of the House of Representatives; and

(3) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(b) FORCE OF LAW.—A map and legal description filed under subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(c) PUBLIC AVAILABILITY.—Each map and legal description filed under subsection (a) shall be filed and made available for public inspection in the Office of the Chief of the Forest Service.

SEC. 213. ADMINISTRATION.

(a) ADMINISTRATION.—Subject to valid rights in existence on the date of enactment of this Act, each wilderness area designated under this subtitle and in the Green Mountain National Forest (as of the date of enactment of this Act) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) FISH AND WILDLIFE.—Nothing in this subtitle affects the jurisdiction of the State with respect to wildlife and fish on the public land located in the State, including the stocking of fish in rivers and streams in the State to support the Connecticut River Atlantic Salmon Restoration Program.

(c) TRAILS.—The Forest Service shall allow the continuance of—

(1) the Appalachian National Scenic Trail;

(2) the Long Trail;

(3) the Catamount Trail; and

(4) the marking and maintenance of associated trails and trail structures of the Trails referred to in this subsection, consistent with the management direction (including objectives, standards, guidelines, and agreements with partners) established for the Appalachian National Scenic Trail, Long Trail, and Catamount Trail under the Management Plan.

Subtitle B—Moosalamoo National Recreation Area

SEC. 221. DESIGNATION.

Certain Federal land managed by the United States Forest Service, comprising approximately 15,857 acres, as generally depicted on the map entitled ''Moosalamoo National Recreation Area—Proposed'', dated September 2006, is designated as the ''Moosalamoo National Recreation Area''.

SEC. 222. MAP AND DESCRIPTION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the national recreation area designated by section 221 with—

(1) the Committee on Resources of the House of Representatives;

(2) the Committee on Agriculture of the House of Representatives; and

(3) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(b) FORCE OF LAW.—A map and legal description filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(c) PUBLIC AVAILABILITY.—Each map and legal description filed under subsection (a) shall be filed and made available for public inspection in the Office of the Chief of the Forest Service.

SEC. 223. ADMINISTRATION OF NATIONAL RECREATION AREA.

(a) IN GENERAL.—Subject to valid rights existing on the date of enactment of this Act, the Secretary shall administer the Moosalamoo National Recreation Area in accordance with—

(1) laws (including rules and regulations) applicable to units of the National Forest System; and

(2) the management direction (including objectives, standards, and guidelines) established for the Moosalamoo Recreation and Education Management Area under the Management Plan.

(b) FISH AND WILDLIFE.—Nothing in this subtitle affects the jurisdiction of the State with respect to wildlife and fish on the public land located in the State.

(c) ESCARPMENT AND ECOLOGICAL AREAS.—Nothing in this subtitle prevents the Secretary from managing the Green Mountain Escarpment Management Area and the Ecological Special Areas, as described in the Management Plan.

APPOINTMENT OF CONFEREES—H.R. 4954

Mr. FRIST. Mr. President, I ask unanimous consent that with respect to the bill, H.R. 4954, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate with a ratio of 9 to 7.

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

The Presiding Officer (Mr. SESSIONS) appointed from the Committee on Homeland Security and Governmental Affairs, Ms. COLLINS, Mr. COLEMAN, Mr. BENNETT, Mr. LIEBERMAN, and Mr. LEVIN; from the Committee on Commerce, Science, and Transportation, Mr. STEVENS, Mr. LOTT, Mrs. HUTCHISON, Mr. INOUYE, and Mr. LAUTENBERG; from the Committee on Finance, Mr. GRASSLEY, Mr. HATCH, and Mr. BAUCUS; from the Committee on Banking, Housing, and Urban Affairs, Mr. SHELBY, Mr. SARBANES and an additional conferee, Mrs. MURRAY.

WATER RESOURCES DEVELOPMENT ACT OF 2006

Mr. FRIST. Mr. President, I ask that the Chair lay before the Senate a message from the House on H.R. 2864.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives disagreeing to the amendment of the Senate to the bill (H.R. 2864) entitled ''an act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes,'' and asks a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate insist on its amendment, agree to conference with the House, and the Chair be authorized to appoint conferees at a ratio of 7 to 5.

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

The PRESIDING OFFICER (Mr. SESSIONS) appointed Mr. INHOFE, Mr. WARNER, Mr. BOND, Mr. VOINOVICH, Mr. CHAFEE, Ms. MURKOWSKI, Mr. VITTER, Mr. JEFFORDS, Mr. BAUCUS, Mr. LIEBERMAN, Mrs. BOXER, and Mr. CARPER conferees on the part of the Senate.

ORDERS FOR WEDNESDAY, SEPTEMBER 20, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, September 20. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 30 minutes with the first 15 minutes under the control of the Republican leader or his designee and the final 15 minutes under the control of the Democratic leader or his designee; further, that following morning business, the Senate resume consideration of the motion to proceed to H.R. 6061, the Secure Fence Act, with 1 hour of debate equally divided between the two leaders or their designees, followed by a vote on the motion to invoke cloture.

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

PROGRAM

Mr. FRIST. Mr. President, today we passed the Oman Free Trade bill by a vote of 63 to 31. I am pleased that we were finally able to proceed to a vote on the confirmation of a very important nomination, and that is the nomination of Alice Fisher to be an Assistant Attorney General. Tomorrow we will have a cloture vote on the motion to proceed to the Secure Fence Act, a bill on border security. That vote will occur at approximately 11 a.m., and this will be the first vote of the day. I hope that cloture will be invoked, and if it is invoked, I would hope that we could begin the bill as quickly as possible.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:31 p.m., adjourned until Wednesday, September 20, 2006, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, September 19, 2006:

DEPARTMENT OF JUSTICE

ALICE S. FISHER, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL.