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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Father John Ryan, St. Brendan Catholic Church, Ormond Beach, FL.

The guest Chaplain offered the following prayer:

Gracious and Creating God, before time began, You loved us. Before we were born, You knew us. You imagined us, then created us in Your holy image. From the beginning of time we were Your people, and through time You have been our Loving Father.

Blessed are You, Lord, Father of the universe and blessed is Your holy Name. Bless the work we do this day and the work yet to be done in these Chambers.

Gracious Father, without You nothing is worthwhile, nothing is of value. Grant to us and to our endeavors Your gracious and holy blessing. Keep us one Nation under Your loving gaze. Make us mindful of those who find life difficult and move us to be their voice, their advocates. May we always labor toward liberty and justice, dignity and goodness.

Blessed be God. Blessed be the nation whose God is the Lord both now and forever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

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, DC, March 9, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

ORDER OF PROCEDURE

Ms. COLLINS. Mr. President, this morning the Senate will be in a period of morning business. I ask unanimous consent that the period be extended until 12 noon with the time equally divided in the usual form.

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

Ms. COLLINS. Mr. President, I further ask unanimous consent that the majority leader be recognized at the conclusion of morning business.

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

Ms. COLLINS. Mr. President, last night the majority leader filed cloture on the lobbying reform bill. Under the rule, that vote would occur on Friday although it is hoped that the vote could be expedited and occur sometime today.

As a reminder, the majority leader has announced that it is also possible—

and indeed we hope—to consider the lobbying reform-related amendments throughout the day today if an agreement can be reached.

Also, Senators should be aware that all first-degree amendments to the lobbying reform bill must be filed at the desk by 1 o'clock today as provided for under rule XXII.

RECOGNITION OF THE MINORITY LEADER

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

LOBBYING REFORM

Mr. REID. Mr. President, prior to the distinguished Senator from Maine leaving the floor, I want to express my appreciation to her, Senator LIEBERMAN, Senator DODD, and Senator LOTT for their work on lobbying reform. We are going to complete this legislation; it is just a question of when we complete the legislation. It is something we need to do, and the American people want us to do it. Even though I am sure everyone's patience was tested yesterday—I have managed bills and I know how difficult it is when you can see the light at the end of the tunnel and somebody throws up a light and you can no longer see the end—we will complete the legislation. I am hopeful and I am confident we can do it on a bipartisan basis.

Ms. COLLINS. Mr. President, I thank the Democratic leader for his comments. This is an important piece of legislation. It has been completely bipartisan. The legislation reported by the Homeland Security Committee was reported with only one dissenting vote. The bill that was reported by the Rules and Administration Committee was reported unanimously. We have worked very closely with our ranking members, and I appreciate the assurances of the Democratic leader that his side of

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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the aisle recognizes the importance of enacting this bipartisan legislation. There is no reason why with a good effort we can't complete the bill today.

I thank the Democratic leader for his comments.

I thank you, Mr. President.

I yield the floor.

RESERVATION OF LEADER TIME

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

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PORT SECURITY

Mr. REID. Mr. President, I am going to suggest to Democratic Senators to oppose cloture today. I will say to all assembled that the vote under the rules is to occur tomorrow. If the majority leader decides he wants to do it today, we would not oppose even having that vote today. We are going to oppose cloture. The reason being, if you read newspapers today, you will see the House of Representatives, by a 99-percent margin in the supplemental appropriations bill, put a provision in that basically bans the Dubai Ports situation. I agree with that.

I suggested to the majority leader that we could have a vote on that matter right now after a very short time period to debate it. That would take it off of this bill. The majority leader said he doesn't want that. He suggested voting on it tomorrow.

To make a long story short, the majority leader at this point has not agreed to do that. As a result of that, any other thing we come up with takes the second-degree amendment away. It doesn't allow that to be the matter before the Senate.

I had a conversation with Senator DODD last night, and he was telling me how disappointed he was that we weren't going to complete this bill today. But this is where the American people find the Senate today and that is where we as Senators find ourselves today.

As I said yesterday—I say again today—I don't know if there is a change of heart because of Congressman BOEHNER now having a leadership position in the House or whether it is a matter of mere coincidence, but I appreciate the House of Representatives being a legislative body, a separate and equal branch of government.

We do not have to take orders from the White House. We don't have to do what they tell us we should do, wheth-

er this is a Democratic Senate or Republican Senate. There has been no better spokesperson of that than Senator BYRD. Senator BYRD for years has said—and he has a portfolio to substantiate what he said—that we serve separately from the President. Whether it is Democrat or Republican down there, we have our responsibilities.

I admire what the House did. They said we know this President feels strongly about this. We know he said he is going to veto it, but we are going to do it because we think we have an obligation to our constituents. I am glad they did that. No rubberstamp. I think it is about time. The issue is of critical importance to our national security. Whether it is Iraq, Katrina, or protecting Americans from terrorist threats, we have seen this administration choose, I believe, the wrong course.

We have had amendments here on the floor where we wanted to increase the security at our ports, checking our cargo containers, our chemical plants, our nuclear plants. We could go down a long list. The White House said they don't want them. So we don't get them. By a straight party-line vote we lose over here. I hope this is coming to an end.

That is why it has been so difficult to work on a bipartisan basis most of the time. There have been no vetoes. There has been nothing to veto. Whatever the President wants, he has gotten. The losers have been the American people, in my opinion.

That is where we found ourselves yesterday.

My friend from New York—no one can question his having been out front on this issue from the very beginning. I appreciate his working on a bipartisan basis to move this matter along. I told Senator FRIST this. I went to our special caucus yesterday, and we had Democratic Senators coming from every side of the room saying I am going to move to do what the House has done. As a result of that, Senator SCHUMER came to the floor and offered an amendment which was going to be offered. His having been out in front—I am glad he proposed it. He is the face of this amendment. He deserves it. He was the first one who noticed this issue in the press or anywhere else. I admire the work he has done on this issue.

We can't turn over control of these ports to a foreign country. That is what this is about. This isn't a foreign company, it is a foreign country.

I received a 1½-page memo from the Commissioner of Ports of New Jersey and New York. He said in his memo that whoever got this contract was going to be all powerful. They would control the perimeters of the ports. They would control who worked in the port. They would do background checks of the people who work there. The American people could sense this.

I think we overuse certain terms, but we want an up-or-down vote.

On the "Lou Dobbs" show last night when he was questioning one of the

guests—Lou Dobbs is on CNN—he said they are the same Republicans who were demanding an up-or-down vote on judges such as Alito and they won't give you a vote on this port thing. The only answer is, yes, it is true.

My friend, the distinguished majority leader, has decided it is not appropriate at this time to address this issue. That is a decision he can make.

We stand ready to vote on this port matter after a very short debate. I am sure Senator SCHUMER would agree to a couple hours, evenly divided, maybe even a shorter time than that, but at least a couple of hours would be appropriate at any time and move on.

I say through the Chair to anyone within the sound of my voice, lobbying reform will be completed, and it will be completed, I hope, sooner rather than later. This lobbying reform is important. We need to do everything we can to help restore integrity to what we do in Washington.

Having said that, it was absolutely wrong for the Senate not to take action yesterday on the most important issue the American people see today, and that is port security. I listened to Public Radio this morning. They had part of the debate that took place in the House of Representatives. I do not recall exactly what the vote was. I think it was 62 to 2 or something like that. MARCY KAPTUR, whom I came to the House of Representatives with, a Congresswoman from Ohio, said never in her long career in the House of Representatives has she received as many phone calls and other communications from constituents about an issue as the port security issue. And she speaks for the entire Congress. That is the way it has been. My phones in my office in the Hart Building of the Capitol area and in my Nevada offices are overwhelmed with people concerned about this issue.

I support what my friend from New York did. I hope in the near future the Senate will be able to vote on this matter.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Mr. President, I express my disappointment at the words of the Democratic leader urging our colleagues to vote against cloture on the lobbying reform measure. This is important legislation. This legislation matters. This legislation is bipartisan legislation. It is in response to declining public confidence in the integrity of the decisions made by Government officials.

It is extremely unfortunate and unfair for this much needed legislation to be slowed down by an important but completely unrelated issue, regardless of one's views on the Dubai transaction. The Presiding Officer knows I have been outspoken in calling for a full investigation of the national security implications of this transaction, but regardless of one's views on it, this issue should not be tangled up in the debate on whether or not to strengthen our lobbying disclosure laws.

We have worked hard to produce a bipartisan bill, two bipartisan bills, that have been married to strengthen our lobbying laws. It is extremely unfortunate to hear the Democrat leader say we should get it done sometime but everyone should vote against cloture. That leads me to question whether there really is a commitment to strengthening our lobbying laws.

There is no reason we cannot proceed to the many amendments that have been filed, to debate them fully, let the Senate work its will on each of the amendments, and then clear this legislation so we can go to conference with the House and send the bill to the President's desk.

Public confidence in Congress is very low right now, maybe at record low levels. This legislation helps to promote public confidence in the work we do and the decisions we make. This should not be a partisan issue, and it has not been until the Democrat leader came to the Senate to urge his colleagues to oppose cloture.

Why can't we proceed with the measure before the Senate? It is a bipartisan measure.

My colleague, Senator LIEBERMAN, has worked hand in hand with me on the Committee on Homeland Security to produce this bill. Senator MCCAIN, Senator SANTORUM, Senator DODD, Senator FEINGOLD—all have been involved and have worked very hard. Indeed, yesterday we were on the verge of enacting a bipartisan amendment with the lead sponsor being a Democratic Senator. I supported his amendment. It had to do with holds being placed on bills. I thought it was a good amendment that would help increase the transparency and accountability of what we are doing.

It is unfortunate the Democratic leader is urging delay, saying we should not proceed to wrap up this bill and, in fact, we should not vote for cloture.

I urge our colleagues on both sides of the aisle to support cloture. It is imperative we move ahead with this bill. If we do not act today to pass this legislation to strengthen public confidence in the decisions we make, shame on us.

I am not saying the issue raised by the Senator from New York is not an important issue. As I said, I have spoken time and again in favor of a full 45-day review, and we have gotten that. We need to find out the results of that investigation, have the Committee on Foreign Investment report not only to the President but to us, and then make our decisions.

I am introducing legislation to reform the entire Committee on Foreign Investment to give it a stronger homeland security and national security role and to house it in the Department of Homeland Security. That is an important issue. But it is not the issue before the Senate today. The issue before the Senate today is the lobbying reform measure, two bipartisan bills

that have been put together that will help strengthen and promote public confidence in our decisions. Let's get on with the task before the Senate.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Maine for her very eloquent remarks. I thank the Senator from Connecticut for his hard work on behalf of shaping legislation and bringing to the Senate amendments that we can help bring about a restoration of confidence on the part of the American people in the way we do business. I also congratulate the Senator from Connecticut, Mr. LIEBERMAN, who has worked so closely with Senator COLLINS, as Senator DODD has worked closely with Senator LOTT.

There are a group of Senators from both sides of the aisle—Senator OBAMA, myself, Senators LIEBERMAN, COLLINS, LOTT, PRYOR, a number of other Senators—who, on an ad hoc basis, sat down for many hours to discuss the various measures we believe need to be taken.

Also, there is another group of Senators that is very concerned about the whole earmarking process which, in the view of any objective observer, has lurched completely out of control, and which is the source of a lot of the problems we are facing with the need for lobbying reform because we have a system that makes it so vulnerable to the exploitations of a few unscrupulous people—to wit, the Congressman Cunningham case, as well as others.

I have never come to the Senate in the years I have been here to talk about this institution. One, I didn't believe I had a need to, much less have a right to. I have only been here since 1987. There are a number of other Members who have been here a lot longer. But what I saw happen yesterday and what I have seen transpire makes me very concerned, and even to a degree saddened at the way the Senate has degenerated and deteriorated from an atmosphere of a willingness to address issues in the fashion that the Senate has to, which has to do with sitting down, discussing, agreeing, and moving forward. We are not the other body. Every Senator not only has individual rights, but, thank God, 40 or 41 of them can prevent action from being taken.

I see a degree of partisanship and bitterness and mistrust permeating this place which is not good not only for the institution of the Senate but for the United States of America. When I first arrived here, the leaders at that time, whether the other side was in the majority or minority, and various more senior Members would sit down and settle on an agenda that the Senate would pursue which, first and foremost, was in the interests of the American people and, secondarily, was in the interests of the respective parties.

Now we cannot move forward in the simplest fashion on issues that we are all in agreement on, much less come to some agreement as to how we can ad-

dress an issue that is more contentious.

A lot of my colleagues say they love the institution of the Senate. I don't love the institution of the Senate, but I respect it. I respect it more than any institution I have ever been associated with. When I travel around the world, usually at taxpayer expense, I am even more proud of the institution of the Senate because it epitomizes what America is all about: participatory democracy, the ability of one another to fully debate and ventilate issues and come to consensus without taint of corruption or illegitimacy in any way.

Now I see this institution deteriorating and degenerating to a point where sometimes I am not only embarrassed but sometimes a little ashamed.

Yesterday, we had a procedure going on to address a major concern of the American people, and that is the lobbying practices and the ethics rules with which we conduct our business. This was a product of a bipartisan effort, both formal and informal, for many weeks. This was an agreement. Of course, there was a tinge of partisanship, as there always is, but 95 percent of it involved Members sitting down, recognizing that American people do not approve of what we are doing. A majority of the American people believe we do not share their priorities. Only 25 percent of the American people approve of Congress; 75 percent disapprove.

The major concerns the American people have is they fear there is corruption in our institutions. When we see the conviction of a Member of Congress, when we see continued allegations concerning special favors and the influence of special interests, there is at least smoke, if not fire, in those associated with those allegations.

Yesterday, thanks to a bipartisan effort, we were moving forward with an agenda. We had considered amendments. We had voted on one concerning gifts. There was another one coming up that was going to be contentious, and that is the use of corporate jets by Members of Congress, for paying first-class fare instead of the charter rate which every other citizen is required to do. Obviously, I will not get into that debate. And then we had a schedule of some other amendments.

Then the Senator from New York came to the Senate and said just before the vote, "Reserving the right to object . . ." because he was reserving the right to object to a unanimous consent agreement, as we do business here by unanimous consent agreement, "before we set it aside, on this amendment." On this amendment, that was his statement. It is part of the RECORD. Then when he was recognized, he reached into his pocket and pulled out an amendment.

It is the right of every Senator under the rules to propose an amendment. It is not the right of every Senator to mislead his colleagues. It is not the right of every Senator. How can we do

business in this Senate if our colleagues mislead us?

The current Presiding Officer, who happened to be the Chair at the time, was surprised, as were the rest of us.

Fortunately, we keep a transcript of our remarks, and I went back and I quoted from it again. I do not in any way criticize the right of any Senator to propose an amendment at any time that is under the parliamentary rules. But to stand up on the floor of this Senate and say you are going to do one thing and then you do another is not only inappropriate, but it risks—it risks—a breakdown of the kind of courtesy we have to extend to each other if we are going to function as a body.

So now the larger issue. The Senator from Nevada and the Senator from New York are dead set on an amendment to negate the agreement concerning the leasing of terminals in the United States by the United Arab Emirates. I understand the passion they feel on that issue. I respect their views on that. But do we have to—knowing full well it would tie up the Senate—the Senator from Nevada has been around here as long as I have. Knowing full well it would tie up the Senate, bring to a halt any action we might take on ethics and lobbying reform, still we are insistent upon that.

Now, the Senator from Connecticut and the Senator from Nevada will stand up: It is our right, it is our right to propose any amendment that is in a parliamentary fashion acceptable. I agree with that. I do not dispute their right. I do dispute stopping—which it has; now we are not going to move forward until after the cloture vote—stopping our progress on the issue which is more important to the American people or as important in an orderly fashion.

The Senator from Nevada knows full well if we are going to act legislatively in this body he is going to have an opportunity to propose this amendment. If we are going to act legislatively, we could stop, we could not do anything in the Senate for 45 days or a month or until the upcoming elections.

But my point is—and I want to, in fairness, say I see a lot of the same thing on this side of the aisle quite occasionally, quite frequently, that we will propose amendments to gain some kind of political advantage. That has always been part of the way we have done business. But hasn't it gotten out of proportion to our first obligation, and that is to do the people's business? Isn't that the reason why only 25 percent of the American people approve of what we do and how we do it? Aren't we concerned? Aren't we concerned about how the American people feel about us, the people we purport to represent?

What we need to do here is for the leaders on both sides, with others, to sit down and map out an agenda we can all agree to. But to bring this process of ethics and lobbying reform and earmark reform to a halt for the sake of

an amendment that has nothing whatsoever to do with the businesses at hand, which is highly contentious, I think is not doing the people's business.

I want to emphasize again, I do not dispute the right of the other side of the aisle to act in a parliamentary fashion. There is nothing illegal they are doing. But I would hope that perhaps the greater good would prevail here, and we could sit down and work these things out, which would require concessions made on both sides, which has been the case of the way the Senate functions.

So I must say, I have only been here since 1987, but I have never seen anything like I saw yesterday in the years I have been here. But it is also symptomatic of the bitter partisanship that prevails here, which prevents us from doing anything meaningful or doing very much meaningful for the American people.

If my friends on the other side of the aisle want to give this side of the aisle some of the blame for this partisanship we experience here, I accept it. I accept it. I do not debate it. My point is, it is time we sat down and mapped out an agenda we can all agree to, and start doing the business of the people of this country first and our parties' business and political advantage second.

I do not mean to be contentious in these remarks. I do not mean to be too critical. But I did happen to be on the floor yesterday and see something, as I said, I have never seen before. We have to stop, take a deep breath, sit down together, and start working together. That sounds a bit utopian or Pollyannaish, but it is not. And in the many years I have been here, I saw people able to sit down—even if they had strongly held feelings—together and work things out. We are not able to do that today. It is time we changed course.

I thank my colleagues for their patience. I hope I was not in any way condescending in my remarks concerning my concern about this body.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The minority leader.

UNANIMOUS CONSENT REQUEST

Mr. REID. Madam President, I ask unanimous consent that the Schumer amendment be withdrawn and that it be immediately considered as a free-standing bill, with a time limitation of 2 hours equally divided; no amendments or motions in order; and that upon the use or yielding back of time, the Senate then vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

The Senator from Maine.

Ms. COLLINS. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Who yields time?

The Senator from Connecticut.

LEGISLATIVE PROCESS

Mr. DODD. Madam President, let me, if I may, respond to some of the things that have been said. I see my good friend from New York is here as well. I expect he may want to share some thoughts. I will not be long. First, let me say to my good friends from Maine and Arizona, they are truly wonderful friends, and I have worked on countless occasions with both of them. I regret we are in this situation as well. I say to my friends, this is a matter that is extremely important. We have all worked very hard in a bipartisan fashion to bring up both this lobbying reform and ethics reform package. So I am still confident, despite the differences that occurred yesterday, that we are going to achieve that goal.

I had hoped we would be able to finish it by this week so we would not end up having an elongated debate about the subject matter. I do not think it needs that much time. I am sorry that is not going to occur.

Let me also quickly say to my friend from Arizona, much of what he has said I agree with. I am a product of this place in many ways. I have been here a long time. I sat here on the floor as a page back—I think Jefferson was President when I sat on the floor here, that is how long ago it was—watching Lyndon Johnson sitting as Vice President of the United States, and with the all-night civil rights debates, and so forth. So I am very much a product of this institution. My father served here, and so I have great reverence for the Senate.

I too regret what has happened in many ways, that we do not spend the time to work out matters, as we have done on this bill. I think this bill has been a good example of how the Senate ought to function in many ways. That is not to say we are all going to agree on every amendment offered, but we created a process by which this can be done. I am disappointed we come here on Tuesdays and leave on Thursdays. There was a time when we used to come on Monday and stay until Friday, and there was ample time during the week for consideration of matters.

Part of the difficulty is, today, when you know you have to come in on a Tuesday at about 5 and leave on Thursday at about 5, then in order to deal with all the matters in front of you, you start doing things or offering things in a fashion you might not otherwise were there more of an opportunity to deal with it.

I counted up last night. I suspect, if I am correct, that there are about 60 legislative days left in this session. Assuming we will probably adjourn sometime in September for the fall elections, we have 60 days left to deal with a variety of issues.

My colleague from Arizona is right. Look, the numbers are there. The American public is not happy with how they see their national legislative body

functioning. There are many reasons for that, not the least of which is there are issues out there which they confront every single day that are staggering to them—their health care problems, employment issues, the education quality in our country. We all know what the issues are. We do not have to do a survey. They want to know whether we are going to pay attention to the matters they grapple with every single day.

This is also an important issue because it has to do with how we are perceived as a body. So I am not going to minimize this at all. I am not going to stand here and suggest we are all—at one time or another we have done things that I suspect if we had the chance to do them again, we would do them differently.

I will let my colleague from New York address and express what his intents were and what his purposes were, but he raised what, as my colleague from Arizona said, is a very important issue. All of us know that. We have had major hearings. My friend from Maine has had major hearings on this question already. The Banking Committee has had hearings. The other body has already passed, at least out of the Appropriations Committee—my good friend Congressman JERRY LEWIS has passed—I think 60 to 2 was the vote, something like that yesterday, a similar proposal dealing with this question about our port security.

So none of us minimize this issue. This is not some extraneous matter that has marginal importance to people here. It is timely. It is important. It is critical. People are worried about it.

I would hope, because the hour of 2:15, or whatever the time for this cloture vote is to occur, has not arrived, that there might still be an opportunity for us to find some way to be able to say—next week, the week after, whenever it is here—that we have a chance for an hour or two to raise an important issue, have a good debate in the Senate—in fact, the leader mentioned 2 hours; I think 3 or 4 or 5 hours—for us to discuss an issue of that importance, and with that agreement being reached, we then would agree there will be no other extraneous matters brought up on this bill, and then we could move forward with it so we do not end up tying ourselves in a knot with cloture motions and voting against or for and whatever we are going to do here, delaying the consideration of this bill.

I will leave it to my colleague from New York to explain what his intentions are, what he would like to do. But having talked to him, I believe he is going to suggest we have something like that. I realize that causes some heartburn for others. But nonetheless, my hope is that we can get away from this, get back to where we were yesterday morning, moving rather smoothly through a process that Senator COLLINS and my colleague from Con-

necticut, Senator LIEBERMAN, and Senator LOTT and I were trying to create, with having one amendment going back and forth from either side, and getting down to a number where we actually had a good possibility of concluding the consideration of this bill by this evening.

That may not happen now because of the delay here. But my appeal would be to the Republican leader—I just heard the Democratic leader—to see if in the next hour or so we can't come to some agreement here to get back on this bill. Let's avoid the cloture votes and get through this legislation. Let's keep it a clean bill, if we can, despite the temptation to bring up other issues. Set aside some time for this debate, and discuss it here on the floor, dealing with the port security issues. That way I think we have satisfied our roles to deal with timely questions, to deal with this important matter, and avoid the kind of acrimony that can truly cause this place to crater again.

Again, I say I will let my friend from New York explain what he did. But I understand his motives to at least bring up this very important matter, and one that all of us care deeply about. We are hearing about it from our constituents.

Again, to my friend from Arizona, for whom I have the greatest respect and admiration—I have loved working with him over the years on many matters—I too worry. If more committees conducted themselves as the Homeland Security and Governmental Affairs Committee does—my Committee on Banking, by the way—with oversight, looking at issues—I think the Armed Services Committee is doing a pretty good job on a lot of these issues. That is the role of the Senate: to be engaged in the debate, the discussion, to provide the time here on the floor, with that Monday through Friday, so we have a good opportunity here to discuss the important issues of the day.

Again, the leadership has to work this out. A lot of us are at fault because we ask the leaders, we say: I can't be around on Friday. I can't be here on Monday. Can you wait until 6 o'clock on Tuesday? All of a sudden, you are arriving on Tuesday and leaving on Thursday night. No other job in America allows you to come for a couple days a week in order to do business.

So I am sorry in a way we are finding ourselves in this truncated situation. I regret we are in this situation, but we can get out of it as well. My hope would be we would find an opportunity to provide a window to discuss port security, which is critical, and clean this bill up. Let's deal with the issues before us. My friend from Maine said it well earlier: We need to get back on this question. I agree with her on that point. That appeal is out there. I will leave it up to the leaders to decide how to proceed, but I hope that will be the case.

Madam President, I see my friend from New York.

Mr. SCHUMER. Madam President, I thank my colleagues, particularly my good friend from Connecticut, as well as the minority leader, for laying out our position. Before I begin, I do want to thank the Senator from Maine, the Senator from Connecticut, his colleague, the other Senator from Connecticut, as well as the Senator from Mississippi for their hard work on this issue. Nobody gainsays the importance of doing ethics reform. I certainly have been a member of the Rules Committee and involved in it. The bottom line is very simple: Doing ethics reform and dealing with the Dubai issue are not mutually exclusive. We can do both. We can do both this week. The motion made by the minority leader makes that perfectly clear. The two are not mutually exclusive. Nothing would make us happier on this side of the aisle than working out an agreement where we would be given time to debate this amendment, separately or as part of the bill, whichever would be the majority's preference, and then move back to the very important, thoughtfully worked-out legislation on ethics reform.

We have to deal with the Dubai ports issue not in April or May but now. That is not only what the American people want, it is important to every one of us. I come from New York. We went through 9/11. Ever since that day, ever since the next day, when I put on this flag which I wear every day in memory of those who were lost, I have said: We have to do everything we can to make sure it doesn't happen again. That doesn't mean it should be No. 16 or No. 17 or even Nos. 3 or 4 on the list. It should be No. 1.

When we heard that Dubai Ports World was going to take over our ports, it naturally raised alarms, not because the country was an Arab country but because the country had had a long nexus with terrorism. The more you look at the deal, the worse it gets. That is the problem.

First, we find out that the review done by the CFIUS committee was cursory, quick. They didn't even call the port authorities, such as New York, New Jersey, and ask about it. The letter that my friend from South Carolina first procured, Senator GRAHAM, given to Senator REID and myself, lays out very clearly how an operator of a port can have a great deal to do with security. Then not only did we find out that the review was cursory and casual, it seemed that the wheels were greased to let this deal go through. Everything was quick. Everything was secret. Everything was quiet.

A group of us—myself, my colleague from North Dakota, both colleagues from New Jersey, my colleague from New York, both colleagues from Connecticut, many others from the metropolitan areas—said: We have to do something. We have to move because we can't wait. The bipartisan legislation that we introduced said: Put the deal on hold. Do the 45-day review.

Make sure the report goes to Congress. We get to see it; a nonclassified version goes to the American people. And then we get the right, if we choose, to disapprove.

The 45-day review was going forward, but none of the other conditions have been met. Right now the law would be such that the 45-day review would go forward. We wouldn't know how thorough it would be because it would be secret. The Congress and the American people would never know the results of the review, and the President would get to say "yes" or "no." The President has already said "yes." If the President had said: I am going to take a new look at this after the 45-day review, it might give us some hope. But he didn't. It is Alice in Wonderlandlike—verdict first, trial second.

Then, this weekend, a few more things occurred. The head of Dubai Ports World was on national television in America on a CNN show. And when asked by Wolf Blitzer, chief correspondent in Dubai, how many containers do you inspect here in Dubai, he answered: I don't know.

When asked what kind of security guarantees do you have about the employees who might work on the perimeter or with the cargo manifests, he didn't even care. He simply said: We have to make our British shareholders happy. That has been the whole trouble with this process. That has been the trouble with the CFIUS process. It seems that economics and diplomacy trump security.

In fact, I have been around the CFIUS process for a while, being a member of the House Banking Committee and now the Senate Banking Committee. I have been on the Banking Committees for every one of my 26 years in Congress. Basically, it was passed before I got here, but the CFIUS process was basically done to give national security cover and allow economic deals to go forward. Because in the 1980s and the 1990s, the greatest concern we had was not security but economics. After 9/11, all that changed, but the CFIUS process did not.

Many of us have come to the same conclusion that JERRY LEWIS in the House came to, and I guess 62 of the 64 Appropriations Committee members, bipartisan, in the House Appropriations Committee, that this deal should be stopped.

We don't have the luxury of waiting. That appropriations bill may not get over here until April, the supplemental. It may not be voted on until May. The deal will be consummated and done. And then they will say: You can't undo it. There will be constitutional and legal problems.

We have to act now. There are a variety of ways to act. I have chosen one. There is no monopoly on that. Maybe there is another. And certainly there are a variety of procedures. We can vote, as Senator REID offered, as a separate standing bill today, tomorrow,

early next week. We can do it as part of this bill. We can make an arrangement and make it somewhere else. But the voice of the Senate must be heard. Lobbying reform is important, yes, but so is security. Lobbying reform has some time urgency, given everything we have seen, yes, but not more time urgency than this deal which might endanger our security.

Let me be clear: We can do both. This Chamber can walk and chew gum at the same time. We can spend some time debating this, go back to lobbying reform and accomplish both our goals. But let me make one thing clear: We will use whatever parliamentary means we can to make sure there is a vote on this issue. In recent months and years, the Senate has changed. It is much harder to offer amendments. The tree is filled up. There are agreements that amendments cannot be germane. Cloture is filed. Our job, my job, as I represent 19 million New Yorkers, is to see that they are secure, above all. Therefore, I believe that we must vote on this amendment soon, quickly, and move on to other business.

I tell my colleagues, certainly this Senator from New York and, I think, many of my colleagues, will do everything we can to make sure that there is a vote on Dubai Ports World, a meaningful vote that ends the deal before it is too late.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I have listened to the thoughtful comments this morning. I understand there is some controversy, some passion and anxiety about all of this. It is not partisan. There is nothing partisan about an amendment dealing with the Dubai Ports World issue. This is a significant issue. As my colleagues have said, the bill that is on the floor is also a significant issue. Both need to be dealt with. Both should be considered by this great deliberative body. But this is not about partisanship at all.

I understand partisanship. I regret that there is too much of it in this town. I left the House many years ago, decided I was going to leave the House. I did run for the Senate, but I was done with the House of Representatives. What did it for me was when they established, through then-Congressman Gingrich—I guess it is all right to say his name—something called GOPAC. And they word-tested through polls and then sent out a missive to everyone in his political camp that said: Here is the way we deal with this. When you are describing your opponent in a political election, use the words "sick," "traitor," "pathetic," "antifamily," "antiflag." That was sent all over this country by an organization that said: This is the way you should engage in politics. Here are the words you should use to describe your opponents. And we poll tested them. They work. Describe your opponents as sick, pathetic, traitor, antiflag. That

was sent around the country. That is what polluted the House of Representatives. I had been there long enough when I saw that sort of thing.

I love the Senate. I respect the Senate. I like being here. It is a great privilege to serve in the Senate. I regret there is probably too much partisanship here as well. I don't think we have had the kind of partisanship that infected the House beginning in the late 1980s, but I realize that this body and the House and the President, for that matter, are not in good standing with the American people these days. That circumstance exists because the American people take a look at us and they say: Here is what we face in our daily lives, and you are not addressing it. You are doing nothing about it. Why aren't you sinking your teeth into the significant issues of the day? The issue that faces me when I pull up to the gas pump, why aren't you sinking your teeth into that issue?

Someone stood up in North Dakota recently from a human service nonprofit organization and said: I just had an 81-year-old woman come in looking for a job. She just lost her last job. Do you know what her last job was at age 81? Cleaning office buildings starting at 1 a.m. Then they cut back that employment, so now she needs another job because her Social Security is \$170 a month. So at age 81 she is looking for a second job to clean buildings. Why aren't you doing something about that? Why isn't the Congress addressing that?

An hour ago, this Government announced that last month's trade deficit was \$68.5 billion in 1 month, the highest in the history of the human race. What does that mean? It is not just 68.5 billion dollars, it is jobs, massive numbers of jobs moving overseas, and it is the selling of this country piece by piece; at a rate of \$2 billion a day we are selling America. Why don't we sink our teeth into that? Stem cell research, reimportation of prescription drugs, why don't you sink your teeth into that, they wonder.

At least part of the reason in the Senate that we can't sink our teeth into these issues is because we are prevented from offering amendments to do so. My colleague has offered an amendment on a controversial issue, I understand. The issue of whether a United Arab Emirates company called Dubai Ports World should be managing America's seaports. Should they manage some of America's largest seaports? Is this issue controversial? I suppose it is. Is it urgent that the Congress address this? Of course, it is urgent. The House Appropriations Committee, controlled by the President's own political party, yesterday by a vote of 62 to 2 slapped an amendment on an emergency supplemental appropriations bill designed to provide money for the Department of Defense and for Hurricane Katrina recovery. They slapped an amendment on there to stop this ports deal. Good for them. So there has been offered in

the Senate an amendment to stop the ports deal. All of a sudden the Senate is stopped, dead cold in its tracks. Why is it that a proposal such as this becomes a set of brake pads for the Senate? Who decides it should shut things down because someone offers an amendment to stop this takeover of the management of U.S. ports by a company from the United Arab Emirates? Why wouldn't we vote on it? How about yesterday when it was offered, after people got over being upset that we had to deal with it, how about voting on it and then moving ahead?

The underlying bill by Senator COLLINS and Senator DODD is a bill we should do.

I am enormously pleased with their leadership. That has not been easy to bring that bill to the floor. Senator LIEBERMAN, Senator LOTT, the two I have mentioned should be commended. Look, this is leadership. They have brought a bill to the floor that is important. We need to do it. But there is nothing that suggests that just because an amendment was offered dealing with Dubai Ports World, it ought to shut down the Senate. It didn't shut down the House yesterday when Congressman LEWIS offered it to an emergency supplemental appropriations bill. They just voted. Why have we not voted? Senator FRIST, I guess, has decided we won't vote on it. So we will stop the Senate cold in its tracks. We will pull down on the side of the road and hang out for while.

Does that make any sense to anybody? This doesn't make sense to me. Seventy, seventy-five percent of the American people—polls tell us—think that it is stark raving nuts to have a company owned by the United Arab Emirates manage our major ports. I know we have some people who are the elitists in Washington and who think they know better than all of the American people. They think they have greater wisdom and the American people just don't get it. These elitists think that the American people are isolationist xenophobes and cannot see over the horizon. So we have people in Washington who think this deal with Dubai Ports World is fine. It is not fine with me. It is not fine with 70, 75 percent of the American people.

If we get a vote on it in the Senate, it will not be fine with an overwhelming majority of the Senate. The question is, Will we be able to do in the Senate what the House did? That is, have an opportunity to vote on this proposition: Should a company owned by the United Arab Emirates be managing America's ports?

Well, it is interesting to read some of the things that have been written in recent days about this. United Arab Emirates, to the extent they have cooperated with us since 9/11, good for them. We hope they will continue. But there are questions about the extent to which they were involved in 9/11—yes, two of the hijackers were from there; yes, a substantial amount of evidence

exists that the financing for the 9/11 plots went through financial institutions in the UAE. Dr. Khan from Pakistan was moving nuclear materials that were being pirated and shipped around the world to North Korea and Iran and other countries, and that was accommodated by the UAE ports.

Interestingly enough, the 9/11 Commission report—I have cited the page in a previous discussion—talks about when we knew where Osama bin Laden was in 1999. We knew where he was, because our intelligence pinpointed his location. They readied the cruise missiles to shoot at this location. Overnight, they decided they had to withhold and would not do it. Why? Because George Tenet later said we might have wiped out half of the royal family of the UAE, who were visiting Osama bin Laden at the time.

The 9/11 Commission report puts it a bit differently. It says UAE royal family members were there. But it is written and spoken by the head of the CIA. The reason the attack wasn't launched when we knew where Osama bin Laden was that he was being visited by the royal family of the UAE.

My point is this: That country has had some ties to terrorism. It was one of three countries to recognize the Taliban government, which accommodated Osama bin Laden in Afghanistan. It has ties to terrorism. When the American people learned about CFIUS and all these goofy acronyms and the work these folks have done in secret that says it is OK for a company such as this, owned by UAE, to manage our ports, the people of this country ask: Why is it that a country such as the United States cannot manage its own seaports? If we are so concerned about national security—and we are—and if we are threatened by terrorists consistently—and we are—and if seaports and airports are two of the important elements of national security—and they are—and if you go to the airport and try to board a plane, they will have you take off your shoes and belt, and as you go through the metal detector you will see a 6-year-old kid spread-eagle and being wanded because we are concerned about security, and if that is the case, why then would we turn to seaport security and decide this? With 5.7 million to 5.9 million containers coming in every year to our seaports, we have decided it is OK for a Middle Eastern country—the UAE—with its history, to manage our seaports through a company owned by that government. Does that make sense?

My former colleague, Fritz Hollings, who used to sit at this desk, used to talk about seaport security a lot. We don't have any seaports in North Dakota. But we went back and checked the Record: I came to the floor 13 times from 2001 until the end of 2005 to talk about seaport security—13 times. Almost every time I was here, Senator Fritz Hollings was also here talking about seaport security. We offered and offered and offered amendments to

heighten and increase inspections and seaport security. Now we inspect only 4 to 5 percent of the containers that come in; 96 percent are not inspected. Does that make any sense?

This administration has not been willing to support the substantial enhancement that is necessary for real security at our seaports. One day, God forbid, there may be a terrorist attack that comes from America's seaports. We are spending somewhere close to \$10 billion a year now on the issue of anti-ballistic missile protection, thinking that a rogue nation or a terrorist will acquire an intercontinental ballistic missile, put a nuclear weapon on the tip of it and shoot it at us at 15,000 miles an hour. That is the least likely threat America faces. A much more likely threat is a ship pulling up to a port at 2 to 4 miles an hour, up to the dock in a major American city, full of containers, one of which might have a nuclear weapon in it. Then we are not talking about 3,000 casualties; we are talking about 100,000 or even 300,000 casualties.

So is seaport security important? It is critical. We need to deal with it. We need to send a message to this administration and to all those involved in what is called CFIUS the Committee on Foreign Investment in the United States—that we don't improve security at our seaports by deciding we should have the UAE wholly owned company manage our seaports. Mr. Chertoff said it will actually improve security to have the UAE company managing America's seaports. That is so unbelievable that it is almost laughable. But you should not laugh when you are talking about national security issues.

This proposal is going to improve security at our seaports? Hardly. The reason the American people are concerned about it, the reason the Congress is concerned is that we understand this will diminish security. This will erode security at our seaports. Security is already too weak, and it must be dramatically strengthened.

Now, we are here in the Senate chambers with virtually nothing happening. The same thing happened yesterday afternoon. The bill is on the floor of the Senate and the Senate rules are such that you can offer amendments to that bill and they don't have to be germane prior to any cloture motion; they don't have to be relevant to the bill.

I will give you some examples of the problems of the Senate, the way the Senate works these days. I was promised—and others were as well—that we would have a vote on the issue of reimportation of prescription drugs. Reimportation would drive down the price of prescription drugs in the United States because we pay the highest prices in the world, and the same drug, made by the same company, put in the same bottle, made in the same manufacturing plant, is sent to Canada and is sold for one-tenth of the price. I recently sat on a hay bale talking with an old codger who is about 85-years-old.

He said: My wife has been fighting breast cancer for 3 years, and we have driven to Canada for 3 straight years, every 3 months, to get her medicine, and we have saved 80 percent on her medicine bill; the same pill I could have gotten on the North Dakota side of the border, but it is priced much higher in the United States.

So for several years now, we have had proposals that are bipartisan to allow for reimportation, but we have been prevented from having an opportunity to vote on it on the floor of the Senate, despite the fact that the majority leader at midnight one night made a commitment to do it. He thinks he didn't. It is written in the CONGRESSIONAL RECORD and somebody can look at it and see whether or not the commitment was made. But we didn't get a vote on it. So it is frustrating.

The Senate is a place where you ought to get a vote. The complaint now, I guess, is that the amendment was offered. It wasn't offered in violation of the rules. The rules allow it to be offered. Perhaps if somebody says let's not vote on it this afternoon but tomorrow, or let's vote on it next Tuesday, my guess is they can make an arrangement to have that happen. But this is a voluntary rest for the Senate. Deciding not to move forward with the bill is a decision by the majority leader. He has decided that he doesn't want to vote on an amendment offered under the rules and which deals with a very relevant issue that was voted on yesterday in a House Committee by the majority party on a piece of legislation that had nothing to do with the amendment. It was OK in the House to do that.

But the majority party in the Senate, even though it was offered under the rules of the Senate, said: No, no, if you are going to force us to talk about and vote on this issue of whether a UAE company should be managing America's ports, we are going to stop the process, stop progress of the Senate, and we are going to sit around and look at each other. That doesn't make any sense. Let's run the Senate the way it ought to be run. If you have amendments, let's debate the amendments and vote on the amendments. This isn't rocket science. If somebody offers an amendment, you have a debate. If you think the people are talking too long, get an agreement on restricting the debate, or get a time agreement and, at the end of the debate, you vote and count them. You don't weigh them; you just count them. It is very simple.

Apparently the majority leader wants to run this body like the House Rules Committee. They would have kind of a Rules Committee on the floor of the Senate that says you can offer this amendment, but you cannot offer that one. They have been doing that for a long while now. This body is run by people who want to emulate the House Rules Committee and prevent people from offering amendments that

are perfectly allowable under the rules of the Senate. We are told, if you offer an amendment under the rules, we are going to shut the place down. We are going to stop and complain. So now that the majority party has decided that it doesn't want to move, it complains that we are not moving. A very strange complaint. They can fix this in 5 minutes.

I said the other day it doesn't take me 45 days to figure out the UAE ports issue. We have a 45-day review period—paradoxically requested by the company rather than our country. Our country should insist on that because it is our security. But the company asked our country to do a 45-day review. My point is I don't need 45 days, or even 45 minutes, to figure this out. Nor do most Americans. This deal erodes America's security. It should not take us 5 minutes to get this place back on track.

The underlying bill is important. It is brought to us by four pretty distinguished legislators. Let's proceed with that bill. How do you do that? Let's vote on this amendment in the next half hour or so and then move ahead. If you say there is a scheduling issue, then let's not vote on this amendment today and give us time on Tuesday. That would be all right.

I want to make one other point. I don't know how this is going to turn out, but I am on the Appropriations Committee, and on the emergency supplemental bill, when we mark that up, I intend to offer the identical amendment that a Congressman offered in the House Appropriations Committee so that we can have a vote on it and go to conference with the House on the emergency supplement with identical amendments. I think the Senate should pass an identical amendment in the emergency supplemental, no matter how this comes out, as a backstop. I intend to offer that in the future when we mark up the emergency supplemental bill.

Madam President, I wish to take an additional minute to talk about the news this morning about the \$68.5 billion trade deficit, and then I will yield to my colleague from Connecticut, or whoever wishes to speak. The news is once again devastating: our trade deficit last month was \$68.5 billion, which is the highest in our history. This relates to a trade policy that is fundamentally bankrupt and a Congress and a President that are not only asleep at the switch but have their heads buried deeper in the sand every month. And the trade deficit widened substantially with China again. I will not go through all the stories about unfair trade. But if this Congress and the President continue to ignore this issue, at some point, this country's currency will suffer a fate that I don't want to see. It will have enormous economic consequences.

This is a strategy that is unsustainable. It is hurting Americans and is shifting Americans' jobs over-

seas and selling part of America. By the way, this is related to the Dubai Ports World deal because all of this offshoring and outsourcing and globalization and the decision that anybody could do anything, anywhere, and there really are no rules. And the minute somebody says maybe there ought to be rules, they are xenophobes and isolationists. And I will talk about that at another time.

If this \$68.5 billion is not a wake-up call, if this doesn't wake up the Congress and the President—and it likely won't—then I suggest this coma is probably irreversible, and I worry about the future of this country.

This country needs to stand up for its own economic interests. Whether it is trade with Japan or trade with China, trade with Europe, trade with Canada, trade with Mexico—we have very large deficits with all of them—and if we don't find a way to address this issue, this country's economy will not remain a vibrant world-class economy in the long term.

Again, we are in this deep sleep, or probably a coma, wanting to either deny or ignore the central facts of a trade policy that is awful. It is trading away American workers, trading away the middle class. We are hollowing out the center of this country. We are saying to this country's workers: If you can't compete with Chinese wages, if you can't compete with Indonesia, Bangladesh, or Sri Lanka wages, shame on you; your job is gone.

I have gone on at length talking about Huffy bikes, Radio Flyer, little red wagons—a whole host of products and companies that have moved offshore.

By the way, the thank-you for moving offshore from this Congress is to give them a big tax break. We voted to end this tax break four times, four amendments I have offered. All four have lost. I will continue to offer those amendments because I still believe that the last thing we ought to do is offer tax breaks to those who shut their American plants and move their jobs overseas. It is pretty unbelievable we do that, but it is part of the willingness to both ignore the circumstances of our trade deficit and the willingness to believe that a completely bankrupt strategy remains workable.

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

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

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT
AGREEMENT—S. 2349

Mr. FRIST. Mr. President, the Democratic leader and I have been in consultation over the course of the morning, and I come to the floor now with a

unanimous consent request. I ask unanimous consent that notwithstanding the provisions of rule XXII, the cloture vote occur at 2 o'clock today and that second-degree amendments be filed not later than 2 p.m. on Monday, March 13. I further ask that the mandatory quorum be waived.

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

Mr. FRIST. Mr. President, 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.

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

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

ORDER OF PROCEDURE

Mrs. BOXER. Mr. President, is there any limit on the time for Senators at this point?

The PRESIDING OFFICER. There is 5½ minutes remaining on the minority side.

Mrs. BOXER. I ask unanimous consent that be extended on both sides by an additional 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. BOXER. Mr. President, if you would let me know when I have used up 9 minutes so I can wrap up?

The PRESIDING OFFICER. The Chair will so advise.

PORT SECURITY

Mrs. BOXER. Mr. President, I have been watching the developments on the Senate floor with, let's say, much surprise. It is very hard for me to understand why this Senate would not want to go on record in opposition to the Dubai ports deal when we have an opportunity to do that, to dispose of that amendment by Senator SCHUMER and go right back to the ethics reform bill that is before the Senate.

I thank Senator SCHUMER for his courage because I know how it is around here sometimes. You need courage to say: Look, this is so important I am not going to back down. Senator SCHUMER explained that he and his colleagues from New York and New Jersey and Connecticut suffered the biggest blow on 9/11, although, believe me, the whole country suffered a blow—certainly in Pennsylvania directly and in my home State of California, where all those planes were going. We lost many people on that day.

But Senator SCHUMER explains that when you tell the people at home: I am going to do everything in my power so that we never have another 9/11, you better mean it. You better mean it. That means you have to step up to the plate. If you believe this deal presents a danger to our security, you have to step up to the plate, you have to use

every legislative prerogative at your disposal, and you have to say to your colleagues: I am sorry, we are going to take 5 minutes out, we are going to take 10 minutes out, we are going to take 15 minutes out of this bill, and we are going to vote on this.

My colleagues on the other side of the aisle, God bless them—I know they must have a reason for this—they have stopped us from voting. They have stopped us from voting to stop this Dubai ports deal. Why is it important? There are so many reasons. This deal involves a port operator that is fully owned and controlled by a foreign country. Do we, in a post-9/11 world, want to have our very important infrastructure controlled by another country? I say no. Pre-9/11 we didn't think this way so much.

We had a situation, Senator FEINSTEIN and I, in Long Beach, the Los Angeles port, where China took over the running of a terminal. We were very concerned. This was in about 1997, well before 9/11. We were concerned then, and we asked for a special report from then-Secretary of Defense Cohen and Sandy Berger—he was our National Security Adviser. We asked them to do a written report to us before we let that go through. I believe now it ought to be looked at again. Not only that, but for all of the other ports that are being operated by foreign countries, we ought to have a look back. We ought to see if that is the right thing to do.

But one thing I know for sure, today, this deal has to stop. We have a chance here, thanks to Senator SCHUMER, who took a lot of abuse—maybe not publicly but privately—for having the courage to do this. We have to have a vote. It is amazing to me that those on the other side would stop us.

This is the same group who said to the Democrats: You better step back and let us have a vote on every judge we want, you better step back and let us have votes on all these things, and they will not let us have a vote on the most sacred responsibility we have, which is to keep our country safe.

Let the American people understand what this is about. It is not as if we have done so much for port security in this Congress. We have gotten failing grades for what we have failed to do on port security. It is not for lack of trying.

I want to show you how many amendments we voted on, to try to increase port security, and what happened. In the 107th Congress, \$585 million increase for port security in the fiscal year 2003 appropriations; another vote, \$500 million increase for port security; another vote, \$200 million increase for the Coast Guard; \$1 billion for port security. Guess what happened in the 107th Congress. Every one of those amendments went down. Every one of those amendments went down because my colleagues on the other side pretty much voted party line, voted down.

What happened in the 108th Congress? An amendment for a \$460 million

increase for port security plus a \$70 million increase for the Coast Guard for homeland security was voted down; \$450 million increase for port security, voted down; \$100 million increase—we went at it again and again—voted down; \$324 million increase for the Coast Guard, voted down; \$80 million increase for the Coast Guard, voted down; \$150 million increase for port security grants, voted down.

My colleagues on the other side voted down every one of these while they voted for tax breaks for the most wealthy Americans who already earn \$1 million a year.

I hope the American people are catching on to what is going on. Had we done some of these things and you had the country, the United Arab Emirates, that had connections to 9/11—two of the hijackers were from there. We know that money was laundered for the operation through Dubai. We know that Dr. Khan, the Pakistani scientist who turned on the civilized world and smuggled nuclear components to Iran, to North Korea, and to Libya—how did he smuggle those? Through the port of Dubai. And what we are going to do is reward these people, is give them the right to operate a terminal.

Then you hear from my colleagues: Oh, the terminal operator has nothing to do with security.

Wrong. We have a letter from the No. 2 man at the Port Authority in New Jersey and New York. Do you know what he said? The terminal operator is one of the major players in port security. They are the ones who decide who gets hired. They are the ones who do the background checks.

I have that letter. I ask unanimous consent to have it printed in the RECORD.

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

To: Honorable Lindsey Graham U.S. Senator.
From: James P. Fox, Deputy Executive Director, Port Authority of NY/NJ.

Date: March 1, 2006.

Re: port security-terminal operators.

PORT SECURITY: FEDERAL AGENDAS VS. TERMINAL OPERATORS RESPONSIBILITIES

The main players in port security consist of Customs and Border Patrol, U.S. Coast Guard, Immigration and Customs Enforcement and the marine terminal operators.

Due to the recent DP World Ports acquisition of P&O Ports, reports have debated the level of responsibility that marine terminal facilities operators have for security at their facilities. Too clarify, marine terminal operators schedule the ship traffic in and out of their terminals and they are also responsible for handling the loading and unloading of the vessels cargo. In 2004 alone, the Port Authority of New York and New Jersey's terminal operators combined handled 4,478,480 (twenty-foot equivalent units) or TEUs.

Marine terminal operators, such as P&O, are also responsible for the perimeter security of their leasehold. They hire the security guards and purchase the technology that will protect the terminals property, therefore having control over who can enter and exit a facility. Currently, each port, and each operator within the port, has its own

system for checking and identifying workers. It is important that Congress and the administration understand the importance of funding the Transportation Worker's Identification Card in order to bring national uniformity to port worker identification. At this time, there are no required minimum standard security measures that the marine terminal operators must adhere to. Voluntary security is not security.

It is important to note that marine terminal operators must also act as an interface with the vessel and the federal agencies. For example, if Customs and Border Patrol wants to inspect a certain container they work through the terminal operator to make that container available. As a terminal operator, the management team and personnel are an intricate part of the overall security apparatus at the terminal. It is these personnel that will have an intimate role in the movement and scheduling of cargo.

To make a statement that the terminals do not play a role in the security checks and balances at the terminal is off-base. Therefore any change of management at a terminal facility brings with it the need to ensure that those directing and controlling the flow of cargo do not pose any risk to national security.

Mrs. BOXER. Mr. President, here is the letter. They hired two security guards—that would be the Dubai people—and purchased the technology that will protect the terminal properties. They have control over who can enter and exit a facility. They have their own systems for checking and identifying workers.

Let me tell you that the terminal operators, according to the people who know best, are very much into the loop of security. As a matter of fact, they are deemed one of the main players. That is what they are called—main players in port security consisting of Customs, Border Patrol, Coast Guard, Immigration, Customs enforcement, and the terminal operators.

If anyone says to you it doesn't matter who loses the terminal, you just relate to them that we know better. When Senator STEVENS had the CCO of Dubai Ports World before our committee, I said to him: What do you think about the fact that this Dr. Kahn got all of these smuggled nuclear components through Port of Dubai?

Do you know what he said? This is the chief corporate officer of Dubai Ports World. He said, "We don't know anything about it. We never look at containers."

Can you imagine? So here it is. We have a chance to stop this Dubai Ports deal in its tracks. To do so is in the best interests of the people of this country. To do so would be reflective of what the House of Representatives did yesterday in their Appropriations Committee. To do so is our highest responsibility to the people of this country. To do so is common sense. To do so is to stand for the security of this country.

This deal is greased. The underlying bill that Senator SCHUMER attached this to, you and I, Mr. President, could live by the rules of this bill. And I intend to do it whether it is passed today, tomorrow, or next week. But we

have to stop this deal from going forward. Listen, that deal was greased. That deal was greased. The President is all for it. He said: I didn't know anything about it. But 50 seconds later he was all for it.

This is our only chance today, unless there is an agreement to have a stand-alone bill. I hope colleagues will fight for the right to vote for this important amendment. Thank you very much.

The PRESIDING OFFICER. The Senator from Minnesota.

EXTENSION OF MORNING BUSINESS

Mr. COLEMAN. Mr. President, I also ask unanimous consent that the period of morning business be extended until 2 p.m. with the time equally divided in the usual form, and the time between 1:30 and 2 p.m. be reserved for the proponents and opponents.

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

PORT SECURITY

Mr. COLEMAN. Mr. President, I want to speak a little bit about Iran and about the outrageous comments by the Iranians threatening the United States of America and continuing their perilous path to try to obtain nuclear weapons. But before I do that, I have to respond as I listened to the discussion about port security.

I am chairman of the Permanent Subcommittee on Investigation. For 2 years we have been looking at the issue of port security. We have looked at the possibility of someone bringing a nuclear bomb into this country, or weapons in one of the over 11 million cargo containers that come in from the seas.

We have before us a situation and the prospect of UAE Dubai Ports World taking over a number of American ports on the east coast. It has raised a lot of concern, as it should. But some of the rhetoric is a little aboveboard.

When I say that, we need to do everything in our power to make sure that we are safe and secure. Ports are points of entry, and there are areas of vulnerability. This deal has raised very legitimate concerns.

First and foremost was the process. The process, while we look at foreign investment in the United States, as I would describe it, a pre-9/11 process and a post-9/11 world, about 1,500 of these have been done on a 30-day expedited basis.

When folks at the sub-Cabinet level looked at this—folks in Treasury, Homeland Security, other agencies of the administration looked at this—they saw that we were talking about taking control of ports, and, yes, by the UAE. It raises security issues. Under the law that calls for a 45-day review. It didn't happen. That was a mistake. That was the wrong thing. It was a violation of the law. It was a bad process and the process needs to be changed. But we have to tone down the rhetoric a little bit.

It is interesting. I have been, again, a major critic of the process. I signed a bipartisan letter with my colleague from New York, Senator SCHUMER, with Senator CLINTON from New York, and with both Senators from New Jersey. We signed a bipartisan letter that said we demand that this go back to the 45-day process; we demand that we take a close and serious look at it and we make sure we have looked at all the security concerns. Then, at the end of that 45-day process, we demanded that Congress have the right to review the conclusion. If the conclusion from our perspective did not appear to be in the best interests of our national security, we would then note our disapproval and the deal wouldn't go through. We had a bipartisan agreement to do that.

Today, clearly the American public is deeply concerned, as they should be. But instead of going through the process—by the way, we pride ourselves as being the greatest deliberative body in the world—instead of allowing the process to go through with Congress then being briefed, having the hearings—we have had to some degree, and we need more. We heard from the folks who made the decision in front of the Homeland Security Committee. They explained what happened. Then we went into private session. We went into the secure room in this building and had classified material. We had a review. We listened. We understand the review is ongoing. Nothing is going to change. There is no change in the status quo. Dubai is not going to be taking over any American port until the CFIUS process is done, not until the President has exercised his authority under law and until we in Congress have a review.

My colleagues are talking about this is our only chance to stop this deal, and we have to act now. This is policy-making by poll taking. Clearly, the American public has been concerned, as they should be.

We have put in place a process by which there is a 45-day time to review. We have called for and demanded congressional oversight of that and the opportunity to be heard, and we will get that. We need to be assured that we are going to get that.

But to somehow communicate to the American public that this is our only chance and terrible things are going to happen if we do not stand up and stop this today is really more about pandering to the fears of the moment than doing what we are supposed to do in this bill; that is, be deliberative and thoughtful.

I have some deep concerns about the history regarding UAE—deep concerns about the trafficking of nuclear materials by Dr. Kahn from Pakistan. I have concerns about the UAE when they recognized the Taliban, as they did, by the way, Pakistan and Saudi Arabia.

One of our strongest allies today in the war on terror is Pakistan. Are my colleagues presuming that somehow we

should be cutting off relations with Pakistan? I don't think so. They say there were concerns about what they did, but now they work with us.

I believe we have about 500 to 700 naval ships that are docked in the UAE on a regular basis. Our ability to fight the war on terror is dependent in part on the partnership we have with the UAE. They support us in the war in Afghanistan. We have a changed situation in the post-9/11 world. We have an ally whose policy I don't like when it comes to boycotting Israel. That is something that deeply troubles me, and it should be a factor that we look into. But the bottom line is you can't pick out all the negatives and not recognize in this post-9/11 world that we have a country that has been an ally, that does billions in trade with us. We put the safety of our sailors in their hands at their ports.

I think we have to look at the whole picture and allow the review to go forward with an understanding that nothing is going to happen within 45-days—no change of ownership and no increase in security problems.

Let me briefly try to address the overall issue of port security and container security. Some of us have been working on that before the issue became the issue de jour, the issue of the day. I have been to Hong Kong and looked at the operation. I have been at the Port of L.A. I have looked at the radiation portals, the radiation portal monitors that we have in various places throughout this country.

The reality is that today there are 11 million cargo containers coming into this country, and we actually closely look at perhaps 1 in 20—5 percent. That is what we look at. We have a system. It is not a random system. It is a targeted system. These are things that are based on the manufacturer, where the cargo came from, and a range of things—who the shipper is and who the receiving company is. We are looking at 1 in 20. We need to do better.

One of the things we should be doing—and I had a chance to review this when I was in Hong Kong. They have part of their operation in which they have put in place American technology. They are actually able to literally, almost like a moving CAT scan—as the trucks come from mainland China with the goods being sent to the United States, they don't stop. They just keep coming in. They go through two portals. You get a screening. You can see what is inside the vehicle. At the same time, right at the very end, there is a radiation portal monitor which gives us an indication of whether there is any nuclear material in that cargo.

At the same time, the operators—the folks who are watching this—have a manifest of what is in it. If the manifest says X-thousand DVDs and all of a sudden you see a big, solid kind of cylindrical object, you have a problem. You stop it and do further inspection. You take a look at it. They have an op-

portunity to screen 100 percent of that. That should be the standard we set.

I am introducing this morning a bill that will require the Department of Homeland Security to put in place a system to screen each and every one of the cargo containers that come into this country. That is the kind of security we need. In addition to that—and I believe the UAE deal represents a concern, even though security is being done, certainly, at home by the Coast Guard and Homeland Security, even though the reality is that cargo security starts at overseas ports, it is not when it comes into our waters—we have, I believe, 41 agreements called the "Container Security Initiative." We have the Department of Homeland Security sitting side by side in foreign countries with personnel who run their ports looking at every manifest that comes in, making some judgments about what is inspected and not inspected. At the same time, we have an agreement with private security, CT-PAT, Partnership Against Terrorism. We work, then, on the private side to have measures in place that will increase the measure of safety and security that we have regarding these containers coming in.

The bottom line is, I am concerned if we have a foreign entity that is owning or operating an American port, that they would have access, then, to our security procedures. That raises concerns.

The other reality is that 80 percent of the terminals in the United States are foreign owned—either foreign companies, or in some cases—by the way, I say to my colleague from California, there are four port operations on the west coast that are foreign owned by foreign countries—three by Singapore and one by China.

Do we feel any safer that China owns a major American port operation? The reality is there hasn't been a problem, by the way, until this deal. Now we hear there is a crisis. Now we have to hear we have to act today.

What is happening today is it is about politics. That is what is happening today. We had an understanding that we should have a 45-day review, that we should have access to then participate in that and look at the information as it comes in. And we should have a clear opportunity to make a judgment about that 45-day review.

We have something else today. But the bottom line, again, is that part of the bill that I will introduce today will require a separation of ownership, and we can't unravel 80 percent of the terminals that are foreign owned, foreign operations. Each of these operations should have an American company, folks who are operating these ports who understand the security procedures. They should be vetted. They should be cleared. We should know who they are.

If we can separate operations from ownership, if we can make sure we have in place a system whereby each

and every piece of cargo in a container that is coming into this country—the 11 million that come in by ship, and then if we can reform the CFIUS process so it is more transparent, so Congress has a chance to review these things before they happen, we will be much better served. That is the way this deliberative body should act rather than playing with the politics, to demand that we have to do something today when, in fact, we have a process, a review process. We should let it go forward and not allow anything to change until our will has been heard, then do the things that we have to do to check out each and every piece of material coming into this country, require Homeland Security do that, and, as I said before, separate the operation of ports, where we have folks we can vet, who we can check out, those who own it.

By the way, we have, I believe, about \$100 billion of foreign investment in this country. That is a good thing. It is called jobs for Americans, economic security, national security. Let us strengthen our national security when it comes to cargo container security, but let us not act on politics at the moment.

IRAN

Mr. COLEMAN. Mr. President, I want to move on to what I intended to talk about today, and that is Iran.

I will not speak that long.

I think it is important to respond to the outrageous comments made by the Government of Iran this week and this latest stunt by the despotic Iranian regime that said: The United States may have the power to cause harm and pain, but it is also susceptible to harm and pain. If the United States wishes to choose that path, let the ball roll.

First, there is a method to this madness. There is a method to this, with what this regime needs and is seeking to do. It needs crisis. It needs to raise the level of tension to justify its own increased militarization in the harsh security measures at home. That is what it is intending to do.

On the other hand, we have to take them at their threat, at their word. If they are threatening the United States, take them at their word. Hitler told us in "Mien Kampf" what he was going to do. We did not listen, and there was a terrible price to be paid.

The Iranian mullahs and the President are telling us they intend to destroy Israel. They are very clear that they are on a path to obtain nuclear weapons. We know it. Let's take them at their word. Let's say: Yes, this is what you want to do, we know it, and we will not let you do it.

When the President of Iran issued the first threat about the destruction of Israel, behind him was a huge banner, with good graphics. It was a big hourglass. The hourglass ball is dropping. That glass ball, which is very fragile, is Israel, about to be destroyed. But if

you look very closely on the floor, already destroyed is the USA. That is their intention, what they intend to do. We have to understand we take them at their word, and we have to make sure they do not have the opportunity to develop a nuclear weapon. It is time for the international community to act stronger than it has acted, maybe call their bluff. Strong words from the Iranians require a strong response from the Security Council. Iran has threatened the United States with harm because we are looking to hold them accountable for their actions or to endorse their international commitments.

In light of this situation, no sound-minded diplomat can claim the purpose of the Iranian program is benign or that it can be trusted to uphold any part of a compromise agreement. They do not want agreement. We talk about continuing the discussions with the Russian plan they laid out. We have to presume that the other side really wants an end to the crisis, but there is no rational basis to presume they want an end to the crisis. They want the crisis. They want to push it forward. They want to engage in dialog as they continue their efforts to obtain nuclear materials. So there is no incentive for us to engage in the negotiation.

If you look at proposals—some unacceptable, to flatout dangerous—all require enormous concessions to the Iranians to get their buy-in. Again, we have to say, does the other side want an end to the crisis? Do they want to do a deal? The answer is “no.”

The Iranians already rejected a Russian proposal to jointly enrich uranium on Russian soil. There has also been talk of a deal where Iran will be allowed to conduct small-scale research enrichment in exchange for postponing industrial-scale research. This is ludicrous to be talking about.

Our friends on the Security Council must recognize compromise with Iran is not an end to itself but only used when it is seeking to reach an objective, to prevent them from producing nuclear weapons. Any deal that allows Iran to retain uranium does not serve this objective.

This week, the IAEA must refer—and I use the word “refer”—Iran to the Security Council with a strongly worded IAEA resolution that will lead to robust Security Council action, not to rest on what was a weak IAEA resolution passed last month which reported Iran to the Council. Under the chart of the U.N., the Security Council is granted jurisdiction over “threats to international peace and security.” There is no more evident, obvious threat to international peace and security than the attempt of Iran to obtain nuclear materials and to develop a nuclear weapon.

The Security Council action was absolutely necessary in dealing with Iran. I am aware that several of our partners on the Council—namely, Russia and China—have yet to come to understand

the urgency of the crisis we face with Iranian’s nuclear program. For this reason, I support the administration’s efforts to build a coalition of allies who are willing to impose meaningful sanctions on Iran, should certain members of the Security Council fail to act responsibly by withholding support for sanctions. Action needs to be taken immediately. Sanctions need to be taken immediately. The international community cannot be constrained from action against imminent threat to peace and security by a few self-interested actors. We cannot be cowed and bowed by the threats of the Iranians.

We must move forward. This is a threat to peace and security of the entire world. We have to act now.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

DUBAI

Mr. LAUTENBERG. Mr. President, the focus today, as we look at reforming lobbyist activities, is trying to show that there is an honest face within the Senate and within the Congress. We must continue with those activities.

However, at the same time, we are looking at a situation that worries more than 70 percent of the American people today. There is no doubt about it, this deal is done. Today, Dubai Ports World owns shipping terminals throughout the United States and in my home State of New Jersey.

Frankly, it is an outcome we are all trying to prevent, and we need to do whatever we can to reverse it. I am not sure it is possible, despite the positive words from colleagues across the room. That is why I am a cosponsor of this amendment.

I know the port area very well in my State of New Jersey. It is called the Port of New York and New Jersey. It is the second busiest container port on the east coast. Millions of tons of cargo pass through it. It is strictly located to be near markets. It is less than 2 miles from the Newark Airport, one of the busiest in the country, and stretches almost to the shores of New York, 2 miles of land that the FBI says is the most dangerous 2 miles of territory in America for a terrorist attack.

The reason goes beyond the confluence of all kinds of activities. It also is an area where there is lots of chemical manufacturing, chemical transportation, and warehousing of chemical materials. And it is said that if an attack were successful in that area, we could be looking at millions of deaths. And we want to transfer the operation of that terminal container, the second biggest in the harbor, to Dubai? People are saying it is good business and something that we have to do in the interests of foreign trade and international economies.

The Dubai Ports deal has been mishandled by the administration from the beginning. President Bush gave the

deal a casual “thumbs up” when it deserved the highest scrutiny. As a matter of fact, it wasn’t even brought to the attention of senior Cabinet officials. Or if it was brought to their attention, they forgot it; they did not remember it.

Instead of a real investigation, the administration issued a document called a Statement of No Objection. We have heard the President’s determination to have this go through, even suggesting that he would veto it if there were any attempt to block the transaction. It is a simple statement, the Statement of No Objection, issued by the Treasury Department that said: No problem, go ahead and take over these terminals in our country. Frankly, it was an irresponsible move.

On September 11, longshoremen, people employed on the docks at Port Newark, could see the smoke rising from the World Trade Center across the river. Indeed, throughout New Jersey, people looked to the sky in disbelief. And now, the President is telling these people, my constituents, not to worry? That is not good enough.

The Bush administration has been playing a shell game on this issue from the very beginning. First, they said no thorough investigation was necessary and approved the deal. What they were saying, basically, is “mission accomplished.” “All done.” We have heard that before, and we know the consequences that came after that. There was a public outcry.

Now the administration is supposedly conducting a thorough investigation. Frankly, it is a meaningless gesture. The deal is done. The deal is closed. Its final moments are today. So now the Ports World Company from Dubai owns those terminals. Before this new investigation even began, President Bush announced he had made up his mind. Last week he said: My position hasn’t changed. That throws out the possibility of a truly objective investigation.

This is not simply a 45-day investigation. It is a 45-day stall while the administration hopes the American people will forget about the problem and they can go ahead with the business they plan. But we will not forget what happened on September 11 and we will not forget how much energy, resources, and prayers we devoted to keeping that kind of an incident from ever happening again in America, an attack that wounded us forever. We will not forget how the administration tried to rubberstamp this deal. Our constituents are alarmed. They should be.

I don’t think Dubai is a terrible place or the people are awful people. But they consort with people with whom we do not agree. They have a terrible record in Dubai of controlling their own ports. Dubai was a key transfer point for illegal shipments of nuclear weapon components that were sent to Iran, North Korea, and Libya. The relationship with Iran and Dubai is one that is unholy. Iran’s stated purpose,

we heard our distinguished Senator from Minnesota state, the President of Iran says he will not be happy until Israel is blown off the map.

There is a constant support stream from Iran to terrorist organizations Hamas, Hezbollah, and Islamic Jihad. They all get support there. Dubai does over \$1 billion a year's worth of business with Iran and now has a trade mission there. What does that do? That helps Iran earn money, helps them to supply terrorist insurgent groups to Iraq where they are out to kill our kids, our soldiers, and the Iraqi people. Those are their friends. And we say, according to the administration, come on, these are good people, they bring money, why shouldn't we let them take over a sensitive part of our functioning?

We are saying "no," and we are going to fight it in whatever ways we can. It may take a public demonstration of support that is overwhelming to keep it from happening. But right now, the presumed opportunity for negotiation over the next 45 days is not there.

There is no opportunity, there is no compulsion to bring the truth out. I want to see the administration offer to us, in whatever protected area is necessary, what CFIUS, the Committee on Foreign Investments in the United States—I want to see what they had in front of them. And I am putting in a formal request. I want to see what they had in front of them to let them make the decision that, again, did not get the attention of Secretary Snow of the Department of Treasury, to whom the CFIUS people should have reported. It did not seem to disturb Secretary Rumsfeld. It did not seem to bother the President, certainly.

These links are there also between Dubai and Osama bin Laden and 9/11. The FBI has determined that money used for the 9/11 attacks was transferred to the hijackers primarily through the UAE's—United Arab Emirates—banking system. Further, after the 9/11 attacks, the Treasury Department complained of a lack of cooperation by the UAE as the United States was trying to track down Osama bin Laden's bank accounts.

Now, we all remember when the Taliban was harboring and protecting Osama bin Laden within its borders in Afghanistan. Civilized nations of the world were working to isolate this repressive regime. However, the UAE—the United Arab Emirates—was one of only three countries in the world that recognized the Taliban as the legitimate Government of Afghanistan.

Then there is another disturbing revelation about the UAE and Osama bin Laden. This seems impossible to conceive. The 9/11 Commission—a respected body that did a lot of hard work in trying to understand what took place on 9/11, what led up to it, and what we should do about preventing that kind of an occurrence again—the 9/11 Commission revealed, on pages 137 and 138 of its report, that

members of the UAE Royal Family were secretly meeting with Osama bin Laden—this goes back to 1999—near his camp in Afghanistan. He had already done or led terrible actions against Americans. The UAE meetings with bin Laden came after bin Laden's 1998 bombing of United States Embassies in Africa, killing over 220 people, including 12 Americans. It was also after bin Laden issued something called a fatwa, stating that all Muslims have a religious duty to "kill Americans and their allies, both civilian and military" worldwide.

The UAE may also be responsible for undoing our best chance of getting rid of bin Laden himself. Former CIA Director George Tenet told the 9/11 Commission that the United States military was prepared to launch a missile strike against bin Laden in February of 1999, but it was called off. It was called off because United States officials discovered the presence of UAE officials near the bin Laden camp. Mr. Tenet, head of the CIA, testified to the 9/11 Commission that the attack was called off when the United States realized that we—and I quote here—"might have wiped out half the royal family in the UAE in the process." Kept them alive. We have heard stories here: Oh, we know where bin Laden is. We know what is going on. Well, if we know, why don't we get him?

And this government wants to be able to control terminals in our ports? I do not think so. And more than 70 percent of Americans do not think so.

So it is time—it is time—for the Senate to stand up and say no—no, no, no—to this takeover. We see how politically sensitive it is because the American people are often smarter in their thinking than sometimes we are here or in the House of Representatives.

The Republican-led House, the Republican Appropriations Committee, yesterday said this deal with Dubai should not go through. Imagine, Republicans challenging the President, the present leader of the country, the Commander in Chief, challenging the President, their party's President, where they have a majority in the House and here in the Senate. They say to President Bush, with all respect: Say no. We do not want this deal to go through. Say no to the giant international corporations that want this deal to go through at any cost. And say yes to this amendment. Do not let this contract go any further than it is.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I have sat and listened to a lot of what we have heard today. I will tell you that myself and Senator LAUTENBERG and Senator SCHUMER raised this issue some 3½ weeks ago at a press conference, in which we agreed there ought to be a timeout on this. From that day forward, there has been significant increased knowledge by the

American people. There has been significant uproar.

During all the time of that, the intention was—and I was led to believe by the Senator from New York—that the purpose was to find out what is best for the country, to find out what needs to be done, and to do it. That is not what we are doing today. That is not what this amendment does today.

I used to serve in the House, starting in 1994. The House Members do tend to reflect the current situations in the country. But a higher standard is required of us as a body. And one is to know the facts before we act. I would contend that the Senator from New York and the Senator from New Jersey do not know the facts on this deal. Several statements have been made about this being a done deal; it is a closed financial deal. It is not a closed deal that Dubai Ports will, in fact, operate these ports. As a matter of fact, the company has been very straightforward with information with my office, the communications we have had.

I do not believe we have the answer to the problem as of yet, and I do not think we have clearly identified it. What it has done is give us a wonderful chance to look at two things. The first thing we need to look at is overall port security, which we know on the Homeland Security Committee, for which myself and the Senator from New Jersey are members, we have a lot of work to do still in terms of port security, especially container inspection overseas and limiting the risk of those things that come into this country.

But it also raises another opportunity, and it is something I have been calling for since I have been in this body. It is for us to start thinking long term and not about the politics. The tendency that we see negates that which my favorite hero of the 20th century espoused, Martin Luther King. He said: Vanity asks, is it popular? And cowardice asks, is it expedient? But conscience asks, is it right?

The right thing to do right now is not to vote on this amendment. The right thing to do is to fill ourselves with the knowledge we need to have and to exert our privilege in this body to do something once we have that knowledge. I would portend to you the amendment that is attempting to be offered is a political stunt. It is not based on knowledgeable information about what are and are not the facts. It is based on what is most politically expedient. I think that is harmful to our country, and I know it is harmful to the body.

If you go to the root cause of every problem we have in this country, it is because we are looking for political expediency rather than to make the hard choices about the long-term consequences of what is best for our country. Usually, when it gets into these things, since I am not an attorney and not a lawyer, but I am on the Judiciary Committee, I use a little book. It is called the Constitution of the United

States. There are some pretty interesting things in the Constitution about where we are today on this issue.

Article I, section 10 of the U.S. Constitution provides:

No State shall, without the Consent of the Congress, . . . enter into any Agreement or Compact with another State, or with a foreign Power. . . .

It is called the Compact Clause. It has been upheld multiple times.

Article II, section 2, provides:

[The President] shall have Power, by and with the Advice . . . of the Senate, to make Treaties, provided two-thirds of the Senators present concur. . . .

In other words, for a State or a port authority to enter into a contract with a foreign government or a company wholly owned by a foreign government, they must receive permission from the Congress. That is what the Constitution says.

There is no question there needs to be CFIUS reform. But one of the ways out of this—to recognize the value of the ally we do have in Dubai, regardless of the negatives that may be associated with it, and to recognize other allies that also have negatives in terms of what we believe as parameters for faith and justice and liberty—is to do what the Constitution says, and that is recognize the Compact Clause and the treaty clause in the Constitution and to convince all those involved to take a timeout.

The Senator from New Jersey rightly states that the financial closings of DP Ports International did take over the assets of the previous owner, the British company, as of 1 o'clock yesterday or 2 o'clock yesterday. But that company has put forward that nothing has changed within the American ports. They have graciously, in the situation they find themselves, extended that period for 45 days, and probably will extend it for a longer period of time should we so desire.

But I think one of the most important points I want to make in this debate is, let's do what is right in the long run, not what is politically expedient in the short run.

For the American people to know, the real reason they want a vote is because they want to say, Who is going to vote against this so they can run a campaign commercial against you because you voted against them—not because you did not take the time to do what is right and to think and to, on the basis of knowledge and information and informed intellect, make a decision about what is best for this country. But hurry up and run a vote so we can create a politically intriguing moment.

That is not what the Senate was intended to be. It is not what we should be about. And it is not what we should be doing today.

I must express I am extremely disappointed with the Senator from New York in terms of the assurances he gave me that this stunt would not be pulled. But, in fact, he has done that. I

do not know if that is because the Appropriations Committee in the House decided to run real quick and get it done and getting beat in terms of the headlines or he has some new information none of the rest of us knows that requires the immediate passing of this today. It does not. This is a political stunt.

Our obligation to the people of this country is to secure this country and to make sure we do it in a way that creates the best interests for us, both domestically and internationally. This amendment is not going to do that. What it is going to do is slap the country of Dubai, which may or may not need to be. But we do not know that information. It is going to insult them, somebody who is very critical to us in terms of what we are doing right now in the Middle East.

It is going to set us backwards. It is going to make this a more partisan body. I would remind the Senator that what goes around comes around. I can play hardball on this. I choose not to. The Senate was not designed for that. The Senate was designed to be a collegial body through thinking, knowledge, and informed consent, and coming together; that we, in fact, try to solve the problems of this country.

This is not trying to do this. This is trying to create division in the answer of political expediency, in the answer of vanity, not in response to conscience and courage. The courageous thing now is to take the timeout and find out what is going on and what needs to be changed, both in the process of how this came about, but also in the facts of this particular case. If that is the case—what the Senators from New York and New Jersey want to do—then why do we have COSCO running the Port of Los Angeles?

Why do we have foreign governments running other ports? If this was a sincere amendment, it would be reversing all of those. It is not a sincere amendment. It is an amendment about politics.

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. COBURN. I want to finish my point, if I may. Federalist No. 44 commented on the compact clause saying that it was so clearly needed, that the particulars of the clause fall within reasonings which are either so obvious or have been so fully developed that they may be passed over without remark.

Our forefathers had this figured out. All we have to do is follow the Constitution. Senator SHELBY in the Banking Committee is looking at CFIUS reform. We have plenty of time to do what we need to do. But to run off in response to a motion without the facts is a dangerous precedent for this body. This is a reasoned body. The more partisanship we have, the less reason will prevail.

In several cases, courts have said the application of the compact clause is limited to agreements that are di-

rected to the formation of any combination tending to increase a political power in States which may encroach on or interfere with the just supremacy of the United States. So we already have the power to fix this under the compact clause and the treaty clause, both under article I and article II of the Constitution. That is what we ought to be doing. We have plenty of time to address that, while the appropriate committees within Congress address the actual facts of this case.

The United States has no national port authority. Jurisdiction is shared by Federal, State, and local governments, but it does not lessen the power of the U.S. Congress to have control over this. We do need to make some changes. The CFIUS program is wrong. My fellow colleague from Oklahoma has a wonderful bill in terms of reforming that. Senator SHELBY is changing some things. The fact is, not a good job in looking at some of these things has been done, and we have shirked our responsibility as the Senate in looking at it. But to run now to an amendment on the basis of pure political expediency does a disservice to this country in the long run. We ought not to do it. We can do it, and lots of Americans would be happy, but the consequences that will follow are grave, not only the consequences with this act but the consequences of the behavior of this body in the future, if we so act that way.

I call on my colleagues to refrain from doing anything other than gathering the appropriate knowledge, the details, look at the workings of the committees that are going on. Homeland Security is looking at this. Banking is. There will be several opportunities for us to fix this so that we appropriately can take a look at it. When the time comes, if this is not appropriate for the United States, it won't go through. But it will be done on the basis of a reasoned analysis of what is both good for us domestically in terms of our security, our economic security, as well as our foreign policy. We can have all sorts of speeches that beat up the President. The fact is, he is operating under the law. He has operated under the law. There is a law that this body created and gave him. We may need to change that law, but to cavalierly criticize what has been done is inappropriate.

We have already said we want an extra 45 days. We have that. If we need additional time, we will get it. This company is more than willing to work to make sure that we assure ourselves of absolute security. If it is so that we should not have this go through, then this body will not allow it. But it will be on the basis of facts, not emotion and not political expediency and trickery.

With that, I yield the floor and 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. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LAUTENBERG. Mr. President, we just heard from the Senator from Oklahoma, someone with whom I have been working since he has been here. We have significant differences of view on issues, but there is a mutual respect. He did join Senator SCHUMER from New York and me when we announced our opposition at first to this Dubai transaction. There was also a gesture of good faith. We were not expecting to have the political difference become so sharp and so angry over these next days, but information came out about how casually the disapproval took place from CFIUS, the Committee for Foreign Investment in the United States. It is supposed to get a review and had a 30-day review.

We listened to the recall by the Senator from Oklahoma about the compact section of the first amendment and reminding us that the Senate should advise and consent on matters like treaties, other things related to international relationships. But nobody knew anything about this. That was the interesting part. Here this thing suddenly pops up on the screen. There is a deal. The Emir of Dubai, a part of the United Arab Emirates, is going to buy this facility in a very sensitive part of the New York-New Jersey Harbor, one of the biggest harbors in the country and the world, all kinds of activities there. I mentioned them in my earlier remarks, a lot of industry, chemical manufacturing, gasoline distribution facilities, all kinds of things that are potentially subject to violent aftershocks if attacked, ignited. Deaths could range in the millions.

It so happened that the World Trade Center, which is on the perimeter of this area—the FBI considers the 2-mile stretch between Newark Airport and the New York-New Jersey Harbor as the most dangerous target for terrorism in the country; the most dangerous 2-mile stretch in the country, says the FBI. The port facility is right alongside this, as is Newark Liberty Airport.

Now we are hearing that Dubai has been friendly. They have helped us. They have let us dock our ships in their harbor.

How do we ignore their association? If someone is a member of a gang, a Mafia-type gang, and we know that they are a member, do we immediately invite them to join the bank board, or do we immediately invite them to one of the more important institutions in our country? Do we invite them to the Board of the Federal Reserve, the board of the stock exchange? Absolutely not. I ran a big company. I wouldn't have invited them to join the board of my company.

Here we have Dubai in a cozy relationship with Iran. Iran pours money into the Iraqi insurgent movement.

Iran thusly kills some of our troops. Yesterday we lost a couple more. It seems endless. And Iraqi families are torn apart, children killed, mothers, fathers, brothers, sisters—all targets for attack by these insurgents supported by cashflow from Iran. Iran has plenty of cash; little moral principle—none—but plenty of cash, determined to wipe Israel off the map. They say so. That is the President of the country speaking officially to 4,000 students gathered. He said: We want to wipe Israel off the map.

That is a pretty bold threat. I wouldn't take it lightly. The Israelis shouldn't take it lightly, and America should never take it lightly.

Dubai helped them get nuclear components to build nuclear weapons. That is what this is about. Dubai helped finance the 9/11 attack through their financial system. It took money as well as madness. Dubai helped. What does that count for? Nothing?

The secret nature of the CFIUS meetings, we are to be consoled? As a matter of fact, it was even said by some that it was a victory getting this 45-day window for review. Victory? Like the devil it is a victory. The ball game is over. The deal is made. Dubai Ports World now owns the terminal in Newark and several other ports around the country. They paid \$6 billion for it. The Emir bought it out of his own cash. So the deal is done. And the 45-day declaration of victory is a hollow response. There is nothing there. We can't do anything about it.

Yes, if the Republican majority in the House or the Senate say no, Mr. President, we are not going along with this deal, as was indicated by the 60-some Members of the Appropriations Committee in the House who voted against going through with this transaction with Dubai, that has to be a pretty significant revelation. If the President loses the troops that support him so fully, he ought to hear this. This is an unacceptable transaction. It has little to do with advice and consent.

I don't think there is any way we can stop this. This transfer has been made. But why should we waste 45 days to find out? That is what I don't get. We ought to simply take the vote up here. Let's vote in the Senate. Let us do it now, or next week, and decide do we approve of this transfer—and let it be amended any way we want to—from a company that has been operating there for a number of years, a British company. The history was already in place, so we had nothing to worry about there. But we only have 5 percent of the containers that come into the country that are thoroughly examined.

The committee on which I sit, the Governmental Affairs Committee, had a review. Witnesses came from the maritime community, a representative of Dubai, the chief financial officer, and the fellow who heads the World Ports organization. Everybody was convinced there would be few, if any,

problems, with nothing to worry about. Then, suddenly, we find out there are things to worry about—a lot of things to worry about. It is said that you judge a person by the company they keep. Well, the company Dubai keeps is not very encouraging, as far as I am concerned.

Our mission and responsibility here is the safety and security of the American people. That is what this is all about. It is not hatred for Dubai, but it raises a question about the company Dubai keeps, about the actions they have taken, about the fact that they were the first to recognize the Taliban as a legitimate government in Afghanistan. That is pretty errant behavior, as far as I am concerned. So, my friends, when you get it all talked about and people start getting on their high horses, saying this can be an ad in a political election campaign, would you rather have something go awry instead of taking the extra layer of protection we have taken? Not I. If you think this transaction should be allowed to go ahead and be completed, don't worry about it, mission accomplished, then vote for permitting the action to go through. If not, then join the logic, join the examination, join the view that says these people have things to prove.

I throw out a challenge here to the Emir of Dubai, to the United Arab Emirates: Why don't you say you will remove the boycott that stops Israeli products from coming there, that wants to wipe Israel off the map—get off of that boycott team and show good faith. Do you mean you want to be a friend of ours? Then don't challenge the existence of one of our friends. Say that they are off the boycott and products can flow and passports can be honored.

I will never forget when I went to Saudi Arabia during the first gulf war. I was the first legislator to be in that country. The reason was, there was a big air base in New Jersey called McGuire Air Force Base, where troops and materiel are flown to the eastern theater very promptly. They were in Saudi Arabia and I went to visit them. When I went there, there was a question of whether my passport would be valid—a United States Senator, one of 100 in this country, an official part of the American Government—a question whether my passport would be valid entry into Saudi Arabia because I had once visited Israel on that passport, and it had a stamp that said Israel. They are so narrowminded there that they said: If you have been to Israel, you are not welcome in this country with that kind of a passport. That is how mad and crazed they are about that boycott business.

Right now, they have us by the barrels. Oil prices are going through the roof. Wealth is pouring into these countries as never before believed possible. Look at Dubai. I understand from the pictures it is beautiful—skyscrapers, and I think they even have an

indoor ski hill. They have all kinds of things from money that we send. That money is used to buy ammunition for insurgents to continue to promote terrorism by supporting Hamas and Hezbollah and all the others through Iran. And Dubai says they are our pals.

What I conclude with is we ought to play showdown here—to use the expression—and vote on whether we want this deal to go through. It is so simple. Let the American people hear those who agree say yes, and those who disagree say no. It is not political, but let's do it.

With that, I yield the floor and suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. 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. LIEBERMAN. Mr. President, I thank the Chair. I rise to speak about the motion to invoke cloture, which will be voted on in about an hour and 20 minutes. I must say that as the ranking Democrat on the Homeland Security and Governmental Affairs Committee, from which a significant part of the lobbying reform legislation before the Senate now came, I am deeply disappointed that we have reached this point in the debate on that critically important legislation. We have a once-in-a-generation opportunity to reform our lobbying laws and, in fact, touch other parts of the ethical standards by which we govern ourselves in the Senate. The Abramoff scandal and others have created this moment.

The Rules Committee has come forward with a constructive package of reforms. Our committee, on a bipartisan basis, brought out a significant series of amendments. The Lobbying Transparency and Accountability Act—this bill—is moving forward with a good, healthy debate. I actually believe we would have been coming close to passing it tonight if the amendment of my colleague from New York had not been offered yesterday and we are now in the gridlock we are in, requiring the cloture vote.

I am going to vote against cloture. I want to explain why. I assume cloture, from what I have heard, will not necessarily be achieved, and then we are going to face a moment of decision, which will call on all of us, including particularly our leaders, to reason together so we can get back to the lobbying reform legislation and presumably find another opportunity for Senator SCHUMER and others who wish to have this Chamber vote on the Dubai Ports World acquisition of terminals in this country.

I am going to vote against cloture for two reasons. First, this bill was on the floor and open to amendment for less than a day before the motion for cloture was filed. That simply is not

enough time for the kind of debate and amendment for this bill, so critical to our institution's credibility with the American people, to be debated.

Second, there were several amendments which had not been introduced yet, awaiting discussion and debate and eventual vote, including some I wanted to offer or cosponsor that were relevant. But virtually all of these, I believe, would be ruled nongermane if cloture is granted and, thus, could not be offered.

There is one particular amendment I am focused on, joining with some colleagues to offer, that I have been informed by the Parliamentarian would not be germane if cloture were to be invoked. That is the amendment that Senators MCCAIN, COLLINS, OBAMA, and I were going to offer to strengthen enforcement of the Senate ethics rules and oversight of the Lobbying Disclosure Act.

We have some excellent provisions already in the legislation before us—disclosure, prohibitions—but there is a second step we have to take to make sure these new standards we are setting become real, and that is to provide for enforcement and oversight. These are critical elements of reform that require us to establish what we have called an independent Office of Public Integrity.

This is a proposal that Senator COLLINS and I offered in committee markup. It did draw criticism from some of our colleagues and was defeated in the committee. We said then that we would reoffer it or offer something similar to it on the floor. Senators MCCAIN and OBAMA, who have long been active in this particular area of enforcement of our lobbying disclosure and Senate ethics rules, have joined us. We are very proud they have joined us.

Since the committee vote against the amendment, Senator COLLINS and I have worked with our colleagues to address some of the concerns that were expressed in the committee. We have altered the office's oversight and limited it to the Senate so it will not now serve both the House and the Senate. It will be limited to the Senate so there will be no question about whether the House might have some effect—we didn't think so—but some effect on the right of the Senate under the Constitution to set its own rules and discipline its Members.

This proposal, we think, will increase the professionalism and credibility of the Senate's self-policing. It is in no way meant as criticism of the Senate Ethics Committee, which has served honorably and well.

We also believe, in the current situation, there is not adequate review, monitoring, and enforcement of the Lobbying Disclosure Act, and not enough personnel, not enough independence in the oversight. Since we are increasing the requirements on lobbyists for disclosure, we think we also would benefit from an independent office to carry out those requirements.

Again, if cloture is invoked, we won't get to offer these particular amendments which are critical to this once-in-a-generation moment of opportunity for lobbying reform, and that alone is reason why I will vote against cloture.

There are other amendments. There is another amendment that may be ruled nongermane that would require Members of Congress to pay fair market value for travel on private planes. That is an important amendment. I intend to support it. It is quite possible that invoking cloture will make it not germane and, therefore, we will not be able to offer it.

I want to say a final word about the amendment offered by the Senator from New York on the Dubai Ports deal. Apparently, there is such a strong feeling among the American people about this, as reflected now in the overwhelming vote in the House Appropriations Committee and the offering of this amendment, that I fear we are rushing to respond to that feeling rather than being leaders.

Here is the point I want to make. I would oppose this amendment as it has been put before us today. The most fundamental reason is this: This does something that we are not supposed to do in America, where we believe in the rule of law. We appeal to other nations around the world to follow the rule of law as a condition of a modern society. It is the underpinning of the kind of freedom and opportunity that we believe in our heart is right in this country.

I fear the rush of emotion and the anxiety, understandably, of the American people as we are involved in this war against Islamic terrorism—not against Islam, not against the Arab world—that we are forgetting that in America, we don't convict people without a trial. We don't convict people in America without a trial.

There has been a preliminary hearing in this case, if I may put it that way, using a judicial, criminal enforcement metaphor. The preliminary hearing was before the so-called CFIUS, the Committee on Foreign Investment in the United States. It reached a judgment that there was no reason, based on security concerns, to stop this acquisition from going forward.

In our Homeland Security Committee and Armed Services Committee on which I serve, I had an opportunity to question people who were involved in this review. I think the review was inadequate, and I know what was grossly inadequate is the way in which this decision to allow the acquisition of these terminals to go forward was explained to the American people. It was not explained to the American people, it was not explained to Members of Congress, and it apparently was not explained to the President of the United States. That was a terrible error. The Dubai Ports World company, after the initial furor, came back and submitted another application. There is an ongoing 45-day review. After the tremendous

public uproar over this issue, this review will be thorough. I have spoken with people involved in the review. I said to the top people in the departments: Put your hands on this one, this is critical.

To rush ahead and say, no way, before this Commission has an opportunity to reach a judgment and advise Members of Congress and the American people about what their judgment, it seems to me, to be unfair. It is not the way we handle issues of this kind in America. It raises an awful question, which I ask everybody to think about because we promised people in this country—this extraordinary, greatest country in the world—that here you can be sure you will be judged by your merits, not by your race, or nationality, or religion, or gender, or sexual orientation, or age. I worry that in the midst of the war against Islamist terrorism, we are reaching a hasty judgment based on factors that ought not to be considered in the United States of America.

I don't know how I will vote ultimately on this proposal about the acquisition by Dubai Ports World, a company controlled by the United Arab Emirates. I don't know enough to reach a judgment on that. I am waiting for that 45-day review.

I do know that the United Arab Emirates has been, since September 11, an extremely important, constructive ally of ours in the war against terrorism. I know they have put their own people on the line in very dangerous places to assist us in the war on terrorism. I know that the Dubai Port, as I understand it, sees more visits by U.S. Navy ships than any other port in the world. So obviously, the U.S. Navy has enough confidence in the security of their port to have done that.

That doesn't mean that the acquisition of these terminals by Dubai Ports World should receive a free pass, but it should mean, in addition to the basic qualities of fairness that generally characterize American life, that this proposed acquisition does deserve a fair hearing, not a rush to judgment before all the facts are in, which I say respectfully is what the committee of the other body did yesterday and what the amendment offered by my friend and colleague from New York would have us do in this Chamber.

This is one of those moments where we are tested because the emotions are high, but we are leaders. We are elected leaders, and I hope we will rise to the occasion and at least let this company and this country have a fair trial before any of us reach a judgment about whether they are guilty or not guilty.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it so ordered.

ORDER OF PROCEDURE

Mr. SCHUMER. Mr. President, I ask unanimous consent that I be given 5 minutes of the minority's time on this.

Mr. WARNER. Mr. President, I have no objection. I would like to be recognized following the Senator from New York for a period of about 10 minutes.

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

Mr. SCHUMER. Thank you, very much, Mr. President. We are approaching this cloture vote at 2 o'clock.

One thing is very clear; that is, that doing ethics reform and dealing with the Dubai issue are not mutually exclusive. We can easily do both this week, and the motion made earlier by the minority leader makes that perfectly clear. The two are not mutually exclusive.

Mr. President, the Senator from Virginia has asked that he speak before me, which I will accede to. He has always been gracious on the floor. So I ask unanimous consent that immediately following his time I be given 5 minutes of the minority's time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PORT SECURITY

Mr. WARNER. Mr. President, I thank the courtesy of my colleague. I believe what I am going to say, since the Senator is addressing the issue of the DP World port terminal transaction, might bear on his remarks.

Mr. President, I have had the opportunity to work very closely with the White House and the administration, with our distinguished leader, BILL FRIST, and several other Senators on this question.

I have had the opportunity to meet and work with representatives of the DP World company who came to the United States for the purposes of sharing the importance of this contract and their perspective.

I shall not recount the events that have occurred here in the last few days. But I have just been contacted by Edward Bilkie, chief operating officer, of DP World. And in an effort to get this message to all interested parties as quickly as possible, I indicated a willingness to read a press release that is now being issued by DP World. It reads as follows:

Because of the strong relationship between the United Arab Emirates and the United States and to preserve this relationship, DP World has decided to transfer fully the U.S. operations of P&O Ports North America, Inc. to a United States entity. This decision is based on an understanding that DP World will have time to effect the transfer in an orderly fashion and that DP World will not suffer economic loss. We look forward to working with the Department of the Treasury to implement this decision.

His Highness Sheikh Muhammad al-Maktum, Prime Minister of UAE, has

directed the company, in the interest of the UAE and the United States, to take this action as the appropriate course to take in the future.

Mr. President, I would say that I started the day with the Secretary of Defense, the Chairman of the Joint Chiefs, and General Abizaid—discussing with them not the politics strictly—but potential security implications. It is not just the security of the United States with which we are concerned, but that of the free world, for much of the world is engaged in this war on terrorism.

It is absolutely essential that we, the United States, and our coalition partners in the region of the Persian Gulf, who are doing our best to secure the stated goals in Afghanistan and in Iraq, sustain a strong working partnership. Indeed, the relationships among the coalition of partners—most specifically the United States, the Government of UAE, the Government of Bahrain, Kuwait, Qatar—must be maintained as strong as possible because they are valued partners in this war on terror.

This is not just a matter of importance regarding the current operations at the moment in Afghanistan and Iraq, but rather in looking to the indeterminate future as to how long our coalition partners will be engaged in the war on terrorism to deter any attacks, and if necessary, to use force of arms to prevent injury to life and limb of citizens in the free nations of the world.

This has been a very interesting chapter in my 28 years of having the privilege to be a Member of the Senate. But I believe both governments have collaborated and acted in good faith, recognizing the circumstances at hand and our shared objectives from this time forward.

Mr. President, I ask unanimous consent to have printed in the RECORD two letters addressed to me from the U.S. Marine Corps and the U.S. Army.

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

CHAIRMAN OF THE JOINT CHIEFS OF STAFF,

Washington, DC, March 9, 2006.

Hon. JOHN W. WARNER,
*Chairman, Committee on Armed Services, U.S.
Senate, Washington, DC.*

DEAR MR. CHAIRMAN: In response to your letter of 28 February 2006, the loss of access rights for US forces to the United Arab Emirates (UAE) would severely impact US operations in the US Central Command area of responsibility. These strategically located ports and airfields are crucial to providing timely logistical support to our military operating in the region. Beyond port and airfield access, this loss would negatively affect bilateral exercises and result in loss of support from a strong regional ally.

In particular, Jebel Ali is the premier naval refurbishment port in the region and hosts more US Navy ships than any port outside the United States. It provides a dedicated deepwater berthing space for aircraft carriers, and is the only carrier-capable port in the Arabian Gulf. Additionally, the Port

of Fujairah faces the Indian Ocean and provides critical logistics support to US operations in the region. We assess that losing access to UAE ports would have a severe impact on US naval operations in support of Operations ENDURING FREEDOM and IRAQI FREEDOM. Finally, the UAE provides basing for US Air Force aircraft flying various missions in support of operations in Afghanistan, Iraq, and the Horn of Africa.

Very Respectfully,

PETER PACE,
General, United States Marine Corps,
Chairman of the Joint Chiefs of Staff.

UNITED STATES CENTRAL COMMAND,
OFFICE OF THE COMMANDER,
MacDill Air Force Base, FL.

Hon. JOHN W. WARNER,
Chairman, Committee on Armed Services, U.S.
Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to your letter of 8 March 2006, the United Arab Emirates is a strategically important regional partner, and a supportive ally in the Global War on Terror. UAE occupies a critically important position relative to the Strait of Hormuz, and access to its naval and air bases is essential for maintaining presence in the region. The government of the UAE is a committed partner in support of operations throughout the region, providing vital military and humanitarian assistance as well as political support. For example, UAE has contributed over \$100 million toward Tsunami relief operations, over \$50 million in support of humanitarian mine clearance efforts in Lebanon, and over \$100 million dollars in supplies, personnel, facilities, and funding during Pakistan earthquake relief operations.

UAE's cooperation in the Global War on Terror has been noteworthy. Less than 60 days after the 9/11 attacks, the first UAE liaison officer arrived at USCENTCOM headquarters. Since August 2003, UAE Special Forces have been deployed in support of Operation ENDURING FREEDOM. Additionally, a field hospital was deployed to Iraq from April 2003 to November 2005, providing critically important medical services and supplies. US Air Force assets utilize UAE base support for aerial refueling, intra-theater lift, and surveillance/reconnaissance missions in support of Operation ENDURING FREEDOM, Operation IRAQI FREEDOM, and Combined Joint Task Force Horn of Africa. Finally, the significance of UAE's support of the War on Terror is clearly evident in the \$545 million of direct and indirect cost sharing in FY04 and FY05.

Our strong partnership with the UAE is similar to the support received from other moderate Arab nations. As you have noted, other nations provide critically important basing, overflight, financial, and in many cases, troop and equipment contributions to operations in the region. The cooperation of our moderate Arab partners is essential to the success of the mission, and UAE is a strong example of strategic partnership at work in the Middle East.

Very Respectfully,

JOHN P. ABIZAID,
General, United States Army, Commander.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, first, let me thank my colleague from Virginia for his unfailing efforts to try to find a solution here that would solve the many different goals and needs of the situation of the purchase by Dubai Ports World of British P&O.

I believe the words that were mentioned in Mr. Bilkey's letter—I tried to

write them down here—were that DP World will “transfer fully” to a U.S. entity.

Could I ask my colleague to yield for a question? Did I get the words exactly right? I would be happy to yield for a question. I just want to make sure I got the words right in the letter which my friend from Virginia just read—that DP World will “transfer fully.”

Mr. WARNER. Mr. President, I am having it duplicated, and I will hand the Senator a copy.

Mr. SCHUMER. Obviously, this is a promising development, but of course the devil is in the details. I think those of us who feel strongly about this issue believe that the U.S. part of the British company should have no connection to the United Arab Emirates or DP World, which is fully owned by the United Arab Emirates.

So therefore, we would have to examine their proposal.

The bottom line is, again, if U.S. operations are fully independent in every way, that could indeed be promising. If, on the other hand, there is still ultimate control exercised by DP World, I don't think our goals will be accomplished. Obviously, we will need to study this agreement carefully.

I again thank my colleague from Virginia for his unstinting efforts, like everything he does, to try to come up with a fair and reasonable compromise.

In the meantime, I urge my colleagues to join in voting against cloture at this point in time. Obviously, the vote occurs at 2 o'clock, and this brief statement by Mr. Edward Bilkey is something which has to be studied.

At this point in time, the amendment I have offered, along with so many of my colleagues on this side of the aisle, should remain in play.

I make a couple of points about that. First, I believe strongly in ethics reform. I believe this Senate can do both at once, ethics reform and deal with the Dubai issue. They are not mutually exclusive.

The bottom line is we have offered to take a few hours off ethics reform, vote on my amendment as a freestanding bill, and then go back to ethics reform. It is truly the actions of the other side—invoking cloture, refusing to let this amendment come up—if cloture is not invoked, which I believe it will not be, that will be slowing down ethics reform. It is the intention of those on this side—and I know our minority leader will speak to this—to turn to ethics reform when we can but not in exclusion, not in place of, getting a vote on this particular issue.

The bottom line is very simple. There have been too many concerns raised about DP Ports World and its views of security, its actions in regard to security. We cannot any longer play roll-the-dice. We cannot roll the dice when it comes to the security of our Nation. The way this deal was approved initially, the secret nature by which this investigation occurred—casual, cursory—is simply not good enough. We

have to examine the whole issue of port security.

I have been pushing that issue for many years, ever since September 11. Hopefully, out of this sorry mess, we will look at that. In the meantime, this deal should not go through. This deal creates too many unanswered questions. To simply allow the President, who has already said he is for the deal even before the investigation is completed, to have the only and final say is wrong.

I urge a vote against cloture.

Mr. NELSON of Nebraska. Mr. President, I rise today to state that I will be voting against the motion to invoke cloture on the lobbying reform bill. Typically, I vote for cloture motions because they are usually intended to facilitate an up-or-down vote on a piece of legislation or a nomination that is being stalled. Today, that is not the case. Yesterday, cloture was filed on the lobbying reform bill to prevent an up-or-down vote on an amendment. In this case, it is an amendment on port security, an issue of critical importance to this country right now. As a result, I will vote against cloture today to ensure that up-or-down votes are allowed to occur.

The PRESIDING OFFICER (Mr. THUNE). The minority leader.

Mr. REID. Mr. President, there is a lot going on as to whether the port deal is there or not there. We have to wait and see what really is going to happen.

I want everyone to understand how we got to where we are today, how we got to this cloture vote. It is fair to say the minority, the Democrats, forced the debate on ethics reform with the legislation we introduced, the Honest Leadership Act. We did that in January. If it were not for us, I don't believe the Senate would be even talking about Government reform this week—maybe sometime in the future. We pushed this and pushed it hard. Regardless of what happens today, Democrats are committed to seeing this legislation through. We are going to complete lobbying reform legislation, and on my side I am committed to ensuring we do that.

The Senate has to be able to do two things at one time. We can handle the vote on the Dubai port situation and we can vote on honest leadership amendments. Historically, this body has been able to do both; that is, conduct its day-to-day business and address critical national security issues when they arise. That is all we are asking we do now.

Democrats believe it is important that we clean up what is in Washington with the lobbying, and we have heard the floor managers agree with me, but we also understand it is just as important that we stop a foreign government with connections to terrorism, which I will talk about in a minute, and even nuclear proliferation, from taking control of our ports.

The Senate must not look the other way, as this administration's dangerous, I believe, incompetence once again threatens our country. I understand the majority has in the past rubberstamped this administration's actions and activities; however, we on this side of the aisle are going to continue to call attention to this issue. We need tough and smart national security policies, not more of the same as we saw with Katrina and in Iraq.

It is a vision of the Democrats that the Senate can and should complete action on lobbying reform and also protect Americans by addressing port security.

Do we Senate Democrats want a country, not a company, running our seaports? No, especially a country that was one of only three countries in the entire world to recognize the Taliban government in Afghanistan. Do we want a country that has a trade boycott against Israel running our ports, a country that has not even recognized the State of Israel, which was formed in 1948? Do we want a country that was a staging ground for the September 11 terrorists running our ports? Do we want a country owning one of our seaports that was instrumental in allowing nuclear devices to make nuclear weapons go through its seaports to other parts of the world? The answer is no, we do not want that.

Just a year or so ago, it was exposed that Dubai was the center of the world's largest nuclear proliferation as the AQ Khan network used Dubai to traffic nuclear weapons technology to the highest bidders. Osama bin Laden's operatives are said to have used Dubai as a local hub after September 11. Terrorism money has been laundered through the United Arab Emirates. Several of the hijackers flew from Dubai to the United States in preparation for the attacks. The 9/11 Commission found that the United Arab Emirates represented a persistent counterterrorism problem for the United States.

We do not want such a country running our ports.

We believe there should be a vote today. There won't be one today on this issue, I understand that. The reason the leaders in the House and the Senate have done what they could in the last 24 hours to say there will not be a vote is because it is the hope of President Bush that this issue will go away some way.

That is why I will vote against cloture. The Senate needs to speak out against the seaport deal. We have heard the American people speak out against it. We heard the House of Representatives in their Committee on Appropriations speak out against it. It is now time for the Senate to do the same.

The PRESIDING OFFICER. The majority leader is recognized.

ETHICS REFORM

Mr. FRIST. Mr. President, Americans finish what they start, and they expect the Senate to do the same.

I open with that because we find ourselves once again in an unfortunate situation in that until yesterday afternoon, we were making steady progress, working together, all four managers on this important bill on lobbying reform, ethics review reform. We had the opportunity to have it finished by today or possibly tomorrow morning.

This is an important bill. We have come to a general consensus that it had to be one of the first bills we took to the Senate because it is so important to restore trust in this institution. It is a bill about making our Government more accountable, making it more transparent. It is a bill that strengthens our ethics rules to ensure we uphold the very highest standards of integrity. And it is a bill that will help restore America's confidence in this institution, in our Congress, in our Government.

It is also an issue that my friend, the Democratic leader, proposed as his top priority in this Congress. And we agreed. Unfortunately, some of my Democratic colleagues have chosen to hold this bill hostage for a totally unrelated issue. As we have seen even over the last 30 or 40 minutes, things are moving along aggressively toward a resolution. We do not know exactly what the resolution is going to be but toward a resolution.

The distinguished Democratic leader said just 48 hours ago to the effect of insisting that Democrats would not try to stall this lobbying reform bill by offering unrelated amendments, saying that:

I have told the distinguished majority leader this is no attempt to stall this legislation. I have told the majority leader that unless there are issues outside of what the two committees did that are within their jurisdiction, we have no intention of offering a myriad of issues. We have Members clamoring to offer—issues on the port security deal . . . we are not going to do it on this legislation.

That was 48 hours ago, and then in the last 24 hours directly contradicted the assurances he made on Tuesday when he said:

I believe that this lobbying reform is important. I believe that we need to do everything we can to help restore integrity to what we do here in Washington. But having said that, Mr. President, I think it would have been absolutely wrong for the Senate not to take action yesterday on the most important issue the American people see today, and that is port security.

That is from the statement on March 9.

I mention this because if we didn't have this what we call nongermane and totally not relevant amendment to an important issue on which we are making great bipartisan progress, working together—if that amendment had not come up, we would have been able to complete this bill. I have been in discussions with the Democratic leader,

and we both understand we have the opportunity to finish this bill in the near future because the amendments are not that tough and there is general consensus around them, but we have to be allowed to finish what we start and not be pulled off with essentially the Senate shutting down last night and over the course of the morning on something that is totally unrelated to the bill itself.

Although I don't want to keep overstating it, there seems to be this pattern of obstruction and delay and pushing things off—Judge Alito, the PATRIOT Act, which, by the way, will be signed in an hour or so, and now on lobbying reform.

Yes, we have a cloture vote here in a few minutes so that we can continue to make progress on this bill. It is not an attempt in any way to foreclose the opportunity to offer lobbying-related amendments. As the Democratic leader knows and we have talked about, we are perfectly willing to agree on a list of amendments related to lobbying and ethics reform. We can set time agreements, debate the amendments, and vote. But what we are opposed to is considering amendments that are totally outside of the scope of the bill that is at hand. We are opposed to amendments designed to score partisan political points in one way or another.

The port security issue, I do not minimize it as an issue. I was one of the very early people who said we need a pause, we need to examine it in detail, and we need to get the information. That process is underway. We have our Commerce Committee looking at overall port security. The PATRIOT Act, signed in 45 minutes, has a whole 13 points on port security. And on what is called the CFIUS review, or the review of the process that created this problem in many ways, I believe, right now our Banking Committee is looking at that aggressively.

The Dubai Ports deal needs to be addressed in a thorough way. That is why we have called for—really, initiated by the Senate—this 45-day period, to collect all the information and consider that information as it comes forward.

We saw, 45 minutes ago, some real positive news that has been brought forward. It shows the importance of sitting back and getting the information. There is a system underway to address the port issue without injecting it into a lobbying reform bill, a bipartisan bill, that in essence brings it to a halt. The administration is moving toward this 45-day review of the deal. Let's get this review. Let's get information as it is underway.

The Senator from New York, I know, has been to the floor several times. In a letter to me this week, he had said—and I quote in the letter—he “decided not to press for a vote on [his] bill at this time in the hope that this new investigation will be thorough, fair, and independent.”

So, Mr. President, we are about to vote. I do want to encourage my colleagues to vote for cloture because I

want to stay focused on the lobbying bill, which we can finish if we get cloture.

Mr. President, I see the time has come for the vote.

The PRESIDING OFFICER. The Democratic leader.

UNANIMOUS CONSENT REQUEST

Mr. REID. Mr. President, I ask unanimous consent that the Schumer amendment be withdrawn and that it be immediately considered as a free-standing bill, with a time limit of 2 hours equally divided, no amendments in order; and that upon the use or yielding back of the time, the Senate then vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Reserving the right to object, Mr. President, again, this looks like another effort to delay and postpone. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006—Resumed

Pending:

Wyden/Grassley amendment No. 2944, to establish as a standing order of the Senate a requirement that a Senator publicly disclose a notice of intent to object to proceeding to any measure or matter.

Schumer amendment No. 2959 (to amendment No. 2944), to prohibit any foreign-government-owned or controlled company that recognized the Taliban as the legitimate government of Afghanistan during the Taliban's rule between 1996-2001, may own, lease, operate, or manage real property or facility at a United States port.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 2349: an original bill to provide greater transparency in the legislative process.

Bill Frist, Mitch McConnell, Rick Santorum, Mel Martinez, James Inhofe, Susan Collins, Trent Lott, John E. Sununu, John McCain, Judd Gregg, Norm Coleman, Michael B. Enzi, Wayne Allard, R.F. Bennett, Craig Thomas, Larry E. Craig, George Voinovich, Christopher Bond.

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

The question is, Is it the sense of the Senate that debate on S. 2349, the Legislative Transparency and Accountability Act of 2006, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Kentucky (Mr. BUNNING).

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

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

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

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—51

Alexander	DeMint	Martinez
Allard	DeWine	McCain
Allen	Dole	McConnell
Bennett	Domenici	Murkowski
Bond	Ensign	Roberts
Brownback	Enzi	Santorum
Burns	Graham	Sessions
Burr	Grassley	Shelby
Chafee	Gregg	Smith
Chambliss	Hagel	Snowe
Coburn	Hatch	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Collins	Isakson	Thomas
Cornyn	Kyl	Thune
Craig	Lott	Voinovich
Crapo	Lugar	Warner

NAYS—47

Akaka	Feinstein	Murray
Baucus	Frist	Nelson (FL)
Bayh	Harkin	Nelson (NE)
Biden	Jeffords	Obama
Bingaman	Johnson	Pryor
Boxer	Kennedy	Reed
Byrd	Kerry	Reid
Cantwell	Kohl	Rockefeller
Carper	Landrieu	Salazar
Clinton	Lautenberg	Sarbanes
Conrad	Leahy	Schumer
Dayton	Levin	Stabenow
Dodd	Lieberman	Talent
Dorgan	Lincoln	Vitter
Durbin	Menendez	Wyden
Feingold	Mikulski	

NOT VOTING—2

Bunning Inouye

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 47. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

Mr. FRIST. Mr. President, I enter a motion to reconsider the vote.

The PRESIDING OFFICER. The motion to reconsider is entered.

Mr. LEAHY. Mr. President, I filed an amendment to the bill on Tuesday and look forward to an opportunity to offer that amendment and have it considered by the Senate. My amendment is the honest services amendment, No. 2924.

The purpose of my amendment is to articulate more clearly the line that cannot be crossed without incurring criminal liability. If we are serious about lobbying reform, the Senate will adopt this amendment. It was only with the indictments of Jack Abramoff, Michael Scanlon, and former Representative Randy "Duke" Cunningham that Congress took note of the scandal that has grown over the last years. If we are to restore public confidence, we need to provide better tools for Federal prosecutors to combat public corruption in our Government.

This amendment creates a better legal framework for combating public corruption than currently exists under our criminal laws. It specifies the crime of honest services fraud involving Members of Congress and prohibits defrauding or depriving the American people of the honest services of their elected representatives.

Under this amendment, lobbyists who improperly seek to influence legislation and other official matters by giving expensive gifts, lavish entertainment and travel, and inside advice on investments to Members of Congress and their staff would be held criminally liable for their actions.

The law also prohibits Members of Congress and their staff from accepting these types of gifts and favors, or holding hidden financial interests, in return for being influenced in carrying out their official duties. Violators are subject to a criminal fine and up to 20 years' imprisonment, or both.

This legislation strengthens the tools available to Federal prosecutors to combat public corruption in our Government. The amendment makes it possible for Federal prosecutors to bring public corruption cases without all of the hurdles of having to prove bribery or of working with the limited and nonspecific honest services fraud language in current Federal law.

The amendment also provides lobbyists, Members of Congress, and other individuals with much-needed notice and clarification as to what kind of conduct triggers this criminal offense.

In addition, my amendment authorizes \$25 million in additional Federal funds over each of the next 4 years, to give Federal prosecutors needed resources to investigate corruption and to hold lobbyists and other individuals accountable for improperly seeking to influence legislation and other official matters.

The unfolding public corruption investigations involving lobbyist Jack Abramoff and MZM demonstrate that unethical conduct by public officials has broad ranging impact. These scandals undermine the public's confidence in our Government. Just last week, the Washington Post reported that, as an outgrowth of the Cunningham investigation, Federal investigators are now looking into contracts awarded by the Pentagon's new intelligence agency—the Counterintelligence Field Activity—to MZM, Inc., a company run by Mitchell J. Wade who recently pleaded guilty to conspiring to bribe Mr. Cunningham.

The American people expect—and deserve—to be confident that their representatives in Congress perform their legislative duties in a manner that is beyond reproach and that is in the public interest.

Because I strongly believe that public service is a public trust, I urge all Senators to support this amendment. If we are serious about reform and cleaning up this scandal, we will do so.

I ask unanimous consent that a copy of my amendment be printed in the RECORD.

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

(Purpose: To make it illegal for anyone to defraud and deprive the American people of the right to the honest services of a Member of Congress and to instill greater public confidence in the United States Congress)

At the appropriate place, insert the following:

SEC. . HONEST SERVICES ACT OF 2006.

(a) **SHORT TITLE.**—This section may be cited as the “Honest Services Act of 2006”.

(b) **HONEST SERVICES FRAUD INVOLVING MEMBERS OF CONGRESS.**—

(1) **IN GENERAL.**—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

“§ 1351. Honest services fraud involving members of Congress

“(a) **IN GENERAL.**—Whoever knowingly and willfully executes, or attempts to execute, a scheme or artifice to defraud and deprive the United States, the Congress, or the constituents of a Member of Congress, of the right to the honest services of a Member of Congress by—

“(1) offering and providing to a Member of Congress, or an employee of a Member of Congress, anything of value, with the intent to influence the performance an official act; or

“(2) being a Member of Congress, or an employee of a Member of Congress, accepting anything of value or holding an undisclosed financial interest, with the intent to be influenced in performing an official act; shall be fined under this title or imprisoned not more than 20 years, or both.

“(b) **DEFINITIONS.**—In this section:

“(1) **HONEST SERVICES.**—The term ‘honest services’ includes the right to conscientious, loyal, faithful, disinterested, and unbiased service, to be performed free of deceit, undue influence, conflict of interest, self-enrichment, self-dealing, concealment, bribery, fraud, and corruption.

“(2) **OFFICIAL ACT.**—The term ‘official act’—

“(A) has the meaning given that term in section 201(a)(3) of this title; and

“(B) includes supporting and passing legislation, placing a statement in the Congressional Record, participating in a meeting, conducting hearings, or advancing or advocating for an application to obtain a contract with the United States Government.

“(3) **UNDISCLOSED FINANCIAL INTEREST.**—The term ‘undisclosed financial interest’ includes any financial interest not disclosed as required by statute or by the Standing Rules of the Senate.

“(c) **NO INFERENCE AND SCOPE.**—Nothing in this section shall be construed to—

“(1) create any inference with respect to whether the conduct described in section 1351 of this title was already a criminal or civil offense prior to the enactment of this section; or

“(2) limit the scope of any existing criminal or civil offense.”.

(2) **CHAPTER ANALYSIS.**—The chapter analysis for chapter 63 of title 18, United States Code is amended by adding at the end, the following:

“1351. Honest services fraud involving Members of Congress.”.

(c) **AUTHORIZATION FOR ADDITIONAL PERSONNEL TO INVESTIGATE AND PROSECUTE HONEST SERVICES FRAUD, BRIBERY, GRAFT, AND CONFLICTS OF INTEREST OFFENSES.**—There

are authorized to be appropriated to the Department of Justice, including the Public Integrity Section of the Criminal Division, and the Federal Bureau of Investigations, \$25,000,000 for each of the fiscal years 2007, 2008, 2009, and 2010, to increase the number of personnel to investigate and prosecute violations of section 1351 and sections 201, 203 through 209, 1001, 1341, 1343, and 1346 of title 18, United States Code, as amended by this section.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, I switched my vote from an “aye” to a “no” vote for procedural reasons so that I would have the opportunity as leader to bring the cloture vote back at some time in the future. I did support cloture, but for procedural reasons I switched that vote to a “no.”

What that means is that over the next several days, after talking to the four managers who are working together in a cooperative, bipartisan way, once we can put together a group of amendments and packages of amendments, I, in all likelihood, will bring that cloture vote back, and we will be on the glidepath to completing this very important bill.

Mr. DODD. Will the majority leader yield for a question?

Mr. FRIST. Very quickly, and then I have a statement to make.

Mr. DODD. Mr. President, I wonder if the majority leader might give us an idea because we would like to get back to the bill. As one of the managers, my hope would be that we can get back to it right away. I would like to see us clean up this bill and get it done as soon as possible.

Could you give us some sense of when you think we might do that? I know there are a lot of matters to deal with, but this is very important.

Mr. FRIST. I would bring it back right now if I had the votes. We need to have the managers working together and stressing the importance that when we start our business, we need to finish it. This is no fault of the managers. They have done a superb job. We had a totally unrelated amendment injected, I believe, for partisan purposes. I say that and put it aside.

We need to get back to the bill as soon as possible. I encourage the managers to get the list of amendments, continue working, and at the first available time when we are allowed to proceed, we will be on that bill and we will finish it. I think we can finish it in less than a day.

Mr. DODD. Would it be possible, since this issue is one that many Members care about—in fact, the vote of the

House Appropriations Committee yesterday was 62 to 2 on a similar provision, and I know there is talk of a resolution of this matter without ever going to the bill. But if we can agree that next week or so we might allocate an hour or two to do that, my view is we can move forward today and clean up this lobbying reform issue quickly—by agreeing to an hour or so next week to deal with this issue, if necessary, and we can move through this bill, I think, by tonight.

Mr. FRIST. What we have seen in the last hour is that there is a press announcement from DP World, and the Senator from Virginia, I believe, read that press announcement that “DP World decided to transfer fully the U.S. operations of P&O Ports North America to a United States entity.” I am reading from the press release.

This should make the issue go away. On the other hand, that was an hour ago. It brings me back to the point that the DP World issue and port security and the CFIUS reform is underway. The process is moving quickly. We don’t have to have votes on the floor of the Senate and disrupt your bill, our bill, which is another very important issue that the Democratic leadership and ours agree should be early. This body wanted to have working groups and, under your leadership, hold hearings and come to the floor, so we are committed to finishing it. We don’t need to be dealing with something which is being dealt with, as we see through press releases, through meetings with the company, and a port security bill that we are addressing in the Commerce Committee and the CFIUS process reform being addressed in Banking Committee. That is underway.

We don’t need to disrupt the bill. I think the distinguished manager and I are on the exact same page. Within several days, I think we will be able to work this out. I encourage the managers to work together so that when we bring it back, we can finish expeditiously. Next week, we have the budget and the debt ceiling and lobbying reform.

Mr. DODD. I thank the leader. I was suggesting that, if necessary, if we could agree to an hour or two after this bill is considered—and you may be right that we would not have to—then we might get to this reform bill today. That is all it would take to do so. We have taken the position that extraneous matters should not be on the bill.

My fear is—and I say this having been around here a quarter of a century—once you bump this off, the budget issue next week, immigration, and a recess for a week or two, we will not get back to this. If we don’t stick to this, other matters can take over—another explosion somewhere in the world—and this institution finds itself dealing with an issue that would not be the lobbying reform issue. I have seen it happen so many times. Here is an opportunity, I say with all due respect, to

give us that assurance, if necessary, and let us get back to the bill.

Mr. FRIST. With all due respect, there is no reason to give that assurance now. This is on a glidepath, based on what we have heard in the last 2 hours, to take care of itself. Again, it is through no fault of the managers of lobbying reform—on either side of the aisle—that we are where we are today. It is because we have had this extraneous issue injected into the system, which gummed up the works, and it is being resolved as we speak.

I just wish that amendment had not come to the floor. We were the first to put lobbying reform on the Congress's agenda. We were first to hold hearings, under the leadership of the distinguished chairmen. We were the first to mark up and the first to act, all as a result of the majority deciding that this is an important issue. The issue of Government reform is a key agenda item to help restore trust and faith in our Government.

I have to say that yesterday was a spectacular display, with the Senator from New York taking advantage of the goodwill that had been generated as we were moving forward together, which has led us to the point that we have had the cloture vote today.

I have been crystal clear throughout that when it comes to the port deal, Congress needs all of the facts. We don't have all of the facts. We are learning about them through press releases as we speak. But we are getting the facts by having this 45-day intensive review period, focused on the security issue. I think Congress is, at the appropriate time, going to need to make an independent judgment. Obviously, I don't believe it is today because we don't have the facts today. To take people in this body and say let's vote on something, let's kill the deal, or let's grandstand on it is just not appropriate for this body. Let's get the information into the system, and that strategy is underway.

Mr. President, we will keep working. We have a lot to do, and I look forward to staying above the issues of gumming up the system and let's move forward as we address these important issues that focus on restoring trust in this Government—lobbying reform, the bill at hand, and the budget of the country, which we will do next week, and facing the debt ceiling limit and taking appropriate action both in discussing and passing a statute that will raise that ceiling.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank the leader for responding to several questions. I appreciate that very much. I don't disagree. In fact, this may be very good news that we have heard in the last hour or so about the port security issue. Like all of us, I think the leader said it well. The devil can be in the details here. We are going to want to examine what was included there.

As I understood, my colleague from New York and the Democratic leader were willing to forgo offering this amendment that Senator SCHUMER has proposed on this bill for the simple assurance that, if necessary, they would like the opportunity to bring this up at a later time.

Many of us applauded that decision. In fact, the Democratic leader offered a unanimous consent request that would have done that, it would allow us to get back to the reform bill.

I see a number of my colleagues here. My colleague from Maine knows as well as I do these things can slip, and once they start to slip, other matters can overtake us, and we don't get back to the matter. We have seen it on asbestos and other matters. I am worried that will happen if we allow too much time to pass before we get back to the legislation.

I made the appeal earlier today to reach some accommodation among the leaders so we will be allowed to go forward with this bill that the Homeland Security and Governmental Affairs Committee worked so hard on and the Rules Committee worked so hard on. We did our job.

I think we can get this done in fairly short order. My colleague from Georgia was involved, as well, in the Rules Committee trying to put this together.

Again, I make the plea, I don't think there is any necessity at this juncture for the Schumer amendment to come up on this bill, but I think my colleagues can understand why the Senator from New York would like some assurance down the road, if necessary, that we can get to this particular proposal. It is not an extraordinary request. We do this all the time. That would allow us to move forward on this bill and try to keep extraneous matters off until we have completed the bill.

I thank the majority leader for responding to my questions. I am disappointed, to put it mildly, that we are not going to get to this bill. I raise the concern, having been here for some time and having watched the process work, that if we don't proceed quickly on this measure, then my fear is that we will not get back to it, and the window of opportunity to have done something on these critical issues will have been lost.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, is the Senate in morning business?

The PRESIDING OFFICER. Yes, it is.

Mr. CHAMBLISS. Mr. President, I thank my colleague from Connecticut, the ranking member on the Rules Committee on which I serve, and Senator LOTT, as well as Senator COLLINS and Senator LIEBERMAN, for their leadership on this issue. It has not been easy to get to the point where we are today. I am very disappointed we are not going to be able to finish this bill tonight, even though I am fixing to talk on it. I am not particularly happy with

what is in this bill, but at least getting through the process, having the debate is extremely important.

I am very hopeful we can get this issue relative to Dubai resolved, and quickly return to lobby reform legislation and complete it in short order.

I do think we have seen strong, very positive leadership out of the Rules Committee chairman and ranking member, as well as the Homeland Security and Governmental Affairs Committee chairman and ranking member.

In thinking about this bill, I am concerned we are losing sight of something I think is very important. And which is putting in place today, a system which deals with both Members of Congress and outside lobbyists and how they interact.

How lobbyist treat Members of Congress and how we react to lobbyists from the standpoint of whether you call it favors or being receptive to demands or requests of lobbyists. The system we have in place today is working.

What generated this concern that we have seen on the floor this week and the dialog we have seen over the past few months on this particular issue? It was triggered by one particular man who was very egregious in the way he operated his lobbying shop. He appears to have been motivated by greed, not just operating outside the spirit of the law, but outside the letter of the law, even to the point of committing some criminal activity. In fact, he has pled guilty, and he is undoubtedly going to jail. I don't know that for certain, but I think it is a safe assumption.

The system, as it pertained to lobbyist, worked. But what about Members of Congress? Another incident that sparked debate was the activity of some other Members of Congress, particularly Members on the House side.

I don't think anybody on this side has even been implicated in this at this point. But there has been some activity on the other side that indicates that maybe some favors were given to lobbyists for consideration. In fact, there has been a guilty plea to that effect.

What has happened to that Member of Congress? That Member of Congress is going to jail—for a long time. That is the way the system is designed to work. That is the way it is working and, unfortunately, all of that casts a real shadow on the institution that those of us who have been privileged to serve here know and for which we have such great respect.

There is a situation, I think, where we have a solution that is looking for a problem. I will give a classic example of that.

Some have said: We think lobbyists who are former Members who utilize the gym are having an undue influence or the potential to have undue influence. Therefore, we are going to ban former Members who are lobbyists from using the gym. We also are going to ban former Members who become lobbyist from coming on the floor.

What is ironic is there are two former Members of the House of Representatives today who are in jail for different reasons. But when they are released from prison, those two individuals will have the right to use the House gym and to have access to the House floor. Yet former Members of the House who served with great distinction on both sides of the aisle who have the opportunity to go outside and make some money in whatever chosen field they want—and they happen to have chosen lobbying—they can't come on the floor of the House and can't be Members of the House gym. This proposal is a solution without a problem, irrespective of how one looks at it.

I have a personal situation. As the Senator from Connecticut said, I serve on the Rules Committee. I talked about this a little bit as we were going through the markup and debating this bill. There are a number of Members of this body who have either spouses or children who are lobbyists. My son happens to be a lawyer who does lobbying, and I am very proud of him. He works hard and does very well. I was a Member of the Senate before he made the decision to become a lobbyist.

At the time he made that decision, I went to Members on both sides of the aisle, and I said: Here's my deal. I have to figure this out somehow. It was recommended to me by folks on both sides of the aisle that I needed to go to the Ethics Committee and detail the facts of the situation and have it tell me what we could and could not do relative to my son being a lobbyist and having the potential of lobbying me or having contacts with me or my staff.

Before he accepted the job, I asked for and received a letter from the Ethics Committee defining what contact was permissible. We have strictly adhered to the terms of the letter. There is no discussion between the two of us relative to issues. He does not lobby me. He does not lobby my staff. While it gets very ticklish at times when people he works with come to my office to lobby me, if he accompanies them, he has to either stand out in the hall or go down the hall to the bathroom. I am not sure what he does, but he doesn't come in to lobby me, it is a little bit awkward from their standpoint. But that's the way it has to work, and that is the way it is going to continue to work.

With the passage of this bill, what changes? What changes is that we are taking the Ethics Committee letter that I have, that Senator REID has, whose sons are lobbyists, that Senator LOTT has, whose son is a lobbyist, and at least a dozen or 15 other Members of this body have, and it codifies the terms of the letters. All of a sudden, it makes it subject not only to a potential \$200,000 fine, but criminal sanctions as well.

Figure this: We are in a very partisan political time in this country. Because of partisanship, often without merit, ethics charges can often—and it hap-

pens more on the House side, than it does over here—fly back and forth. For example, if I am at dinner with my son and somebody happens to be at a table next to me and think they hear conversation which they believe to be improper, but which was in fact not improper at all.

All of a sudden I am thrown in a situation where I have to defend myself, not before the Ethics Committee but from a civil sanction, as well as a potential criminal sanction. To say that can't happen in today's climate, I think we are kidding ourselves.

The same thing could happen to every other Member here. And I don't know of any Member who has ever violated the ethical rule relative to lobbying on the part of spouses or children.

To those folks who say this can't happen, let me tell you what happened to me this week, and it is a pretty good example of what can happen in these very difficult, these very complex, and these very partisan political times.

There is a lot of current discussion about Members taking trips on corporate aircraft. All of us—I assume all of us—at one time or another have used private aircraft. Congress has rules governing this practice which we must abide by.

I, like many of my colleagues, live in a rural area. I don't have commercial service to many areas of my state including my hometown. I also happen to represent the largest State east of the Mississippi River. If I want to go from point A to point B, whether it is on official business or on campaign business, it is often necessary to use private or chartered aircraft and I have to pay for it. The rules require it, and we pay for it.

The important point about it is, we disclose every bit of that information. We have a form we are required to file every year regarding every trip—where it was, where you went, what it was for, and how much you were required to pay for it, and how much you did pay for it. All of that is on our public disclosure forms.

This week, a group called Political Money Line issued a statement in which they said—of course, it was generated by the debate on the floor this week; otherwise it probably never would have come up. Political Money Line is, according to its statement, a company that provides comprehensive campaign finance and lobbying data to more than 500 clients, ranging from trade groups to the national political parties. So it has over 500 folks to whom they sent out not only a notice but also did some sort of press release or a release that at least got to the press which indicated that this Member of the Senate was the No. 1 user of corporate aircraft of all active Senators; that from the period 2001 through the 2005, I had flown over 60 times in corporate aircraft, according to the disclosure that I had filed, and that I had to pay in excess of \$100,000. To make it

exact, they said \$101,795 for utilization of corporate aircraft.

I knew there was something wrong with that because that would have meant that during the 5-year period, I would have had to have flown on a corporate aircraft once a month, every month, for 5 years. And I knew I had not done that. So we made inquiry of Political Money Line as to where it got its information and what information did it use in calculating these numbers.

First of all, they told us: We will be glad to give you that information provided you pay a \$2,000 subscription fee. I didn't think that was exactly right.

At the end of the day, they were cooperative, and they did provide us the information. As it turns out, just like I thought, the information was wrong.

The fact of the matter is that they said, according to their calculations, I had reported 60 reimbursements for use of corporate aircraft. In fact, they now have agreed that only 17 of those trips should have been credited to me. The other 43 reimbursements should have been credited to another or other Members of the Senate. And of those 17, on one occasion—I used corporate aircraft for a fundraiser in Florida—I sent three Members of the Senate down there and paid their way. That is a customary thing that happens. I flew commercial, but I paid their way.

The numbers were so out of line and so egregious that I don't mind telling you I got infuriated, and the more I think about it right now, I get even more infuriated about it because what happened was, once they put this information out, it was picked up by the New York Times. They did a story yesterday in which I was quoted as saying the solution to this problem is disclosure. And then they said, according to the Political Money Line, that I am the No. 1 abuser of utilization of corporate aircraft that is active in the Senate, and they were dead wrong.

Now the genie is out of the bottle, and the New York Times story has gone all over the country. It is in U.S. News & World Report. How do you get the genie back in the bottle? Well, you don't, and that is the unfortunate part about this. There was some irresponsible activity on the part of this group that, frankly, will be a political problem because the 527 operated by former Democratic National Committee individuals has already taken a shot at me as a result of this. We are all big boys in the Senate. We have been through political wars, and I always am prepared for criticism that may arise. But when the criticism is absolutely false, then it does infuriate you because there is no way you can accurately get information out once it has gotten out in the way this did.

When we talked to them about it yesterday and talked to them about it again today, they are agreeing to come back now and to correct their figures and to do a release. They have already done that. They have called the New York Times, according to the reporter

I saw today. In spite of the fact that they will do another article now, the Political Money Line folks have admitted to making mistakes.

In any event, instead of being the No. 1 active Member of the Senate relative to utilization of corporate aircraft, according to their calculations, I would be No. 28. Under their calculations, instead of \$101,000, it should have been \$18,000. That is how egregious this situation has become.

Now what happens in the case of this sort of thing relative to what we have on the floor today? Well, here is the way I look at this, and I have talked with people all across my State about this. Are folks concerned about Members of Congress and ethics? You bet. Is there anybody in this Senate who campaigned on the fact that, You send me to Washington, you send me to the Senate, and, boy, I will get lobbyist reform? I think the answer to that question is absolutely not. That is not a typical campaign platform. Does everybody in this Senate go home and talk about what is going on in Iraq? Have any of us campaigned on what is happening in Iraq? You bet. People care about that. Are people upset about what is going on relative to the ports issue and the potential for Dubai to purchase the managerial contract for the six ports in the United States? You bet. People care about that.

People expect us, as Members of the Senate, to act in an ethical way. And those of us who have this unique problem, whether it is relative to a spouse or a child, in my opinion, must have acted in an ethical way because I don't know of any situation where what has happened as an ethical complaint has been brought forward. People do expect us to be ethical, and those of us who have this situation work very hard to make sure we are.

So I would hope since we are not going to be voting on this matter today, we may not be voting on it next week—I don't know when it will come up again—but I am very hopeful that the Members of this body will think through this and that we will look at legislation that encompasses issues such as Senator McCAIN has talked about on earmarks. I think if you are going to reform Congress, which is what I think is most necessary, then reforming the earmark process is necessary. Senator McCAIN talks about this every year during the appropriations process, and this year I think he is getting everybody's attention. That should be reformed. There are other issues in this congressional reform we ought to pay attention to. But I will have to tell you that if we are going to have irresponsible acts by folks who are taking information we disclose under the congressional reform action, whatever ultimate legislation may come out of this body, and they are going to utilize it in a wrong way, then it may be time we looked at taking some action against folks who do that as well as having the potential to take action against Members of the Senate.

Mr. President, I yield back, and I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. ISAKSON. I ask unanimous consent to address the Senate as in morning business.

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

HONORING ROBERT MOULTRIE

Mr. ISAKSON. Mr. President, in a few weeks in my home county of Cobb County, GA, a pretty normal occurrence is going to take place for someone who is anything other than a normal person. It is going to be the 65th birthday of a man named Robert Moultrie. Now, 65th birthdays are becoming pretty common. I am pretty happy they are, because I am about to have one in a couple of years. But Robert is an extraordinary individual. I hope he is not watching C-SPAN right now because they are going to give a big surprise party for him, and if he is watching I am going to be in big trouble, but I doubt he is because he is a busy entrepreneur of unbelievable accomplishment.

He started a company in 1986 known as The Facility Group, and it was six individuals. Their revenues were about \$10 million. Last year, Robert Moultrie's company, The Facility Group, employed 300 people and their revenues were \$250 million.

He is an extraordinary individual, a graduate of Georgia Tech. He is a good engineer, as someone running a design/build firm should obviously be, but also a great benefactor to that institution, as well as Erskine College, where he led the \$30 million capital campaign a few years ago.

What makes Robert extraordinary is not just those accomplishments in business, which are great, but the fact that he and his wife are a little bit like the title of Bob and ELIZABETH DOLE's famous book, "Unlimited Partners," because they are equal partners in their journey both in business as well as community service. When Robert chaired the Cobb County Chamber of Commerce, the second largest chamber in the State in 2002, everybody thought Cheryl was kind of cochairman because she was as involved as he was. When they chaired the Heart Ball for the community, they set an all-time record in our State, raising \$600,000 in 1 night to benefit those who were fighting heart disease.

Girls Club, Boys Club, United Way, or simply a helping hand, Robert and Cheryl Moultrie have always been there. As I said, 65th birthdays are very common but Robert Moultries are not.

Our community is very fortunate to have had him there, and I am very fortunate to have the opportunity today in the Senate to commend him on his achievements for our community and commend him on this milestone in his life.

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

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

The 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.

PETROLEUM INDUSTRY ANTITRUST ACT OF 2006

Mr. SPECTER. Mr. President, the Judiciary Committee, which I chair, has from time to time examined the implications of mergers, acquisitions, and joint ventures among companies affecting various fields in the American economy.

Just a few days ago, a major proposal reached public view in the telephone industry. There have been major acquisitions and mergers in many lines of commerce, and there is special concern at the present time about the impact of acquisitions and mergers of major oil companies on the price of gasoline, which has soared for American consumers. I have been concerned about the actions of OPEC over the years in limiting production and undertaking joint actions which really violate the spirit of competition and increase the cost of oil.

I ask unanimous consent that at the conclusion of my comments, letters that I sent to the President as far back as the Clinton administration, and that I sent to President Bush, outlining the judge-made laws which have given OPEC immunity under our antitrust laws be printed in the RECORD.

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

(See exhibit No. 1.)

EXHIBIT 1

U.S. SENATE,

Washington, DC, April 11, 2000.

President WILLIAM JEFFERSON CLINTON
The White House,
Washington, DC.

DEAR MR. PRESIDENT: In light of the very serious problems caused by the recent increase in oil prices, we know you will share our view that we should explore every possible alternative to stop OPEC and other oil-producing states from entering into agreements to restrict oil production in order to drive up the price of oil.

This conduct is nothing more than an old-fashioned conspiracy in restraint of trade which has long been condemned under U.S. law, and which should be condemned under international law.

After some considerable research, we suggest that serious consideration be given to two potential lawsuits against OPEC and the nations conspiring with it:

(1) A suit in Federal district court under U.S. antitrust law.

(2) A suit in the International Court of Justice at the Hague based, perhaps, upon an advisory opinion under "the general principles of law recognized by civilized nations," which includes prohibiting oil cartels from conspiring to limit production and raise prices.

(1) A suit in Federal district court under U.S. antitrust law.

A case can be made that your Administration can sue OPEC in Federal district court under U.S. antitrust law. OPEC is clearly engaging in a "conspiracy in restraint of trade" in violation of the Sherman Act (15 U.S.C. Sec. 1). The Administration has the power to sue under 15 U.S.C. Sec. 4 for injunctive relief to prevent such collusion.

In addition, the Administration should consider suing OPEC for treble damages under the Clayton Act (15 U.S.C. Sec. 15a), since OPEC's behavior has caused an "injury" to U.S. "property." After all, the U.S. government is a major consumer of petroleum products and must now pay higher prices for these products. In *Reiter v. Sonotone Corp.*, (42 U.S. 330 (1979)), the Supreme Court held that the consumers who were direct purchasers of certain hearing aides who alleged that collusion among manufacturers had led to an increase in prices had standing to sue those manufacturers under the Clayton Act since "a consumer deprived of money by reason of allegedly anti-competitive conduct is injured in 'property' within the meaning of [the Clayton Act]." Indirect purchasers would appear to be precluded from suit, even in a class action, under *Illinois Brick v. Illinois*, 431 U.S. 720 (1977), but this would not bar the United States Government, as a direct purchaser, from having the requisite standing.

One potential obstacle to such a suit is whether the Foreign Sovereign Immunities Act ("FSIA") provides OPEC, a group of sovereign foreign nations, with immunity from suit in U.S. courts. To date, there has been a ruling on this issue in only one case. In *International Association of Machinists v. OPEC*, 477 F. Supp. 553 (1979), the District Court for the Central District of California held that the nations which comprise OPEC were immune from suit in the United States under the FSIA. We believe that this opinion was wrongly decided and that other district courts, including the D.C. District, can and should revisit the issue.

This decision in *Int. Assoc. of Machinists* turned on the technical issue of whether or not the nations which comprise OPEC are engaging in "commercial activity" or "governmental activity" when they cooperate to sell their oil. If they are engaging in "governmental activity," then the FSIA shields them from suit in U.S. courts. If, however, these nations are engaging in "commercial activity," then they are subject to suit in the U.S. The California District Court held that OPEC activity is "governmental activity." We disagree. It is certainly a governmental activity for a nation to regulate the extraction of petroleum from its territory by ensuring compliance with zoning, environmental and other regulatory regimes. It is clearly a commercial activity, however, for these nations to sit together and collude to limit their oil production for the sole purpose of increasing prices.

The 9th Circuit affirmed the District Court's ruling in *Int. Assoc. of Machinists* in 1981 (649 F.2d 1354), but on the basis of an entirely different legal principle. The 9th Circuit held that the Court could not hear this case because of the "act of state" doctrine, which holds that a U.S. court will not adjudicate a politically sensitive dispute which would require the court to judge the legality of the sovereign act of a foreign state.

The 9th Circuit itself acknowledged in its *Int. Assoc. of Machinists* opinion that "The

[act of state] doctrine does not suggest a rigid rule of application," but rather application of the rule will depend on the circumstances of each case. The Court also noted that, "A further consideration is the availability of internationally-accepted legal principles which would render the issues appropriate for judicial disposition." The Court then quotes from the Supreme Court's opinion in *Banco Nacional de Cuba v. Sabbatino*, 376 U.S. 398 (1964):

It should be apparent that the greater the degree of codification or consensus concerning a particular area of international law, the more appropriate it is for the judiciary to render decisions regarding it, since the courts can then focus on the application of an agreed principle to circumstances of fact rather than on the sensitive task of establishing a principle not inconsistent with the national interest or with international justice.

Since the 9th Circuit issued its opinion in 1981, there have been major developments in international law that impact directly on the subject matter at issue. As we discuss in greater detail below, the 1990s have witnessed a significant increase in efforts to seek compliance with basic international norms of behavior through international courts and tribunals. In addition, there is strong evidence of an emerging consensus in international law that price fixing by cartels violates such international norms. Accordingly, a court choosing to apply the act of state doctrine to a dispute with OPEC today may very well reach a different conclusion than the 9th Circuit reached almost twenty years ago.

You should also examine whether the anti-competitive conduct of the international oil cartel is being effectuated by private companies who are subject to the enforcement of U.S. antitrust laws (for example, former state oil companies that have now been privatized) rather than sovereign foreign states. If such private oil companies are determined to in fact be participating in the anti-competitive conduct of the oil cartel, then we would urge that these companies be named as defendants in an antitrust lawsuit in addition to the OPEC members.

(2) A suit in the International Court of Justice at the Hague based upon "the general principles of law recognized by civilized nations," which includes prohibiting oil cartels from conspiring to limit production and raise prices.

In addition to such domestic antitrust actions, we believe you should give serious consideration to bringing a case against OPEC before the International Court of Justice (the "ICJ") at the Hague. You should consider both a direct suit against the conspiring nations as well as a request for an advisory opinion from the Court through the auspices of the U.N. Security Council. The actions of OPEC in restraint of trade violate "the general principles of law recognized by civilized nations." Under Article 38 of the Statute of the ICJ, the Court is required to apply these "general principles" when deciding cases before it.

This would clearly be a cutting-edge lawsuit, making new law at the international level. But there have been exciting developments in recent years which suggest that the ICJ would be willing to move in this direction. In a number of contexts, we have seen a greater respect for and adherence to fundamental international principles and norms by the world community. For example, we have seen the establishment of the International Criminal Court in 1998, the International Criminal Tribunal for Rwanda in 1994, and the International Criminal Tribunal for the former Yugoslavia in 1993. Each of these bodies has been active, handing

down numerous indictments and convictions against individuals who have violated fundamental principles of human rights. For example, as of December 1, 1999, the Yugoslavia tribunal alone had handed down 91 public indictments.

Today, adherence to international principles has spread from the tribunals in the Hague to individual nations around the world. Recently, the exiled former dictator of Chad, Hissene Habre, was indicted in Senegal on charges of torture and barbarity stemming from his reign, where he allegedly killed and tortured thousands. This case is similar to the case brought against former Chilean dictator Augusto Pinochet by Spain on the basis of his alleged atrocities in Chile. At the request of the Spanish government, Pinochet was detained in London for months until an English court determined that he was too ill to stand trial.

The emerging scope of international law was demonstrated in an advisory opinion sought by the UN General Assembly in 1996 to declare illegal the use or threat to use nuclear weapons. Such an issue would ordinarily be thought beyond the scope of a judicial determination given the doctrines of national sovereignty and the importance of nuclear weapons to the defense of many nations. The ICJ ultimately ruled eight to seven, however, that the use or threat to use nuclear weapons "would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law." The fact that this issue was subject to a decision by the ICJ, shows the rapidly expanding horizons of international law.

While these emerging norms of international behavior have tended to focus more on human rights than on economic principles, there is one economic issue on which an international consensus has emerged in recent years—the illegitimacy of price fixing by cartels. For example, on April 27, 1998, the Organization for Economic Cooperation and Development issued an official "Recommendation" that all twenty-nine member nations "ensure that their competition laws effectively halt and deter hard core cartels." The recommendation defines "hard core cartels" as those which, among other things, fix prices or establish output restriction quotas. The Recommendation further instructs member countries "to cooperate with each other in enforcing their laws against such cartels."

On October 9, 1998, eleven Western Hemisphere countries held the first "Antitrust Summit of the Americas" in Panama City, Panama. At the close of the summit, all 11 participants issued a joint communique in which they express their intention "to affirm their commitment to effective enforcement of sound competition laws, particularly in combating illegal price-fixing, bid-rigging, and market allocation." The communique further expresses the intention of these countries to "cooperate with one another . . . to maximize the efficacy and efficiency of the enforcement of each country's competition laws." One of the countries participating in this communique, Venezuela, is a member of OPEC.

The behavior of OPEC and other oil-producing nations in restraint of trade violates U.S. antitrust law and basic international norms, and it is injuring the United States and its citizens in a very real way. Consideration of such legal action could provide an inducement to OPEC and other oil-producing countries to raise production to head off such litigation.

We hope that you will seriously consider judicial action to put an end to such behavior.

ARLEN SPECTER.
HERB KOHL.
CHARLES SCHUMER.
MIKE DEWINE.
STROM THURMOND.
JOE BIDEN.

U.S. SENATE,
Washington, DC, June 15, 2000.

Hon. William Jefferson Clinton,
President of the United States, The White House, Washington, DC.

DEAR PRESIDENT CLINTON: We are writing to urge your Administration to take immediate and reasonable action in response to the Organization of Petroleum Exporting Countries' (OPEC) continued stranglehold on the global oil market. As you know, OPEC's agreement last March to automatically increase oil supply if global prices topped \$28 per barrel for more than 20 days has been violated—the price of crude oil has closed over \$28 since May 8, and is currently trading over \$33—meaning sky-high oil and gasoline prices will increasingly, and indefinitely, take a toll on our economy. We strongly urge you to immediately counteract OPEC's dangerous intransigence through the use of oil from our nation's Strategic Petroleum Reserve (SPR) in order to increase supply, moderate prices, and significantly reduce our nation's dependence on OPEC decisions for our economic well-being.

OPEC's continued manipulation of the global oil market has translated into record high, and rising, gasoline prices in the United States, and the prospect of severe shortages in home heating oil next winter. Worst of all with global and American oil inventories approaching levels not seen since the mid-1970s, OPEC's continued price gouging will prevent refiners and distributors of petroleum products from stocking sufficient supply, meaning OPEC will continue to maintain its inordinate power over the global and American economies indefinitely.

Since last September, many of us have been calling on you and Secretary Richardson to use America's well-stocked SPR as leverage to counter OPEC's risky profiteering. With global supply, demand, and inventories remaining out of sync with each other, and OPEC ministers unwilling to play by the rules which they themselves created, the United States has every right to act decisively in the interest of its economic security. The immediate commencement of a "swaps" policy using SPR oil would moderate the global oil market, and generally buffer against foreign supply manipulations. And under current market conditions, a swaps policy provides the best way to increase the SPR from its current level of 570 million barrels, at no cost to the taxpayer.

OPEC has been emboldened by its highly successful quota policy over the past two years which has caused oil prices to effectively triple. OPEC ministers seem to now believe the United States and the world will accept, and call economically sustain, oil prices at \$30 per barrel and above. Mr. President, it is simply unacceptable for us to allow our economy, and the world's economy, to be placed in jeopardy by a foreign oil cartel. With razor thin oil inventories and soaring gas prices coupled with new reports of a looming shortage of natural gas, we may be at the beginning of a serious and prolonged energy crisis that could send a chill through every economic sector of our country. The time to act is now.

Sincerely,

Charles E. Schumer; Carl Levin; Joseph I. Lieberman; Jack Reed; Patrick J. Leahy; Robert G. Torricelli; Susan M. Collins; James M. Jeffords; William V.

Roth Jr.; Olympia J. Snowe; Christopher Dodd; Arlen Specter.

U.S. SENATE,
Washington, DC, April 25, 2001.

President GEORGE WALKER BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: In light of the energy crisis and the high prices of OPEC oil, we know you will share our view that we must explore every possible alternative to stop OPEC and other oil-producing states from entering into agreements to restrict oil production in order to drive up the price of oil.

This conduct is nothing more than an old-fashioned conspiracy in restraint of trade which has long been condemned under U.S. law, and which should be condemned under international law.

After some research, we suggest that serious consideration be given to two potential lawsuits against OPEC and the nations conspiring with it:

(1) A suit in Federal district court under U.S. antitrust law.

(2) A suit in the International Court of Justice at the Hague based upon "the general principles of law recognized by civilized nations."

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A strong case can be made that your Administration can sue OPEC in Federal district court under U.S. antitrust law. OPEC is clearly engaging in a "conspiracy in restraint of trade" in violation of the Sherman Act (15 U.S.C. Sec. 1). The Administration has the power to sue under 15 U.S.C. Sec. 4 for injunctive relief to prevent such collusion.

In addition, the Administration has the power to sue OPEC for treble damages under the Clayton Act (15 U.S.C. Sec. 15a), since OPEC's behavior has caused an "injury" to U.S. "property." After all, the U.S. government is a consumer of petroleum products and must now pay higher prices for these products. In *Reiter v. Sonotone Corp.*, 442 U.S. 330 (1979), the Supreme Court held that the consumers of certain hearing aides who alleged that collusion among manufacturers had led to an increase in prices had standing to sue those manufacturers under the Clayton Act since "a consumer deprived of money by reason of allegedly anticompetitive conduct is injured in 'property' within the meaning of [the Clayton Act]."

One issue that would be raised by such a suit is whether the Foreign Sovereign Immunities Act ("FSIA") provides OPEC, a group of sovereign foreign nations, with immunity from suit in U.S. courts. To date, only one Federal court, the District Court for the Central District of California, has reviewed this issue. In *International Association of Machinists v. OPEC*, 477 F. Supp. 553 (1979), the Court held that the nations which comprise OPEC were immune from suit in the United States under the FSIA. We believe that this opinion was wrongly decided and that other district courts, including the D.C. District, can and should revisit the issue.

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clearly a commercial activity, however, for these nations to sit together and collude to limit their oil production for the sole purpose of increasing prices.

The 9th Circuit affirmed the District Court's ruling in *Int. Assoc. of Machinists* in 1981 (649 F.2d 1354), but on the basis of an entirely different legal principle. The 9th Circuit held that the Court could not hear this case because of the "act of state" doctrine, which holds that a U.S. court will not adjudicate a politically sensitive dispute which would require the court to judge the legality of the sovereign act of a foreign state.

The 9th Circuit itself acknowledged in its *Int. Assoc. of Machinists* opinion that "The [act of state] doctrine does not suggest a rigid rule of application," but rather application of the rule will depend on the circumstances of each case. The Court also noted that, "A further consideration is the availability of internationally-accepted legal principles which would render the issues appropriate for judicial disposition." The Court then quotes from the Supreme Court's opinion in *Banco Nacional de Cuba v. Sabbatino*, 376 U.S. 398 (1964):

It should be apparent that the greater the degree of codification or consensus concerning a particular area of international law, the more appropriate it is for the judiciary to render decisions regarding it, since the courts can then focus on the application of an agreed principle to circumstances of fact rather than on the sensitive task of establishing a principle not inconsistent with the national interest or with international justice.

Since the 9th Circuit issued its opinion in 1981, there have been major developments in international law that impact directly on the subject matter at issue. As we discuss in greater detail below, the 1990s have witnessed a significant increase in efforts to seek compliance with basic international norms of behavior through international courts and tribunals. In addition, there is strong evidence of an emerging consensus in international law that price fixing by cartels violates such international norms. Accordingly, a court choosing to apply the act of state doctrine to a dispute with OPEC today may very well reach a different conclusion than the 9th Circuit reached almost 20 years ago.

(2) A suit in the International Court of Justice at the Hague based upon "the general principles of law recognized by civilized nations."

In addition to such domestic antitrust actions, we believe you should give serious consideration to bringing a case against OPEC before the International Court of Justice (the "ICJ") at the Hague. You should consider both a direct suit against the conspiring nations as well as a request for an advisory opinion from the Court through the auspices of the UN Security Council. The actions of OPEC in restraint of trade violate "the general principles of law recognized by civilized nations." Under Article 38 of the Statute of the ICJ, the Court is required to apply these "general principles" when deciding cases before it.

This would clearly be a cutting-edge lawsuit, making new law at the international level. But there have been exciting developments in recent years which suggest that the ICJ would be willing to move in this direction. In a number of contexts, we have seen a greater respect for and adherence to fundamental international principles and norms by the world community. For example, we have seen the establishment of the International Criminal Court in 1998, the International Criminal Tribunal for Rwanda in 1994, and the International Criminal Tribunal for the former Yugoslavia in 1993. Each

of these bodies has been active, handing down numerous indictments and convictions against individuals who have violated fundamental principles of human rights.

Today, adherence to international principles has spread from the tribunals in the Hague to individual nations around the world. The exiled former dictator of Chad, Hissene Habre, was indicted in Senegal on charges of torture and barbarity stemming from his reign, where he allegedly killed and tortured thousands. This case is similar to the case brought against former Chilean dictator Augusto Pinochet by Spain on the basis of his alleged atrocities in Chile. At the request of the Spanish government, Pinochet was detained in London for months until an English court determined that he was too ill to stand trial.

While these emerging norms of international behavior have tended to focus more on human rights than on economic principles, there is one economic issue on which an international consensus has emerged in recent years—the illegitimacy of price fixing by cartels. For example, on April 27, 1998, the Organization for Economic Cooperation and Development issued an official “Recommendation” that all twenty-nine member nations “ensure that their competition laws effectively halt and deter hard core cartels.” The recommendation defines “hard core cartels” as those which, among other things, fix prices or establish output restriction quotas. The Recommendation further instructs member countries “to cooperate with each other in enforcing their laws against such cartels.”

On October 9, 1998, 11 Western Hemisphere countries held the first “Antitrust Summit of the Americas” in Panama City, Panama. At the close of the summit, all eleven participants issued a joint communique in which they express their intention “to affirm their commitment to effective enforcement of sound competition laws, particularly in combating illegal price-fixing, bid-rigging, and market allocation.” The communique further expresses the intention of these countries to “cooperate with one another . . . to maximize the efficacy and efficiency of the enforcement of each country’s competition laws.”

The behavior of OPEC and other oil-producing nations in restraint of trade violates U.S. antitrust law and basic international norms, and it is injuring the United States and its citizens in a very real way. We hope you will seriously consider judicial action to put an end to such behavior.

We hope that you will seriously consider judicial action to put an end to such behavior.

ARLEN SPECTER.
CHARLES SCHUMER.
HERB KOHL.
STROM THURMOND.
MIKE DEWINE.

Mr. SPECTER. Mr. President, today I am going to be putting into the RECORD at conclusion of my statement—again I ask unanimous consent—a proposed modification of the U.S. antitrust laws.

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

(See exhibit No. 2.)

EXHIBIT 2

S. —

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 “Petroleum Industry Antitrust Act of 2006”.

SEC. 2. PROHIBITION ON UNILATERAL WITHHOLDING.

The Clayton Act (15 U.S.C. 12 et seq.) is amended—

(1) by redesignating section 28 as section 29; and

(2) by inserting after section 27 the following:

“SEC. 28. OIL AND NATURAL GAS.

“(a) IN GENERAL.—Except as provided in subsection (b), it shall be unlawful for any person to refuse to sell, or to export or divert, existing supplies of crude oil, refined products derived from crude oil, or natural gas with the primary intention of increasing prices or creating a shortage in the market where the existing supplies are located or intended to be shipped.

“(b) CONSIDERATIONS.—In determining whether a person who has refused to sell exported or diverted existing supplies of crude oil, refined products derived from crude oil, or natural gas has done so with the intent of increasing prices or creating a shortage in the market under subsection (a), the court shall consider whether—

“(1) the cost of acquiring, producing, refining, processing, marketing, selling, or otherwise making such products available has increased; and

“(2) the price obtained from exporting or diverting existing supplies is greater than the price obtained where the existing supplies are located or are intended to be shipped.”.

SEC. 3. PROHIBITION ON CERTAIN MERGERS IN THE OIL AND GAS INDUSTRY.

Section 7 of the Clayton Act (15 U.S.C. 18) is amended by adding at the end the following:

“Notwithstanding any other provision of this section, no person engaged in, or assets of a person engaged in, commerce in the business of exploring for, producing, refining, or otherwise processing, storing, marketing, selling, or otherwise making available petroleum, products derived from petroleum, or natural gas in any section of the United States may be acquired by another person, if the effect of such acquisition may be to appreciably diminish competition.”.

SEC. 4. STUDY BY THE GOVERNMENT ACCOUNTABILITY OFFICE.

(a) DEFINITION.—In this section, the term “covered consent decree” means a consent decree—

(1) to which either the Federal Trade Commission or the Department of Justice is a party;

(2) that was entered by the district court not earlier than 10 years before the date of enactment of this Act;

(3) that required divestitures; and

(4) that involved a person engaged in the business of exploring for, producing, refining, or otherwise processing, storing, marketing, selling, or otherwise making available petroleum, products derived from petroleum, or natural gas.

(b) REQUIREMENT FOR A STUDY.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study evaluating the effectiveness of divestitures required under covered consent decrees.

(c) REQUIREMENT FOR A REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report to Congress, the Federal Trade Commission, and the Department of Justice regarding the findings of the study conducted under subsection (b).

(d) FEDERAL AGENCY CONSIDERATION.—Upon receipt of the report required by subsection (c), the Attorney General or the Chairman of the Federal Trade Commission, as appropriate, shall consider whether any additional action is required to restore competition or prevent a substantial lessening of competition occurring as a result of any transaction that was the subject of the study conducted under subsection (b).

SEC. 5. JOINT FEDERAL AND STATE TASK FORCE.

The Attorney General and the Chairman of the Federal Trade Commission shall establish a joint Federal-State task force, which shall include the attorney general of any State that chooses to participate, to investigate the information sharing practices among persons in the business of exploring for, producing, refining, or otherwise processing, storing, marketing, selling, or otherwise making available petroleum, products derived from petroleum, or natural gas, particularly any company about which the Energy Information Administration collects financial and operating data as part of its Financial Reporting System.

SEC. 6. NO OIL PRODUCING AND EXPORTING CARTELS.

(a) SHORT TITLE.—This section may be cited as the “No Oil Producing and Exporting Cartels Act of 2006” or “NOPEC”.

(b) SHERMAN ACT.—The Sherman Act (15 U.S.C. 1 et seq.) is amended—

(1) by redesignating section 8 as section 9; and

(2) by inserting after section 7 the following:

“SEC. 8. OIL PRODUCING CARTELS.

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

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

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

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

“(b) CIRCUMSTANCES.—The circumstances described in this subsection are an instance when an action, combination, or collective action described in subsection (a) has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

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

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

“(e) ENFORCEMENT.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws, as defined in section 1(a) of the Clayton Act (15 U.S.C. 12(a)).”.

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

(1) in paragraph (6), by striking “or” at the end;

(2) in paragraph (7), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(8) in which the action is brought under section 8 of the Sherman Act.”.

Mr. SPECTER. Mr. President, I am not introducing the bill today, but I am putting it forward so that my colleagues may consider it and it may be considered by the witnesses who are

going to be testifying before the Judiciary Committee on March 14. I am putting it in the public view to solicit comments and to solicit responses and ideas as to the effectiveness or propriety or desirability of such legislation. I do so tentatively because it is a very complicated subject, and there have been relatively few modifications of the antitrust laws in the United States.

The basic antitrust law under which we operate is more than a century old. The Sherman Act, enacted in 1890, made it unlawful to enter into a contract, combination, or conspiracy in restraint of trade and prohibited monopolization. Then, 24 years later, we enacted the Clayton Act, which prohibits unlawful tying, corporate mergers and acquisitions that reduce competition and interlocking directorates, which lead principally to substantial restraint on trade. Those are the two principal statutes that mold the antitrust laws in the United States.

There have been some additions: in 1914, the Federal Trade Commission Act prohibiting unfair methods of competition affecting commerce; in 1936, the Robinson-Patman Act prohibiting sales that discriminate in the price or sale of goods to equally situated distributors where the effect of such sales is to reduce competition; in 1945, the McCarron-Ferguson Act applying antitrust laws to the insurance industry only "to the extent that such business is not regulated by State law;" and then the 1976 Hart-Scott-Rodino Act which amended the Clayton Act and required companies to give notice to the antitrust enforcement agencies prior to consummating a merger.

But in this long history, the principal acts have been the Clayton Act and the Sherman Act.

There has been from time to time other legislation touching the antitrust issues—the Soft Drink Interbrand Competition Act in 1980 permitting the owners of trademark soft drinks to grant exclusive territorial franchises to bottlers or distributors; the local government antitrust laws of 1984; the International Antitrust Enforcement Assistance Act of 1994; the Standards Development Organization Advancement Act of 2004 protecting organizations that develop industry standards from certain types of antitrust liability; and in 2004 the Antitrust Criminal Penalty Enhancement Reform Act.

There have been some modifications of the antitrust laws allowing the National Football League, for example, to have revenue sharing. From time to time, proposals have been made to limit the exemption that baseball enjoys from the antitrust laws as a result of decisions of the Supreme Court of the United States.

It is my concern that there ought to be some close analysis of the existing antitrust laws with what is happening in the marketplace. The outline of proposed legislation which I have denominated the "Petroleum Industry Anti-

trust Act of 2006" is an outline for analysis and for further thought. Again I will say that I am not introducing it as a bill today, but I will use it as a basis for discussion and questioning in the Judiciary Committee hearing that will be held on March 14.

This bill would eliminate the judge-made doctrines that prevent OPEC members from being sued for violation of the antitrust laws by conspiring to fix the price of crude oil. Section 1 of the bill amends the Sherman Act prohibiting oil and gas companies from diverting, exporting, or refusing to sell existing supplies of crude oil, refined products, or natural gas, with the primary intent of raising prices or creating a shortage in the market where the existing supplies are located or intended to be shipped.

Section 2 amends the Clayton act prohibiting the acquisition of an oil or gas company or, any assets of such a company, when the acquisition would lessen competition. Current law allows the antitrust agencies to challenge any acquisition that may "substantially" lessen competition. This change would significantly increase the level of scrutiny received by any large merger between competitors in the oil and gas industry.

Section 3 requires the Government Accountability Office to evaluate whether divestitures required by the Federal Trade Commission ("FTC") or the Department of Department ("DOJ") with regard to oil and gas industry mergers have been effective in restoring competition. Once the study is completed, the FTC and the DOJ must consider whether any additional steps are necessary to restore competition, including further divestiture or the unraveling of some mergers.

Section 4 requires that the FTC and the DOJ establish a joint federal-state task force to examine information sharing and other anticompetitive results of recent consolidation in the oil and gas industry.

These provisions might well be extended in a final legislative proposal to go beyond oil and gas, but that is the thrust of what we are considering as we prepare for the Judiciary Committee hearing on March 14.

Again, I wish to emphasize that this is an outline of proposed modifications to the antitrust laws. I approach it with an eye toward the spirit of the Sherman Act and the Clayton Act, both of which have existed for so long, but also with a sense that what is happening in the marketplace today requires some further analysis by the Judiciary Committee.

We are finding that the prices of heating oil are extremely high, the price of natural gas is extremely high, the price of gasoline at the pump is extremely high, and the American consumers and consumers beyond America deserve some attention, they deserve to have this situation analyzed and considered.

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

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

ETHICS REFORM

Mr. THOMAS. Mr. President, I will express some anxiety about the fact we are not moving forward with legislation we need to be considering. Interestingly enough, I came from a briefing upstairs by the Secretary of Defense and the general from Central Command. It reminds Members of the things out there that we need to deal with.

Members go home to their States and people talk about issues that are of interest to them—whether it is the economy, energy, budgets—and yet we find ourselves going day after day without being able to move forward to the topics that are of prime importance. Certainly, we should have the opportunity to talk about whatever people want to talk about. We should have the opportunity to discuss and debate issues, to come to conclusions on issues, but we need to come to a conclusion.

It is embarrassing to see what has happened today. We had an opportunity to move toward to resolve one of the issues we had before the Senate, the lobbying issue, which needs to be resolved. I don't happen to think it is the biggest issue in the world, but we were in the process of finding ways to get to it in a bipartisan effort that collapsed because of one effort to derail what we are doing.

I think we need to take a long look at ourselves. It would be good if we had a little time to lay out on a list those issues that are most important, the top-quality issues, and then really focus on those issues.

I think to bring up something here that is totally unrelated to the lobbying reform issue, which simply caused us to be stalled on an issue that is being resolved—whether it is the 45-day period, whether it is the agreement that has come forth since—there was no real reason to bring this up on the floor at this time except to obstruct moving forward.

I guess I am becoming sort of upset with the fact that we are not able to move forward. I think some of these things are pretty partisan issues, simply wanting to get this group out because there is something going on in the House to resolve that hard issue, and they do not want to be left behind. It is political. I am sorry, but that really is not what it is about to be on the Senate floor.

So I will not take any more time, except, I guess, to express my frustration when we do have important issues to deal with. There are a lot of issues out there that are so important. We are

talking about energy and how we get some issues resolved so we can deal, in the long term, with energy, which is a big issue for us not only because it is energy but because it affects everyone every day. It affects jobs. It affects the economy.

I think one of the issues we need to be doing and continuously working on is health care so it is available for everyone and is affordable. We can make some changes there, there is no question.

We need to make sure we are doing all we can in taking a long look at what is happening in the Middle East, and that we can get our job completed in Iraq, and make sure we do not end up being singularly involved with Iran. Those are some of the issues.

I am, of course, very impressed with the way this system works and very impressed with the way this Senate works, but I do find sometimes that I think we get it all jammed up for reasons that are not really part of what we are here designated to do.

So I just wanted to share my frustration with that and hope we can work with the leaders on both sides of the aisle to find some ways for us to address those issues that are before us for the American people, to do the job we are assigned to do and have the responsibility to do, and to move forward.

It is frustrating to be here but once a day, for example, when there are lots of issues out there. Let's decide them, let's vote on them, let's get on with it, instead of—look at this place, empty, empty most of the day because we have an obstruction in the system.

So, Mr. President, I hope we can find some ways to remedy the situation. And I certainly would like to be a part of finding those remedies.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

EXTENSION OF NORMAL TRADE RELATIONS WITH UKRAINE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 370, H.R. 1053.

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

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1053) to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine.

There being no objection, the Senate proceeded to consider the bill.

Mr. LUGAR. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion

to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

I further ask consent that S. 632, the Senate companion measure, be indefinitely postponed.

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

The bill (H.R. 1053) was read the third time and passed.

Mr. LUGAR. Mr. President, last November, the Senate passed a bill I introduced, S. 632, authorizing the extension of permanent normal trade relations with Ukraine. During the post-Cold War era, Ukraine has continued to be subject to the provisions of the Jackson-Vanik amendment to the Trade Act of 1974, which sanctions nations for failure to comply with freedom of emigration requirements. My bill repeals permanently the application of Jackson-Vanik to Ukraine.

Yesterday, the House of Representatives passed H.R. 1053, the House companion to my bill. I am extremely pleased that the Senate has passed this legislation today.

Since the end of the Cold War, Ukraine has demonstrated a commitment to meet freedom of emigration requirements, and to abide by free market principles and good governance. Improving trade will strengthen the growing relationship between our two nations. The United States will continue its strong support of Ukraine and its commitment to democracy and free markets.

I encourage President Yushchenko to continue his no-tolerance policy for antisemitism in Ukraine. I look forward to President Bush signing this bill into law as a further signal of United States support for democracy and free enterprise in Ukraine. This is especially important before the parliamentary elections in Ukraine on March 26.

Extraordinary events have occurred in Ukraine. A free press has revolted against intimidation and reasserted itself. An emerging middle class has found its political footing. A new generation has embraced democracy and openness. A society has rebelled against the illegal activities of the previous government. It is in our interest to recognize and to protect these advances in Ukraine.

The United States has a long record of cooperation with Ukraine through the Nunn-Lugar Cooperative Threat Reduction Act. Ukraine inherited the third largest nuclear arsenal in the world with the fall of the Soviet Union.

Through the Nunn-Lugar program, the United States has assisted Ukraine in eliminating this deadly arsenal and joining the Nonproliferation Treaty as a nonnuclear state. The United States can and should do more to eliminate conventional weapons stockpiles and assist other nations in detecting and interdicting weapons of mass destruction. These functions are underfunded, fragmented, and in need of high-level support.

This was pointed out to me during a visit Senator BARACK OBAMA and I enjoyed in Ukraine in early September of last year.

The Government's current response to threats from vulnerable conventional weapons stockpiles is dispersed between several programs at the Department of State. We believe the planning, coordination, and implementation of this function should be consolidated into one office at the State Department with a budget that is commensurate with the threat posed by these weapons.

We look forward to continuing to address these issues and making progress on all fronts in Ukraine. The permanent waiver of Jackson-Vanik and the establishment of permanent normal relations will be the foundation on which a burgeoning partnership between our nations can further grow and prosper.

Mr. President, I am pleased to mention that on this auspicious day of our relations with Ukraine, the Foreign Minister of Ukraine is in Washington. We have had opportunities to visit, to share views, and to assert, once again, the solidarity of our friendship.

Mr. OBAMA. Mr. President, I rise today to support H.R. 1053, legislation to extend permanent normal trade relations with Ukraine. This is the House companion to the bill, S. 632, that Senator LUGAR and I introduced and shepherded through the Senate last year.

Senator LUGAR just forcefully outlined the issues in only the way that the chairman of the Foreign Relations Committee can. I agree with what he said and cannot say it any better. So, I will be brief.

As the chairman mentioned, this bill comes at a critical time for Ukraine—on the heels of dramatic presidential elections and shortly before important elections in the Rada. This legislation grew out of our trip to Ukraine last August, as we saw firsthand the key role that the United States must play in consolidating prodemocracy, pro-free market reforms. I believe it is critical that we continue to send a clear message to the Ukrainian people that there are tangible benefits to continuing down this path. This bipartisan legislation does just that.

It is my honor to be the lead cosponsor of the Senate companion bill and I look forward to this legislation enhancing the U.S.-Ukraine relationship. I look forward to the President signing this bill into law.

I yield the floor.

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

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

GRIZZLY BIG SKY CONFERENCE
CHAMPION

Mr. BAUCUS. Mr. President, in Montana, we are as proud of Montana as Texans are of being from Texas; we just aren't as loud about it. Until today.

I rise today to congratulate the University of Montana Grizzlies men's basketball team.

For my colleagues who didn't stay awake last night, Montana's own Grizzlies, led by tournament MVP Virgil Matthews, upset the top-seeded Northern Arizona Lumberjacks 73 to 60 to win the Big Sky Conference tournament and earn an automatic bid to the NCAA tournament.

This marks the second straight year that the Griz will join the "big dance" and could be the start of a dynasty for our very own Coach K.

In only his second year, Coach Larry Krystkowiak has led his teams to conference titles in both years, and this marks the first time that the Griz have had back-to-back NCAA tournament appearances since 1991-1992.

Coach K's achievements both on the court and off are phenomenal. As a player, he is the University of Montana's all-time leader in scoring and rebounding. He went on to a long and successful career in the NBA. He is a true Montana legend.

And then the legend came home to lead his alma mater. And all the victories have been great.

But the class and leadership of Coach K stands out much more. One example that sticks out in my mind happened just recently, when Coach K, along with several members of the Griz athletic department, all shaved their heads to both raise money for "Coaches vs. Cancer" and to show support for a friend who had recently been diagnosed with the disease.

I can't say that Coach K looked very good, but his actions set an example throughout our State.

Coach K is a class act, a great example of a dedicated Montanan, and I just wanted to take a moment to congratulate him and his team and wish them success with their upcoming March Madness.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 2398 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

ONLINE FREEDOM OF SPEECH ACT

Mr. FRIST. Mr. President, yesterday, I filed the Online Freedom of Speech

Act as an amendment to the lobbying reform bill.

This morning, the House Administration Committee will mark up identical legislation. We expect the House to act as early as next week to pass this vital protection of free speech.

Thomas Jefferson once quipped that, "Advertisements contain the only truths to be relied on in a newspaper."

But despite his low opinion of the press, he also observed that, "Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter."

From the earliest days of our Republic, freedom of speech and freedom of the press—be they anonymous pamphlets, celebrated essays, or local newspapers—were understood to be fundamental to the practice and defense of liberty.

Without the ability to convey ideas, debate, dispute, and persuade, we may never have fought for and achieved our independence.

Ordinary citizens—farmers, ministers, local shop owners—published and circulated their views, often anonymously, to challenge the conventional order and call their fellow citizens to action.

Indeed, as Boston University journalism professor Chris Daly points out, "What we think of as reporting—the pursuit, on a full time basis of verifiable facts and verbatim quotations—was not a significant part of journalism in the time of Thomas Jefferson and Thomas Paine. . . . In historical terms, today's bloggers are much closer in spirit to the Revolutionary-era pamphleteers."

And today, it is bloggers whom we now have to protect.

There are some who, out of fear or shortsightedness, wish to restrict the ability of our modern-day Thomas Paines to express political views on the World Wide Web.

They seek to monitor and regulate political speech under the guise of "campaign finance reform." They argue that unfettered political expression on the Internet is dangerous, especially during the highly charged election season.

Needless to say, I stand firmly against these efforts to hamstring the Internet and squarely with the champions of free speech—whether that expression takes place in the actual or virtual town square.

Free speech is the core of our first amendment. And the Internet represents the most participatory form of mass speech in human history.

It is no accident that this technology was invented here in America. Freedom of speech is encoded in our DNA. It is what allows us to be uniquely curious, daring and innovative.

And it is no coincidence that Americans, steeped in the tradition of inquiry and rebellion, would give flight to yet another revolution on behalf of the principle we value most.

In an era where technology has made instant, unfiltered communication possible, I believe that the Congress has a fundamental responsibility to allow this new medium to flourish.

As an amateur blogger myself, and soon-to-be private citizen, I am committed to ensuring that the extraordinary explosion of political debate in the blogosphere is protected from meddling bureaucrats and regulators in Washington, DC.

I commented on this very issue on my own blog last week. Free political expression is not a narrow privilege but a fundamental right.

Back in April of 1999, when observers and commentators were only beginning to glimpse the rich potential of the Internet, Rick Levine, Christopher Locke, Doc Searls and David Weinberger posted the "Cluetrain Manifesto."

In it they said that, "A powerful global conversation has begun. Through the Internet, people are discovering and inventing new ways to share relevant knowledge with blinding speed."

Since then, the conversation has only grown.

While authoritarian regimes like Communist China struggle to control the information crossing their borders, millions of private citizens, typing away on their home computers, are engaged in millions of discreet and overlapping conversations, exchanging information, and circulating ideas.

As Americans, we should be on the side of this dazzling development. As citizens of the 21st century, we should recognize we have no power to stop it.

Brian Anderson of the Manhattan Institute points out that the Supreme Court has extended free speech to include nude dancing, online pornography, and cross burning.

It seems only reasonable that free speech should include the humble act of posting a blog.

TRIBUTE TO GEORGE SMALL

Mr. REID. Mr. President, today I rise to honor a man who has dedicated himself to serving our country and has made the sacrifices necessary to protecting our Nation's freedom during one of our most trying times.

Mr. George Small was born in Montreal, Canada, in 1908 and then moved with his family to New York City as a child. Upon graduating from the Polytechnic Institute of Brooklyn in 1935, he began to look for work. The country was deep in the throws of the Great Depression however, and there was none to be found. This sparked a move to California, where he found a job with a chemical plant near Death Valley. When the employees of the plant went on strike, George went on Active Duty in the Army; where he was already a 2nd lieutenant in the Army Reserves.

George's active service began on April 25, 1941, and he began training at the Army Chemical Warfare School. In

October of the same year, he was transferred to the Philippines. This proved to be a fateful event. He arrived 6 weeks before the attack on Pearl Harbor and America's involvement in World War II. He was ordered to Bataan on Christmas Eve of 1941. He fought bravely alongside the other men of the 31st Infantry against overwhelming odds until the surrender of Bataan on April 9, 1942.

Upon capture by the Japanese, George and the other 76,000 POWs set out on the infamous 55-mile Bataan death march to prison camps. Along the way, the prisoners endured intensely cruel and inhumane treatment. George watched as many of his friends were beaten and killed. It was during this agonizing journey that George promised himself he would survive the nightmare he was living.

After 3½ years in captivity, George was liberated on September 10, 1945. Even though he was severely malnourished, weighing only 98 pounds, and suffered from malaria, he was still alive. George was awarded the American Defense Service Medal with one Bronze Star, American Campaign Medal, Asiatic Pacific Campaign Medal with two Bronze Stars, Distinguished Unit Badge with Two Oak Leaf Clusters, Combat Infantry Badge, Philippine Liberation Ribbon with one Bronze Star, WWII Victory Medal, and the POW Medal.

Following discharge from the Army on November 26, 1946, George remained in the Army Reserves until he retired at the rank of major in 1968. He worked as a civil engineer for the State of California during the post-war years, and in 1954 he married his wife, Hadassa. They raised two daughters together.

George recently celebrated his 98th birthday in Reno, making him the oldest former POW living in Nevada. He is truly an American hero, and has earned my admiration and the respect of all those who have known him. I offer him my gratitude and wish him all the best in the years to come.

NEW U.N. INITIATIVE FOR CYPRIOT REUNIFICATION

Ms. SNOWE. Mr. President, I rise today to commend the President of Cyprus, Tassos Papadopoulos, for promoting a new U.N.-sponsored initiative to resolve the division of the island of Cyprus. Cyprus has been divided for more than 30 years, following a 1974 invasion by Turkey. The time is ripe for resolving this longstanding split, and I applaud President Papadopoulos for taking the initiative to end the division.

On February 28, 2006, President Papadopoulos met with U.N. Secretary-General Kofi Annan and proposed that the U.N. appoint a special envoy for Cyprus to lay the groundwork for negotiations to end the division of Cyprus. President Papadopoulos also proposed a number of cross-community confidence-building measures to strength-

en the foundation for reunification. After the meeting, Secretary-General Annan and President Papadopoulos issued a joint statement agreeing on the resumption of bicomunal discussions on the technical aspects necessary to prepare the ground for full peace negotiations.

There have been significant developments in Cyprus over the past 2 years that make this the right time for reunification. Nearly 2 years ago, Cyprus joined the European Union, and in that time, the Government of Cyprus has promoted the opening up of several crossing points through the U.N.-patrolled cease-fire line. As a result, the Government of Cyprus has transformed the everyday realities on Cyprus to that unlike any other divided nation.

Unlike other divisions with which my colleagues may be familiar, such as East and West Berlin, the people of Cyprus are able to cross the dividing line to visit their ancestral lands, work, and shop. Indeed, since the opening of crossing points, there have been more than 9 million incident-free crossings. Every day, more than 10,000 Turkish Cypriots cross from the occupied territory to the government-controlled area to work. This increased economic activity and trade across the dividing line has contributed in more than doubling the per-capita income of the Turkish-Cypriots in the past 2 short years.

As confidence building measures, President Papadopoulos has proposed to take additional steps to build on the gains of the past 2 years. The Government of Cyprus has already proposed the reopening of the occupied Port of Famagusta and the return of the adjacent city of Varosha to its original inhabitants; a "ghost" city that has been abandoned since the 1974 Turkish invasion. Famagusta would operate under the joint administration of the two communities, bringing the two communities closer together, and also under the EU's regulatory auspices, enhancing trade opportunities. President Papadopoulos has also proposed to open additional crossing points to make travel and trade between the two communities easier.

Last week, the European Union announced economic aid to the Turkish Cypriots of 139 million eurodollars—approximately \$165 million. The Government of Cyprus had pushed strongly for this aid, despite unfortunate attempts by others to attach preconditions and political stipulations to its release. This aid from the EU further demonstrates the positive effect of Cyprus's EU membership on the prospects for reunification.

I applaud the steps that the Government of Cyprus and President Papadopoulos have taken to encourage a just and lasting solution to the Cyprus division. His meeting with Secretary-General Annan is a positive first step toward the resumption of reunification negotiations. On Cyprus today, the two communities are closer to-

gether than at any time since the invasion. Although prior reunification efforts have failed, the developments of the past 2 years offer the greatest prospect for a peaceful and lasting solution to the division.

IN MEMORY OF DANA REEVE

Mrs. BOXER. Mr. President, I rise to pay tribute to an extraordinary woman, Dana Reeve, who died on Monday, March 6 at the age of 44. Dana's courage, grace and love in dealing with the tragic paralysis of her late husband, actor Christopher Reeve, were an inspiration to millions of Americans. Dana and Christopher's tireless advocacy on behalf of individuals and families living with spinal cord injury made them American heroes.

Dana Morosini was born in 1961 to Dr. Charles Morosini and Helen Morosini. She grew up in Scarsdale, New York, graduated cum laude from Middlebury College in Vermont and studied acting at the California Institute of the Arts.

Dana was an accomplished actress and singer. She appeared on Broadway, off Broadway and in regional theatre, on television and in HBO films, and performed as a singer on national television and in venues around New York. Reeve co-hosted "Lifetime Live," a daily women's information program on the Lifetime network.

It was while Dana performed in a late-night cabaret at the Williamstown Theatre Festival in 1987 that she met actor Christopher Reeve, who was in the audience. They married on April 11, 1992. Their son Will was born in 1992. She was also stepmother to Christopher's children Matthew and Alexandra Exton Reeve. She was a devoted and loving mother, deeply committed to her family.

In 1995, America watched in disbelief as an equestrian accident left Christopher Reeve, perhaps best known for his film role as Superman, paralyzed. America was inspired as Dana Reeve courageously and publicly supported Christopher with humor and grace. Dana and Christopher helped propel spinal cord injury into the national spotlight, working to increase funding and find a cure. They became actively involved in fighting for the rights of the disabled and helping families live with spinal cord injury. Our hearts went out to Dana and her family when Christopher Reeve passed away on October 10, 2004.

Dana was a founding board member of the Christopher Reeve Foundation, which became the Christopher Reeve Paralysis Foundation after its merger with the American Paralysis Association. Dana took over as chair after her husband's death. Dana was deeply involved with the Christopher and Dana Reeve Paralysis Resource Center, PRC, which promotes the health and well-being of people and families living with paralysis.

Dana was also committed to the Reeve-Irvine Center for Spinal Cord

Research at the University of California, Irvine. The Reeve-Irvine Research Center is the premier research and education center working to find innovative new treatments for spinal cord injury. I was proud to work with Christopher and Dana to support therapeutic stem cell research, which holds the promise to treat a vast array of diseases, including juvenile diabetes, Parkinson's, Alzheimer's, heart disease, and cancer as well as spinal cord injuries.

Dana received numerous awards in recognition of her strength, courage and positive attitude: the American Cancer Society's Mother of the Year Award in 2005; the Visiting Nurses Association's Caregiver's Courage Award; and she was named one of America's Outstanding Women of 1995 by "CBS This Morning."

In August, 2005, America was upset to learn that Dana Reeve had lung cancer. Dana and Christopher were both non-smokers. As always, Dana remained an inspiration. In a May 2005 interview, she said "Now, more than ever, I feel Chris with me as I face this challenge," she said. "As always, I look to him as the ultimate example of defying the odds with strength, courage, and hope in the face of life's adversities." She also said "There's a formula Chris and I used all the time. When you least feel like it, do something for someone else. You forget about your own situation. It gives you a purpose, as opposed being sorrowful and lonely. It makes me feel better when things are too hard for me."

Dana and Christopher showed a deep love for each other, their family and for humanity. They will always be remembered. We must renew our efforts to find cures for spinal cord injuries and cancer and to advance stem cell research on their behalf.

Dana Reeve is survived by her son Will; father, Dr. Charles Morosini; sisters Deborah Morosini and Adrienne Morosini Heilman; and two stepchildren, Matthew and Alexandra Exton Reeve.

HONORING THE LIFE OF KIRBY PUCKETT

Mr. COLEMAN. Mr. President, it is with great sadness that I rise to honor the life of Kirby Puckett, whose exuberant love of the game made him one of the best-loved players in baseball history. For many baseball fans, young and old alike, Kirby Puckett was the reason they picked up a baseball bat and kicked up their foot as the pitch approached. Kirby Puckett is Minnesota baseball.

Amazingly, Kirby was not the strongest, fastest, tallest, or most gifted baseball player ever. All you had to do was watch Kirby swing at a pitch three feet outside of the strike zone to understand that he did not succeed because of his mechanics. It was his gravity-defying leaps in center field, his hustling out an infield single, and his

ability to hit the pitch three feet outside the strike zone that made him one of the greatest baseball players to grace the game. This honor was quickly rewarded in 2001, when at the age of 37 he was inducted into the Hall of Fame and became the third youngest living inductee, behind Sandy Koufax and Lou Gehrig.

Kirby Puckett's history-making career with the Twins began May 8, 1984. In his first game he became one of nine players in the history of baseball to collect four hits in their first game. For the next twelve seasons Kirby Puckett and his now retired No. 34 carried the Minnesota Twins out from obscurity to two World Series Titles in 1987 and 1991. He made ten straight all-star appearances from 1986 until 1995, and won six gold gloves over his career. Perhaps the defining moment in Kirby Puckett's legendary career came during Game Six of the 1991 World Series. Puckett hit a walk off home run in the eleventh inning, becoming the ninth player in history to hit a walk off home run in a World Series game. As Kirby rounded second base and pumped his fist into the air, he transcended the game itself and took his seat among the greatest players to swing the bat.

Tragically, Kirby was forced to retire from baseball on July 12, 1996, due to complications with glaucoma. In his retirement Puckett continued the charitable work he began as a player, raising money for glaucoma prevention and children's charities, perhaps most famously through his sponsoring of celebrity billiards tournaments to benefit the Children's Heart Fund. He won both the Branch Rickey Award, 1993, and the Roberto Clemente Man of the Year Award, 1996, for his community service.

Kirby's accomplishments were not predestined. Kirby willed his success from sheer attitude and hard work. He was born March 14, 1961, in Chicago, IL. Kirby grew up in Chicago's notorious Cabrini Green Housing Projects, "the place where hope died." Despite the daily barrage of drugs and gangs that surrounded him, Kirby went on to become an All-American at Calumet High School. While playing in a college baseball league in Illinois, Puckett caught the eye of some pro scouts, although he surely caught the ears of the scouts as well with his colorful clubhouse humor. Soon thereafter in 1982, Kirby Puckett was a first round draft pick of the Minnesota Twins.

As I said before, Kirby Puckett was not gifted with the greatest baseball talent. He did not physically dominate the game, but he did dominate it mentally. Ever since Kirby, little league coaches have always had to tell their kids that they could only swing like Kirby if they made the major leagues. The problem is that in order to make the Majors, those same coaches had to tell the kids they had to work and play as hard as Kirby did and have fun doing it. That is his legacy to baseball; he put the fun into baseball. It is now all

of our responsibility to carry on that legacy.

If Kirby were alive he would want all of us to honor him with his trademark sign-of-the cross and promise to make the most out of life as he did. As Kirby remarked with his typical modesty after his baseball career ended prematurely:

Kirby Puckett's going to be all right. Don't worry about me. I'll show up, and I'll have a smile on my face. The only thing I won't have is this uniform on. But you guys can have the memories of what I did when I did have it on.

Kirby, we know you are all right in heaven right now, but we are not all right. We loved you as a player, but most of all we loved how you always had a smile on your face. You made us believe in ourselves. On behalf of Minnesota and baseball fans everywhere, thank you for the memories. You will not be forgotten.

RAILROAD COMPETITION ACT 2005

Mr. BAUCUS. Mr. President, I rise today to express my support for a fair and competitive rail system. Our agricultural economy cannot operate the way it should. We cannot receive the materials we need at a decent price and we cannot distribute our products at a fair price.

We need to work on Federal rail policy that encourages competition. Farmers, businesses and consumers would all benefit from this policy.

Montana's rail infrastructure is controlled by a single rail carrier controlling over 96 percent of all rail miles, over 95 percent all grain elevator and terminal sites, and moving more than 95 percent all wheat from the State.

There is more control by a single railroad in Montana than any other State. The rail carrier controls and dictates the rail rates in all movements from Montana eastbound or westbound.

As a result, agricultural shippers in some parts of the United States are paying the highest rail freight rates in exchange for sporadic and unreliable service. It's unacceptable. And it's not right that our Montana producers are expected to do business under these conditions.

Our shippers need a clearly defined means for securing reliable service at a reasonable rate. It's fair. And it's the right thing to do.

Agricultural shippers are unique because the party that bears the cost of rail transportation—the farmer—is not the party that negotiates the rate for that transportation—the grain elevator.

Further, the farmer has no ability to pass on the costs associated with transportation to the customer.

To ship a 26 car shipment of wheat from Medicine Lake, MT, to Portland is \$3.42 per mile. To ship a 26 car shipment of wheat from Commerce City, CO, to Portland is \$2.61 per mile and Atchison, KS, to Portland is \$2.34 per mile.

Montana rates are 31 percent higher than more distant points going to the same market because of lack of competition.

Consider this example: A bushel of spring wheat sells for approximately \$4.10. More than \$1.00 of that amount, or up to one-third of the price a farmer receives, goes to pay for rail transportation.

Stated another way, the average wheat farmer is working for the railroads up to four months out of the year.

We need to establish a national rail policy that encourages competition that helps both producers and consumers alike.

I'm committed to doing all I can to promote competition and to help our Montana producers.

On Captive Rail Day, I urge my Senate colleagues to join together and work on legislation that will create a more fair and competitive freight rail system.

INTERNATIONAL WOMEN'S DAY

Mrs. MURRAY. Mr. President, I rise today to speak about International Women's Day, which was yesterday, March 8. The theme this year is "women in decisionmaking." As I contemplated the meaning of this, I thought about how important it is for women to be involved in the decisionmaking about their own bodies.

And in this vein I would like to talk about the global gag rule.

When President Bush took office in 2001, he signed an Executive order known as the global gag rule. It denies U.S. funds to any overseas health clinic unless it agrees not to participate in any activities related to abortion services. Those activities include: providing legal abortions except in cases of rape, incest, or where the woman's life is endangered; and offering advice and information regarding the availability and benefits of abortion and providing referrals for abortion services.

The global gag rule denies U.S. funds even if the overseas health clinic is using its own privately raised funds for these services. What that means is that if you are a medical professional living in an impoverished country trying to help people and save their lives, you are gagged from even talking about certain reproductive health services. The gag rule places limits on women and doctors that we have deemed unacceptable here in the United States.

Last year, the Senate passed an amendment to the Foreign Affairs Authorization Act to reverse the President's policy and ensure that health care clinics for women and families receive this much needed funding. Unfortunately, this legislation has not been passed by the full Senate. The Foreign Operations Appropriations bill last year contained \$34 million for the United Nations Population Fund, UNPA, for this purpose. But in order to

ensure that this money goes toward funding health care clinics for women and families in poor countries, we must overturn this global gag rule.

In many poor countries around the world, nongovernmental organizations and medical professionals are working to make things better. They have set up clinics and reached out to the women and families in poor communities. They are doing great work. But their hands are tied, because the Bush administration has imposed a political ideology on the world.

Overturing the global gag rule is about safe access to health care for women. Hundreds of thousands of women are dying each year from complications from pregnancy. These women do not have access to the health care that they need, especially reproductive health care. I will continue to speak out about the importance of providing safe access to health care for women all over the globe until this dangerous policy is lifted.

ADDITIONAL STATEMENTS

GORDON PARKS

• Mr. ROBERTS. Mr. President, today I rise to honor the great life and many artistic contributions of Kansas native Gordon Parks who died Tuesday at the age of 93.

Through his poetry, books, music and photography, Mr. Parks showed America a truth about its society and challenged all of us to make the country a better place.

Born in Fort Scott, KS, in 1912, Mr. Parks's family faced both poverty and discrimination. Yet in spite of these challenges—and inspired by these challenges—Mr. Parks rose to the heights of success through his largely self-taught artistic ability. He found his life experiences helped shape his art as he chronicled the African-American experience.

In 1937, Mr. Parks bought his first camera. By 1948, he was hired at Life Magazine. There, he earned his reputation as a humanitarian photojournalist capturing images of the civil rights movement and of the poverty in America and abroad. Through his photographs he reminded Americans of the harsh realities present in our culture.

In 1968, he directed the movie version of his childhood memoir, "The Learning Tree." His direction of "The Learning Tree" also marked the first time an African American directed a major Hollywood production. He won an Emmy for his documentary "Diary of a Harlem Family," and in 1971 directed the critically acclaimed movie "Shaft." He is also known for composing the musical score for "Martin," a ballet documenting the life of civil rights pioneer Martin Luther King, Jr. In 1970, he helped found Essence magazine.

Kansas is forever grateful for his talents. In 1986, he was named Kansan of

the Year. In 1999, Kansas City opened the Gordon Parks Elementary School. And most recently, in February, the University of Kansas's William Allen White Foundation honored Mr. Parks with its National Citation for journalistic merit.

Mr. Parks showed unrelenting spirit in his work. His civil rights contributions, as told through his art will go unmatched. Today, we proudly honor a remarkable artist and pioneer for all he did for Kansas and the Nation. •

TRIBUTE TO CALIFORNIA HIGHWAY PATROL OFFICER GREGORY JOHN BAILEY

• Mrs. BOXER. Mr. President, today I rise to honor and share with my colleagues the memory of a remarkable man, Officer Gregory "John" Bailey of the California Highway Patrol. Officer Bailey spent almost 10 years with the California Highway Patrol, serving the citizens of California. On February 25, 2006, while on motor patrol near the City of Hesperia, Officer Bailey was struck and killed by a driver suspected to be under the influence of a controlled substance.

Wearing a uniform came naturally to Officer Bailey after spending 8 years in the Army as a helicopter mechanic. Even after joining the California Highway Patrol, Officer Bailey chose to serve in the California National Guard, and just returned from a 14-month tour in Iraq last fall. Officer Bailey dutifully served the citizens and communities of the Inland Empire with great dedication and integrity. He combined his love of excitement and his passion for the uniform he wore to become a very successful motorcycle officer. Officer Bailey's colleagues in the California Highway Patrol and the National Guard shall always remember his upbeat attitude, ability to motivate others, and commitment to his job.

Officer Bailey was a devoted family man. He is survived by his wife Teresa, and children, Megan, Jared, Hannah and Dylan. When he was not on duty, Officer Bailey was a "true cowboy from head to toe," who enjoyed spending time with his family and listening to country music with his friends. Officer Gregory "John" Bailey served the State of California and the United States honorably and conscientiously, and fulfilled his oath as an officer of the law. Officer Bailey gave his life while protecting the safety of those he served. His contributions and dedication to law enforcement are greatly appreciated and will serve as his legacy.

Officer Gregory "John" Bailey gave his life doing what he loved to do—providing protection for the people he loved. We shall always be grateful for Officer Bailey's heroic service to the California Highway Patrol and the community that he so bravely served. •

2006 U.S. WINTER OLYMPICS TEAM

• Mrs. BOXER. Mr. President, I rise today to commend the accomplishments of the incredibly hard-working and dedicated members of the 2006 U.S. Winter Olympics team. This year, our team won 25 individual and team medals, including 9 gold medals.

Olympic athletes commit years of time and effort to earning the honor of representing the United States at the Olympic Games. Upon reaching the games, their determination stayed constant, even when faced with injury and adversity. Their spirit and willingness to strive for excellence no matter what the situation serves as an example for all Americans.

I would especially like to recognize the 27 Californians who competed in Turin. While California is widely known for our wonderful weather and beautiful beaches, we also boast some of our Nation's finest winter athletes. The following seven California athletes won medals as well:

Chanda Gunn of Huntington Beach won bronze as a member of the U.S. Women's Hockey team.

Rusty Smith from Long Beach won a bronze medal as a member of the Short Track Speedskating 5,000-meter relay team.

Sasha Cohen of Corona del Mar won the silver medal in Figure Skating.

Valerie Fleming from Foster City won silver as a part of the two-member Bobsled Team.

Danny Kass of Mammoth Lakes won the silver medal in the Snowboarding Half-Pipe event.

Julia Mancuso from Olympic Valley won gold in the Alpine Skiing Giant Slalom.

Finally, Shaun White of Carlsbad brought home the gold medal in the Snowboarding Half-pipe event.

The spirit of adventure and determination displayed by these athletes is a wonderful example of our country's potential to achieve. I hope you are heartened, as I am, to learn of Americans striving for personal excellence. I extend my sincere congratulations to California Olympians and all of our country's athletes, and I thank them for their great team spirit.●

GULF OF THE FARALLONES NATIONAL MARINE SANCTUARY

• Mrs. BOXER. Mr. President, I rise to honor the 25th Anniversary of one of my State's great natural treasures, the Gulf of the Farallones National Marine Sanctuary.

The Gulf of the Farallones National Marine Sanctuary was designated in 1981 and was signed into law by President Jimmy Carter the day before he left office. I served on the Marin County Board of Supervisors at the time, and I remember how hard the community worked to establish this designation.

The year this sanctuary was established was a critical time in our country's debate about offshore oil drilling.

Californians overwhelmingly rejected the idea of ocean drilling and the creation of a national marine sanctuary

near the Farallones Islands was seen as an important way of advancing ocean conservation.

The Gulf of the Farallones National Marine Sanctuary encompasses 1,200 square miles of one of the richest marine ecosystems in the world. This sanctuary includes vital feeding and spawning grounds for one of the world's largest populations of the Great White Shark, a large variety of fish and shellfish, and over 36 marine mammals, including the endangered Humpback and Blue whales. The sanctuary also includes the Farallon Islands—the largest seabird nesting area in the contiguous United States.

In our efforts to protect ocean life and the marine environment, the Gulf of the Farallones National Marine Sanctuary plays a crucial role. Scientists from all over the world come to study this dynamic ecosystem.

Yet offshore oil drilling and exploration continue to threaten this sanctuary and the California coast. Earlier this year, I introduced the California Ocean and Coastal Protection Act with Senator DIANNE FEINSTEIN and Congresswoman LOIS CAPPS. This bill would provide permanent protection for California's coast from future offshore oil drilling.

Last year, Congresswoman LYNN WOOLSEY and I introduced legislation to expand the boundaries of the Gulf of the Farallones sanctuary and its neighboring Cordell Bank sanctuary, to protect the entire coast of Sonoma County from future oil and gas exploration. Californians have been demanding this type of protection for a generation.

The California coast is enjoyed by Californians and visitors from around the world, and the natural resources of the Pacific Ocean are priceless and vital to a healthy, growing California economy. My goal has always been permanent protection for the California coast, and I will continue fighting for this protection as long as I am in the United States Senate. We owe it to our children and grandchildren to protect the ocean, one of our greatest natural resources. The National Marine Sanctuary Program, established in 1972, plays a critical role in preserving our precious marine resources and protecting our coasts from offshore oil and gas development.

I applaud everyone who has worked to protect the marine ecosystem of the Gulf of the Farallones National Marine Sanctuary. I wish sanctuary staff and volunteers many years of ongoing success in protecting the California coastal environment. Please join me in celebrating the 25th Anniversary of the Gulf of the Farallones National Marine Sanctuary.●

HONORING THE LIFE OF MARTIN F. STEIN

• Mr. FEINGOLD. Mr. President, today people across my State of Wisconsin are deeply saddened by the loss of a man who dedicated so much of his

time, and so much of himself, to strengthening our communities: Marty Stein.

I want to share what some other people have said about Marty's passing because I think it will give my colleagues a sense of who he was and the kind of contributions he made. Tommy Thompson, our former Governor, and the recent Secretary of Health and Human Services, said simply, "What will we do without him?"

The executive director of Hunger Task Force, a Milwaukee-based nonprofit, said, "We always referred to Marty as our angel. He solved the problems, opened the doors, fixed things that seemed like they would never get fixed. And he did it because he cared."

Those words tell you what a force Marty was in the Milwaukee area and throughout the State. His dedication to serving his community was unparalleled. We will miss not only what he did but the energy he brought to his efforts and the example he set for everyone he knew.

Marty was a skilled businessman who built not one but two thriving businesses—first the successful chain of Stein drug stores, and later Stein Health Services, which included the Stein Optical stores so well known in Wisconsin.

He took those same skills he used in business, that rare drive and dedication, and used them to help community organizations to thrive. An outstanding fundraiser, he was determined to engage others in his charitable work by asking for their contributions of money or time for a good cause.

It is impossible to talk about Marty's many good works without talking about the strength of his faith. Faith fueled his humanitarian efforts, as he worked to support local organizations like the Milwaukee Jewish Home and Care Center, and as he worked on international issues like chairing an effort to bring thousands of Ethiopian Jews to Israel.

His work will live on and act as a challenge to everyone who knew him—to ask what more each of us can do to serve our communities and to dedicate ourselves to those causes as he did, with unmatched energy and with the utmost integrity.

Today my thoughts and sympathies are with the Stein family. Marty's life and work created a lasting legacy that I am proud to honor today and that will be remembered and celebrated for many years to come.●

MESSAGE FROM THE HOUSE

At 2:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1190. An act to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the

water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority, and for other purposes.

H.R. 2383. An act to redesignate the facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, as the "C.W. 'Bill' Jones Pumping Plant".

H.R. 3505. An act to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes.

H.R. 4167. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

H.R. 4192. An act to authorize the Secretary of the Interior to designate the President William Jefferson Clinton Birthplace Home in Hope, Arkansas, as a National Historic Site and unit of the National Park System, and for other purposes.

H.R. 4472. An act to protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes.

The message also announced that the House disagree to the amendment of the Senate to the bill (H.R. 2830) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Education and the Workforce, for consideration of the House bill and the Senate amendment thereto, and modifications committed to conference: Mr. McKEON, Mr. SAM JOHNSON of Texas, Mr. KLINE, Mr. TIBERI, Mr. GEORGE MILLER of California, Mr. PAYNE, and Mr. ANDREWS.

From the Committee on Ways and Means, for consideration of the House bill and the Senate amendment thereto, and modifications committed to conference: Mr. THOMAS, Mr. CAMP of Michigan, and Mr. RANGEL.

For consideration of the House bill and the Senate amendment thereto, and modifications committed to conference: Mr. BOEHNER.

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed yesterday, March 8, 2006, by the President pro tempore (Mr. STEVENS).

H.R. 3199. An act to extend and modify authorities needed to combat terrorism, and for other purposes.

S. 2271. An act to clarify that individuals who receive FISA orders can challenge non-disclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

S. 1578. An act to reauthorize the Upper Colorado and San Juan River Basin endan-

gered fish recovery implementation programs.

S. 2089. An act to designate the facility of the United States Postal Service located at 1271 North King Street in Honolulu, Oahu, Hawaii, as the "Hiram L. Fong Post Office Building".

H.R. 32. An act to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks.

H.R. 1287. An act to designate the facility of the United States Postal Service located at 312 East North Avenue in Flora, Illinois, as the "Robert T. Ferguson Post Office Building".

H.R. 2113. An act to designate the facility of the United States Postal Service located at 2000 McDonough Street in Joliet, Illinois, as the "John F. Whiteside Joliet Post Office Building".

H.R. 2346. An act to designate the facility of the United States Postal Service located at 105 NW Railroad Avenue in Hammond, Louisiana, as the "John J. Hainkel Post Office Building".

H.R. 2413. An act to designate the facility of the United States Postal Service located at 1202 1st Street in Humble, Texas, as the "Lillian McKay Post Office Building".

H.R. 2630. An act to redesignate the facility of the United States Postal Service located at 1927 Sangamon Avenue in Springfield, Illinois, as the "J.M. Dietrich Northeast Annex".

H.R. 2894. An act to designate the facility of the United States Postal Service located at 102 South Walters Avenue in Hodgenville, Kentucky, as the "Abraham Lincoln Birthplace Post Office Building".

H.R. 3256. An act to designate the facility of the United States Postal Service located at 3038 West Liberty Avenue in Pittsburgh, Pennsylvania, as the "Congressman James Grove Fulton Memorial Post Office Building".

H.R. 3368. An act to designate the facility of the United States Postal Service located at 6483 Lincoln Street in Gagetown, Michigan, as the "Gagetown Veterans Memorial Post Office".

H.R. 3439. An act to designate the facility of the United States Postal Service located at 201 North 3rd Street in Smithfield, North Carolina, as the "Ava Gardner Post Office".

H.R. 3548. An act to designate the facility of the United States Postal Service located on Franklin Avenue in Pearl River, New York, as the "Heinz Ahlmeyer, Jr. Post Office Building".

H.R. 3703. An act to designate the facility of the United States Postal Service located at 8501 Philatelic Drive in Spring Hill, Florida, as the "Staff Sergeant Michael Schafer Post Office Building".

H.R. 3770. An act to designate the facility of the United States Postal Service located at 205 West Washington Street in Knox, Indiana, as the "Grant W. Green Post Office Building".

H.R. 3825. An act to designate the facility of the United States Postal Service located at 770 Trumbull Drive in Pittsburgh, Pennsylvania, as the "Clayton J. Smith Memorial Post Office Building".

H.R. 3830. An act to designate the facility of the United States Postal Service located at 130 East Marion Avenue in Punta Gorda, Florida, as the "U.S. Cleveland Post Office Building".

H.R. 3989. An act to designate the facility of the United States Postal Service located at 37598 Goodhue Avenue in Dennison, Minnesota, as the "Albert H. Quie Post Office".

H.R. 4053. An act to designate the facility of the United States Postal Service located at 545 North Rimsdale Avenue in Covina, California, as the "Lillian Kinkella Keil Post Office".

H.R. 4107. An act to designate the facility of the United States Postal Service located at 1826 Pennsylvania Avenue in Baltimore, Maryland, as the "Maryland State Delegate Lena K. Lee Post Office Building".

H.R. 4152. An act to designate the facility of the United States Postal Service located at 320 High Street in Clinton, Massachusetts, as the "Raymond J. Salmon Post Office".

H.R. 4295. An act to designate the facility of the United States Postal Service located at 12760 South Park Avenue in Riverton, Utah, as the "Mont and Mark Stephens en Veterans Memorial Post Office Building".

H.R. 4515. An act to designate the facility of the United States Postal Service located at 4422 West Sciota Street in Scio, New York, as the "Corporal Jason L. Dunham Post Office".

MEASURES REFERRED

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

H.R. 1190. An act to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2383. An act to redesignate the facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, as the "C.W. 'Bill' Jones Pumping Plant"; to the Committee on Energy and Natural Resources.

H.R. 3505. An act to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4167. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 4192. An act to authorize the Secretary of the Interior to designate the President William Jefferson Clinton Birthplace Home in Hope, Arkansas, as a National Historic Site and unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, March 9, 2006, she had presented to the President of the United States the following enrolled bills:

S. 1578. An act to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs.

S. 2089. An act to designate the facility of the United States Postal Service located at 1271 North King Street in Honolulu, Oahu, Hawaii, as the "Hiram L. Fong Post Office Building".

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-264. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to using funds from the Federal Emergency Management Agency and the U.S. Department of Housing and Urban Development for modular homes as alternative housing for those affected by hurricanes Katrina and Rita; to the Committee on Banking, Housing, and Urban Affairs.

SENATE CONCURRENT RESOLUTION No. 7

Whereas, it is estimated that the two hurricanes rendered at least two hundred thousand to two hundred fifty thousand homes permanently uninhabitable, leaving those families without a home to return to; and

Whereas, in an effort to move people out of shelters and into longer term housing and to foster an environment that would allow families the privacy needed to re-establish some sense of normalcy, FEMA ordered one hundred twenty thousand travel trailers and announced a plan to establish FEMA trailer parks for evacuees; and

Whereas, while travel trailers may be adequate as a short-term housing solution, trailers are not adequate for the years it may require to rebuild the Gulf Coast cities, towns, and communities destroyed by the hurricanes, and evacuees and their families need a more appropriate housing solution during the long rebuilding period; and

Whereas, state and local leaders continue to try to find appropriate housing for hundreds of thousands of families still without adequate temporary housing; and

Whereas, approximately twenty-seven thousand families in FEMA-funded hotel rooms continue to face looming deadlines of forced eviction; and

Whereas, modular homes that are engineered and built in a factory-controlled environment and are constructed in sections and put together by a builder on a building site would provide more appropriate housing for the long rebuilding period ahead; and

Whereas, our goal should be to build new and better neighborhoods that support a better quality of life for displaced residents: Therefore, be it

Resolved, That the Legislature of Louisiana urge and request the Congress of the United States and the governor to consider using funds from the Federal Emergency Management Agency and the U.S. Department of Housing and Urban Development for modular homes as alternative housing; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress and to the governor.

POM-265. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to ensuring enactment of legislation to require the Federal Emergency Management Agency to provide the same level of assistance to the residents of certain parishes who were affected by Hurricane Rita as the residents of Louisiana affected by Hurricane Katrina, including funding assistance with demolition and removal of damaged housing; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE CONCURRENT RESOLUTION No. 20

Whereas, Hurricane Katrina struck many parishes in Louisiana on August 29, 2005, causing devastating damage to life and property in a wide area including the parishes of Orleans, St. Bernard, St. Tammany, Plaquemines, and other parishes; and

Whereas, Hurricane Rita struck several parishes in Louisiana on September 24, 2005,

heavily affecting portions of Iberia Parish and other parishes and also causing devastating damage to property; and

Whereas, both hurricanes caused devastating damage to the affected areas and dramatically affected the lives and livelihoods of thousands of persons, in addition to adversely affecting the budgets of local, state, and federal governments; and

Whereas, the costs for demolition and removal of damaged housing and hurricane-related debris as a result of these hurricanes will be astronomical; and

Whereas, the Federal Emergency Management Agency (FEMA) provides assistance to persons affected by disasters such as hurricanes based on percentages determined from populations and areas affected; and

Whereas, assistance to all persons affected by these disasters should be impartially distributed by the state and federal governments, as all persons affected by hurricane damages have suffered similar losses, such as flooded houses, loss of homes, and loss of jobs and businesses, and are all affected in the same manner, whether their residences or businesses are located in heavily populated areas or are included in larger areas of their respective parishes that were affected by such storm damage, and they should be compensated in the same manner; and

Whereas, FEMA assistance to those so severely affected by hurricane damage, no matter which parish their property is located in, should also include funding assistance for the demolition and removal of damaged buildings: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby urge and request President George W. Bush, Governor Kathleen Babineaux Blanco, and the Louisiana congressional delegation to ensure enactment of legislation to require the Federal Emergency Management Agency to provide the same level of assistance to the residents of Iberia, Beauregard, Allen, Evangeline, Calcasieu, Jefferson Davis, Acadia, St. Landry, St. Martin, Lafayette, Cameron, Vermilion, and St. Mary parishes who were affected by Hurricane Rita as the residents of Louisiana affected by Hurricane Katrina, including funding assistance with demolition and removal of damaged housing; be it further

Resolved, That copies of this Resolution shall be transmitted to the President of the United States, the Governor of Louisiana, the members of the Louisiana congressional delegation, and the governing authority of each parish within the declared disaster area following Hurricane Rita.

POM-266. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to immediately close the Mississippi River Gulf Outlet and return the area to essential coastal wetlands and marshes; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION No. 24

Whereas, the Mississippi River Gulf Outlet (MRGO), a seventy-six-mile, manmade navigational channel which connects the Gulf of Mexico to the Port of New Orleans along the Mississippi River, was authorized by the United States Congress under the Rivers and Harbors Act of 1956 as a channel with a surface width of six hundred fifty feet, a bottom width of five hundred feet, and a depth of thirty-six feet, and it opened in 1965; and

Whereas, since MRGO was completed, the Army Corps of Engineers estimates that the area has lost nearly three thousand two hundred acres of fresh and intermediate marsh, more than ten thousand three hundred acres of brackish marsh, four thousand two hundred acres of saline marsh, and one thousand

five hundred acres of cypress swamps and levee forests in addition to major habitat alterations due to saltwater intrusion from the loss of the marshes, which has resulted in dramatic declines in waterfowl and quadruped use of the marshes; and;

Whereas, the costs of maintaining MRGO rise each year, with the cost of dredging now over twenty-five million dollars annually, or more than thirteen thousand dollars for each vessel-passage, in addition to the expenditure of millions for shoreline stabilization and marsh protection projects, with an anticipated cost increase of fifty-two percent between 1995 and 2005; and

Whereas, concerns about the environmental impact have increased through the years as evidenced by the fact that in 1998 the "Coast 2050 Report" contained closure of MRGO among the consensus recommendations, and the technical committee of the Coastal Wetland Planning, Preservation and Restoration Act Task Force listed closure as one of the highest-ranked strategies for coastal restoration; and

Whereas, with the waterway increasing from its original authorized dimensions to a surface width of twenty-two hundred feet and a depth of over forty feet, in 1998 the St. Bernard Police Jury voted unanimously to request closure of the waterway because of fears that the dramatic loss of coastal wetlands and marshes caused by MRGO exposed the parish and the communities in the parish to much more severe impacts from the hurricanes and tropical storms that regularly occur in the Gulf of Mexico; and

Whereas, those concerns were echoed and amplified by scientists, engineers, and citizens throughout the region as reflected in requests from the Louisiana Legislature to congress in 1999 (SCR No. 266) and again in 2004 (HCR No. 35 and HCR No. 68) to close the waterway, and indeed, those concerns proved true in an extremely dramatic fashion on August 29, 2005, when Hurricane Katrina washed ashore on Louisiana's coast with a tidal surge well in excess of twenty feet; and

Whereas, there is a growing consensus that the flooding that occurred in St. Bernard Parish and the Lower Ninth Ward of New Orleans was a result of storm surge that flowed up MRGO to the point where it converges with the Intracoastal Waterway and that the confluence created a funnel that directed the storm surges into the New Orleans Industrial Canal, where it overtopped the levees along MRGO and the Industrial Canal and eventually breached the levees and flooded into the neighborhoods that lie close to those three waterways, resulting in more than eleven hundred deaths in the Greater New Orleans area, destroying over twenty-four thousand homes, and rendering more than sixty-seven thousand residents of St. Bernard Parish and uncounted numbers in the Lower Ninth Ward of New Orleans homeless, without possessions, and unemployed; and

Whereas, only three weeks later, on September 24, 2005, storm waters from Hurricane Rita surged up MRGO and caused additional flooding in St. Bernard Parish and the Lower Ninth Ward of New Orleans, exacerbating the traumatic losses in that area; and

Whereas, since the two hurricanes caused such widespread damage in St. Bernard Parish and New Orleans, congress has declined to appropriate further funds for dredging MRGO; and

Whereas, some engineers have opined that the current base along MRGO was damaged to the point where it will not support a Category 3 levee in the future; and

Whereas, the cessation of dredging is not enough, the coastal wetlands and marshes which protect St. Bernard Parish and New Orleans must also be reestablished; and

Whereas, the Mississippi River is continually dredged to ensure safe passage for large

ocean-going vessels and that dredge material from the Mississippi River could be piped into the marshes of St. Bernard Parish to encourage and allow the regrowth of coastal wetlands and marshes which in turn would protect the citizens returning to St. Bernard Parish, the Lower Ninth Ward, and New Orleans East; and

Whereas, the United States Army Corps of Engineers has stated that it has no authorization from congress to close the waterway or to make any attempt to return the coastal wetlands and marshes to their pre-waterway status or even to fill the waterway to allow for the development of marshes and wetlands; and

Whereas, as the only entity which can authorize the waterway to be closed and which can enable the reestablishment of our essential coastal wetlands, the United States Congress must come to the aid of the citizens of Louisiana, particularly those of St. Bernard Parish and New Orleans by authorizing the immediate closure of MRGO and the reestablishment of coastal wetlands and marshes in the area around Lake Borgne and throughout St. Bernard Parish and New Orleans East; and

Whereas, it is the responsibility of the Louisiana congressional delegation to file the necessary legislation to accomplish the immediate closure of MRGO and the return of the essential coastal wetlands and marshes to St. Bernard Parish: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to immediately close MRGO and return the area to essential coastal wetlands and marshes and to memorialize the Louisiana congressional delegation to file the necessary legislation to accomplish this closure; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-267. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to close the Mississippi River Gulf Outlet; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 32

Whereas, Louisiana is losing its valuable coastal wetlands at an alarming rate; and

Whereas, Louisiana has initiated an aggressive program to reduce the rate of wetlands loss; and

Whereas, the Mississippi River Gulf Outlet was six hundred feet wide and thirty-six feet deep when it first opened for operation in 1968, but it now exceeds two thousand feet in width in some areas due to severe bank line erosion; and

Whereas, the Mississippi River Gulf Outlet has caused enormous wetland losses since its construction, including the loss of over eighteen thousand acres of wetlands since 1968; and

Whereas, the dredging of the Mississippi River Gulf Outlet and the failure of the United States Army Corps of Engineers to construct tidal surge barriers or to repair previous environmental damage caused by the Mississippi River Gulf Outlet is inconsistent with the intent of the Breaux Act and the Coastal 2050 plan; and

Whereas, over the last five years the number of vessels that use the Mississippi River Gulf Outlet has decreased from six hundred fifty-seven vessels to three hundred four vessels per year; and

Whereas, the cost of the annual dredging of the Mississippi River Gulf Outlet continues to rise and currently the yearly cost is twenty-two million dollars; and

Whereas, fears about the impact of the loss of coastal wetlands and coastal marsh proved true in an extremely dramatic fashion on August 29, 2005, when Hurricane Katrina washed ashore on Louisiana's coast with a tidal surge well in excess of twenty feet; and

Whereas, there is a growing consensus that the flooding that occurred in St. Bernard Parish, New Orleans East, and the Lower Ninth Ward of New Orleans was a result of storm surge that flowed up the Mississippi River Gulf Outlet to the point where it converges with the Intracoastal Waterway and that the confluence created a funnel that directed the storm surges into the New Orleans Industrial Canal, where it overtopped the levees along the Mississippi River Gulf Outlet and the Industrial Canal and eventually breached the levees and flooded into the neighborhoods that lie close to those three waterways, resulting in a yet uncounted number of deaths and rendering sixty-seven thousand residents of St. Bernard Parish and uncounted numbers in New Orleans East and the Lower Ninth Ward of New Orleans homeless, without possessions, and unemployed; and

Whereas, since the passage of Hurricane Katrina, the United States Congress has delayed the approval of funding for dredging the Mississippi River Gulf Outlet to the depth maintained prior to the passage of the storm, and there appears to be no movement in the congress to provide further funds for such dredging: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to close the Mississippi River Gulf Outlet; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-268. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to taking immediate action to provide federal financial assistance to aid Louisiana's recovery following the devastation caused by hurricanes Katrina and Rita, to expeditiously complete the needed repair to the levee system in the greater New Orleans area, to provide for the prompt construction of hurricane and tidal water protection for south Louisiana, and to provide assistance with coastal restoration and marsh management; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 27

Whereas, in August and September 2005, Louisiana was decimated by multiple hurricanes striking the state—hurricanes Katrina and Rita—a combination of natural disasters of unprecedented proportions in American history, a burden no state has ever had to bear, including but not limited to loss of life, livelihoods, and homes, a negative impact on the state's economy and the earning power of the state's citizens and businesses in countless ways, destruction and damage to public buildings and other public works, damage to its levee system and the coastal wetlands and coastline; and

Whereas, during the devastation wreaked by hurricanes Katrina and Rita, certain forces of the Louisiana National Guard were not available to provide assistance at home due to their deployment to Iraq, in which call to arms Louisiana has suffered one of the highest casualty rates in the nation

while its troops proudly serve their state and their country; and

Whereas, the citizens, businesses, communities, schools, and governments of Louisiana have suffered tremendous loss, as reflected in an economic downturn which has affected the state fisc such that the state was faced with nearly a one billion dollar operating deficit; and

Whereas, the ramifications of these events continue to affect every citizen of the state as the destruction and continuing interruption of business, industry, and infrastructure in these areas has severely reduced the state's revenue stream by over one-third; and

Whereas, the interruption of essential public services, particularly in the areas of health care, education, and infrastructure, has profoundly affected the quality of life in the state; and

Whereas, the state's Revenue Estimating Conference has projected next fiscal year's revenue forecast to show a deficit of nine hundred seventy million dollars, requiring massive budget reductions to comply with the state constitution that requires a balanced budget; and

Whereas, the coastal zone of Louisiana is of vital importance to the nation in oil and gas production and fisheries production; and

Whereas, prior to hurricanes Katrina and Rita, the state of Louisiana accounted for thirty percent of the commercial fisheries production of the lower forty-eight states, and ranked second in the nation for recreational harvest of saltwater fish; and

Whereas, prior to hurricanes Katrina and Rita, Louisiana produced more than 80% of the nation's offshore oil and gas supply and provided billions of dollars each year to the federal treasury, while subjecting the Louisiana coastline to damaging and long-term impacts from these activities; and

Whereas, the communities in south Louisiana that support these industries are subject to potential flooding from tropical storms and hurricanes; and

Whereas, the destruction of communities and industries in south Louisiana by hurricanes Katrina and Rita demonstrated the critical need for prompt action to provide tidal protection in south Louisiana; and

Whereas, through executive order and legislative action, Louisiana has made a coordinated effort to balance its budget by reductions in the amount of approximately six hundred million dollars; by withdrawing one hundred fifty-four million dollars from the state's "Rainy Day" fund; and by depositing the 2004 Fiscal Year surplus of two hundred fifty million dollars into the "Rainy Day" fund, thereby enabling the movement of one hundred eighty-nine million dollars to the State General Fund for budget reduction purposes; and

Whereas, the governor has issued an executive order directing a spending freeze in the executive branch of state government, which remains in effect; and

Whereas, the Louisiana Recovery Authority has been established as the state entity to recommend policy, planning, and resource allocation affecting programs and services for the recovery; and

Whereas, the Coastal Protection and Restoration Authority has been created as the single state agency to provide aggressive state leadership, direction, and consonance in the development and implementation of policies, plans, and programs to achieve comprehensive coastal protection, including the encouragement of multiple uses of the coastal zone and to achieve a proper balance between development and conservation, the restoration, creation, and nourishment of renewable coastal resources, including but not limited to coastal wetlands and barrier

shorelines or reefs, through the construction and management of coastal wetlands enhancement projects, marsh management projects or plans, and to provide direction and development of the state's comprehensive master coastal protection plan, working in conjunction with state agencies, political subdivisions, including levee districts, and federal agencies; representing the state's position in policy implementation relative to the protection, conservation, and restoration of the coastal area of the state; and providing oversight of coastal restoration and hurricane protection projects and programs; and

Whereas, the Coastal Protection and Restoration Authority, in response to communications from the Louisiana congressional delegation and in accordance with the requirements of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act of 2006, has been authorized and empowered to carry out any and all functions necessary to serve as the single entity responsible to act as the local sponsor for construction, operation and maintenance of all of the hurricane, storm damage reduction and flood control projects in areas under its jurisdiction, including the greater New Orleans and southeast Louisiana area; and

Whereas, the Coastal Protection and Restoration Authority is empowered to enter into contracts with the federal government or any federal agency or any political subdivision of the state or private individual for the construction, operation, or maintenance of any coastal restoration, hurricane, storm damage reduction, or flood control project and to this end, may contract for the acceptance of any grant of money upon the terms and conditions, including any requirement of matching the grants in whole or part, which may be necessary; and

Whereas, the Legislature of Louisiana has enacted legislation which, upon approval by the voters of this state, will consolidate certain levee districts and parishes into regional flood protection authorities to govern levee districts included in the authority and to establish on its own behalf or for the areas or the levee districts under its authority adequate drainage, flood control, and water resources development, including but not limited to the planning, maintenance, operation, and construction of reservoirs, diversion canals, gravity and pump drainage systems, erosion control measures, marsh management, coastal restoration, and other flood control works as such activities, facilities, and improvements relate to tidalwater flooding, hurricane protection, and saltwater intrusion; and

Whereas, the state, with its limited and severely impacted resources, has taken these, and numerous other, proactive steps toward recovery and addressing the needs of the state's citizens and communities; however, additional, immediate, and continuing federal assistance is needed; and

Whereas, in a time of great and unprecedented tragedy, a state that has given so much to the rest of our country is in dire need of the continuing and focused assistance and support of our nation, through its federal government, for the full recovery of Louisiana's citizens and infrastructure: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to take immediate action to provide federal financial assistance to aid Louisiana's recovery following the devastation caused by hurricanes Katrina and Rita, to expeditiously complete the needed repair to the levee system in the greater New Orleans area, to provide for the prompt construction

of hurricane and tidal water protection for south Louisiana, and to provide assistance with coastal restoration and marsh management; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-269. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to taking such actions as are necessary to provide funding for Louisiana's indigent defense system and to amend the Stafford Act or any other appropriate legislation to permit funding for Louisiana's indigent defense system; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 25

Whereas, during this time of statewide emergency due to hurricanes Katrina and Rita, public funding for indigent defender services have become inadequate; and

Whereas, the state's indigent defender system is in urgent need of funding assistance which is beyond the current capacity of state and local government; and

Whereas, hurricanes Katrina and Rita have caused mass disruption in the criminal justice system throughout the state and the closing of some courts due to storm damage; and

Whereas, there has been a need for redirection of resources to more critical life-threatening areas; and

Whereas, the dislocation of, and in many cases the relocation of, judicial employees and attorneys has put an undue hardship on the indigent defender system; and

Whereas, there is a buildup in the number of detained persons charged with offenses for which there is a constitutional requirement for legal representation; and

Whereas, there is a strain on state and local funding as the need in critical areas of public service has increased and the revenue has dramatically decreased; and

Whereas, it is the intent of the Congress, by the Stafford Act (42 USC 5121, et seq.), to provide an orderly and continuing means of assistance by the federal government to state and local governments in carrying out their responsibilities to alleviate the suffering and damage which result from such disasters; and

Whereas, the Legislature of Louisiana does urge Congress to amend the Stafford Act or any other appropriate legislation to permit funding for Louisiana's indigent defense system; and

Whereas, the Legislature of Louisiana created the Louisiana Task Force on Indigent Defense Services in 2003 to study the system in Louisiana of providing legal representation to indigent persons who are charged with violations of criminal laws and the study is ongoing; and

Whereas, the 2006 fiscal year estimate for Louisiana indigent defense services is fifty-five million dollars; and

Whereas, any other federal funds that can be made available to assist the Louisiana indigent defense system are greatly needed: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to take such actions as are necessary to provide funding for indigent defendants and to amend the Stafford Act or any other appropriate legislation to permit funding for Louisiana's indigent defense system; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the

United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-270. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to urging and requesting the United States Army Corps of Engineers to provide a listing of all Hurricane Katrina and Hurricane Rita related projects, including specific details including the type of work, the name of the contractor, and the total price of the contract; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 26

Whereas, Hurricanes Katrina and Rita struck the state of Louisiana causing severe flooding and damage to the southern part of the state that has threatened the safety and security of the citizens of the affected areas of the state of Louisiana; and

Whereas, the destruction caused by these devastating storms damaged public works, such as levees, bridges, and highways, and spread debris over a wide area of the southern part of the state; and

Whereas, the United States Army Corps of Engineers has control over a great percentage of the contracts to repair levees, remove debris, and transportation of trailers and other important activities vital to the restoration and revitalization of the affected areas of Louisiana; and

Whereas, there have been many complaints about sluggish progress and the exorbitant cost of the work contracted under the United States Army Corps of Engineers, which is contrasted with the timely and frugal efforts of many local governments which chose to utilize other methods to handle hurricane-related work; and

Whereas, the magnitude of the devastation requires a cooperative effort between the governments of the affected states, local governments, and the federal government; and

Whereas, we live in an open society in which our governments allow citizens to have access to government information, as evidenced by the federal Freedom of Information Act and the Louisiana Public Records Law; and

Whereas, in order to completely fulfill our joint responsibility to the people of Louisiana to manage state and federal financial resources wisely and show that state and federal public servants are performing up to standard and according to the public interest, the corps should provide to the Legislature of Louisiana a listing of the contracts awarded by the Army Corps of Engineers; and

Whereas, this listing shall, at a minimum, include the type of work required by each contract, the name of each contractor and all subcontractors, the principal place of business of each contractor and subcontractor, the total cost of each contract, the separate price paid to each contractor and subcontractor under each contract, and the nature of the work performed by each contractor and subcontractor: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby urge and request the United States Army Corps of Engineers to provide a detailed and comprehensive listing of all contracts awarded by the corps as a result of Hurricanes Katrina and Rita, including all of the aforementioned requested detailed information; and be it further

Resolved, That the Legislature of Louisiana does hereby urge and request the Louisiana congressional delegation to aid in this request by all means necessary, including Freedom of Information Act requests on behalf of the citizens of their districts; and be it further

Resolved, That a suitable copy of this Resolution be transmitted to Lieutenant General Carl A. Strock, the Commander and Chief of Engineers of the United States Army Corps of Engineers, and the Freedom of Information Act Program Manager for the United States Army Corps of Engineers, Mr. Richard Frank, and to each member of the Louisiana congressional delegation.

POM-271. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to authorizing the prompt construction of hurricane and tidal water protection for southwest Louisiana; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 16

Whereas, the southwest coastal zone of Louisiana is of vital importance to the nation in oil and gas production and fisheries production; and

Whereas, prior to hurricanes Katrina and Rita, the state of Louisiana accounted for 30% of the commercial fisheries production of the lower 48 states, and ranked second in the nation for recreational harvest of salt-water fish; and

Whereas, prior to hurricanes Katrina and Rita, Louisiana produced more than 80% of the nation's offshore oil and gas supply and provided billions of dollars each year to the Federal treasury, while subjecting the southwest Louisiana coastline to damaging and long-term impacts from these activities; and

Whereas, the communities in southwest Louisiana that support these industries are subject to potential flooding from tropical storms and hurricanes; and

Whereas, by causing total destruction of communities and industries, Hurricane Rita demonstrated the critical need for prompt action to provide tidal protection in southwest Louisiana; Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to authorize the prompt construction of hurricane and tidal water protection for southwest Louisiana; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-272. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to amending the Stafford Act to permit funds to be used for permanent housing in the hurricane impacted areas of Louisiana; to the Committee on Environment and Public Works.

Whereas, it would be economically beneficial to Louisiana to amend restrictions on permanent housing contained in Section 408 of the Stafford Act for the catastrophically impacted hurricane areas in Louisiana; and

Whereas, Hurricane Katrina and Hurricane Rita struck the state of Louisiana causing severe flooding and damage to the southern region of the state adversely affecting the economy of our state as well as increasing the cost of supplies and services necessary to rebuild in the impacted areas thereby causing a dangerously regressive effect upon Louisiana and its citizens; and

Whereas, the flooding and damage of these storms has had a detrimental effect upon the availability of jobs, temporary housing, and permanent homes for many of our residents; and

Whereas, the effect of these storms has had a direct impact on many Louisianians ability to obtain any type of housing; and

Whereas, the Stafford Act provides an orderly means of assistance by the federal gov-

ernment to the state and local governments in carrying out their responsibilities to alleviate the individual suffering and damage caused by Hurricane Katrina and Hurricane Rita, but it also restricts the amount of assistance and types of housing assistance available to those most in need of assistance: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the President and the United States Congress to take such actions as are necessary to amend the Stafford Act to allow funds to be used for permanent housing in the areas devastated and catastrophically impacted in Louisiana; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the President of the United States, the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-273. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to allow a five hundred dollar federal tax deduction for people who housed evacuees rent free for at least sixty continuous days as a result of Hurricane Rita; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 17

Whereas, the federal government altered the federal tax code to assist individuals who suffered losses as a result of Hurricane Katrina and authorized incentives for individuals and companies to engage in charitable acts to benefit those affected by Hurricane Katrina, particularly, for offering rent-free housing to evacuees; and

Whereas, the federal government has not offered the same incentives to taxpayers who housed evacuees for Hurricane Rita; and

Whereas, Hurricane Rita evacuees were as equally impacted as Hurricane Katrina evacuees and are in need of the same benefits: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to allow a five hundred dollar federal tax deduction for persons who provided rent-free housing for at least sixty continuous days as a result of Hurricane Rita; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-274. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to the opposition of the State Modernization and Regulatory Transparency (SMART) Act; to the Committee on Finance.

HOUSE RESOLUTION NO. 162

Whereas, Traditionally, the United States insurance industry has been regulated by individual states. Under the McCarran Ferguson Act of 1945, state legislatures are the proper governmental entity to determine public policy on insurance issues. State legislatures are more responsive to the needs of their constituents and are more knowledgeable regarding the market conditions that exist in their states and regarding the need for unique insurance products and regulation to meet their specific market demands; and

Whereas, State legislatures and such organizations as the National Conference of Insurance Legislators (NCOIL), the National Conference of State Legislatures (NCSL),

and the National Association of Insurance Commissioners (NAIC) recognize that in certain states marketplace difficulties have created regulatory hurdles or delayed speed-to-market processing of insurance products. To solve these problems, state legislatures, NCOIL, NCSL, and NAIC continue to address uniformity issues among states through the adoption of model laws that address market conduct, product approval, agent licensing, and rate deregulation; and

Whereas, Many state governments derive general revenue dollars from the regulation of the insurance industry. In Michigan, the insurance industry paid more than \$241 million in state premium taxes in 2004; and

Whereas, The federal State Modernization and Regulatory Transparency (SMART) Act would create mandatory federal insurance standards preempting state law and undermining state sovereignty. By federalizing insurance regulation, this legislation would threaten the power of state legislatures, governors, insurance commissioners, and attorneys general to oversee, regulate, and investigate the insurance industry, impairing, eroding, and/or limiting their ability to protect the interests of their constituents: Now, therefore, be it

Resolved, by the House of Representatives, That we memorialize the United States Congress to oppose the State Modernization and Regulatory Transparency (SMART) Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the United States House of Representatives Committee on Financial Services, the members of the United States Senate Committee on Finance, and the members of the Michigan congressional delegation.

POM-275. A concurrent resolution adopted by the House of Representatives of the General Assembly of the State of Ohio relative to the Darfur genocide; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION NO. 19

Whereas, In February 2003, the Sudan Liberation Army (SLA) and Justice Equality Movement (JEM) from the Darfur region of Sudan clashed with the Janjaweed militia, a group supported by the government of Sudan, in an attempt to oppose the region's extreme political and economic marginalization. Since that time, tens of thousands of civilians have been killed and more than two million civilians have been made internally displaced peoples by the two warring factions. Furthermore, approximately two hundred thousand Darfur refugees have fled across the border to Chad; and

Whereas, On July 22, 2004, the United States House of Representatives and the United States Senate declared that the atrocities occurring in Darfur are genocide; and

Whereas, On September 9, 2004, Secretary of State Colin L. Powell stated before the United States Senate Committee on Foreign Relations, "When we reviewed the evidence compiled by our team, along with other information available to the State Department, we concluded that genocide has been committed in Darfur and that the Government of Sudan and the (Janjaweed) bear responsibility—and genocide may still be occurring"; and

Whereas, President George W. Bush, in an address before the United Nations General Assembly on September 21, 2004, stated, "At this hour, the world is witnessing terrible suffering and horrible crimes in the Darfur region of Sudan, crimes my government has concluded are genocide"; and

Whereas, As a stabilizing force, the United States has an obligation to promote peace in the region and to work with other foreign governments to end the genocide in the Darfur region of Sudan; now, therefore be it

Resolved, That we, the members of the 126th General Assembly of the State of Ohio, wish to focus attention on the killing of tens of thousands of civilians at the hands of the armed belligerents; and be it further

Resolved, That we, the members of the 126th General Assembly of the State of Ohio, encourage the President of the United States and the Congress of the United States to continue supporting the humanitarian efforts of international aid groups to relieve the suffering of those who have been affected by the genocide occurring in the Darfur region of Sudan, to protect the workers of those aid groups, to encourage foreign governments to provide water, food, shelter, and medical care to those suffering in Darfur, and to lead multilateral efforts to bring those responsible for the egregious human rights violations to justice; and be it further

Resolved, That we, the members of the 126th General Assembly of the State of Ohio, encourage Ohio companies and institutions, multinational corporations operating in Ohio, and agencies and political subdivisions of the state to divest themselves of interests in any companies that conduct business in Sudan; and be it further

Resolved, That the Clerk of the House of Representatives transmit duly authenticated copies of this resolution to the President of the United States, the United States Secretary of State, the Speaker and Clerk of the United States House of Representatives, the President Pro Tempore and Secretary of the United States Senate, the members of the Ohio Congressional delegation, and the news media of Ohio.

POM-276. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to amending the No Child Left Behind Act; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 30

Whereas, the No Child Left Behind Act of 2001 requires that paraprofessionals who are employed in Title I schools meet high standards of qualification and requires that students who need the most help receive instructional support only from qualified paraprofessionals; and

Whereas, for the purposes of No Child Left Behind, a paraprofessional is defined as a school employee who provides instructional support in a program supported with federal funds pursuant to Title I of the Elementary and Secondary Education Act; and

Whereas, this definition includes a paraprofessional who provides instructional support in any manner as follows:

- (1) Provides one-on-one tutoring if such tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;
- (2) Assists with classroom management such as organizing instructional and other materials;
- (3) Provides instructional assistance in a computer laboratory;
- (4) Conducts parental involvement activities;
- (5) Provides support in a library or media center;
- (6) Acts as a translator; and
- (7) Provides instructional support services under the direct supervision of a teacher; and

Whereas, in compliance with the requirements of No Child Left Behind, Louisiana has developed different pathways for para-

professionals who are employed in Title I schools to choose from in order to meet the definition of "highly qualified"; and

Whereas, these choices include taking forty-eight semester hours of relevant course work or taking and passing a paraprofessional academic assessment instrument; and

Whereas, these choices and the requirements of No Child Left Behind do not take into consideration the fact that some of these paraprofessionals were employed in public school systems prior to the enactment of No Child Left Behind and have many years of experience serving in such capacity; and

Whereas, there are concerns among many about the financial burden that the requirements of No Child Left Behind place upon paraprofessionals who receive minimal salaries and cannot afford the college courses, test preparation, or test costs; and

Whereas, although many local school systems in Louisiana are assisting paraprofessionals in paying these costs, there are other issues involved that make these requirements extremely difficult, if not impossible, for some paraprofessionals to meet—especially those who work in rural areas of the state and may not have access to postsecondary education; and

Whereas, these burdens have resulted in the loss of many paraprofessionals from the public schools in this state who have been forced to seek other types of employment; and

Whereas, paraprofessionals employed in Title I schools play a very important role in improving student achievement and many of them have been employed in such schools for a number of years and their experience and expertise in their jobs is a tremendous asset to public education; and

Whereas, because the legislature values these employees for the crucial role they play in public education and wants to keep them in our public schools where they can continue to make a difference in students' lives, it is imperative that all steps necessary be taken to remove these burdens which are forcing many of the more experienced and qualified paraprofessionals to leave the public education system: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to amend the No Child Left Behind Act to provide that paraprofessionals who were employed in Title I schools prior to the enactment of the No Child Left Behind Act shall be deemed to have met the definition of "highly qualified" for purposes of such legislation due to such employment and the experience gained as a result of such employment; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-277. A resolution adopted by the Senate of the State of Michigan relative to enacting legislation reauthorizing the Ryan White Care Act to provide comprehensive care for the neediest victims of HIV/AIDS; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 95

Whereas, The numbers of children, youth, and particularly young women who are infected with HIV or have developed AIDS are increasing. In the United States, more than 9,000 children under the age of thirteen are living with HIV/AIDS. Of the nearly 40,000 Americans infected every year with HIV, nearly fifteen percent are under twenty-five

years of age. Among the newly infected in the age group of thirteen to nineteen, fifty-eight percent are women; and

Whereas, Children and young people infected with HIV and living with AIDS have unique needs for specialized medical services and psychosocial support. Programs funded under the Ryan White CARE Act successfully deliver family-centered, coordinated health care and support services for women, children, youth and families. These programs have played a significant role in reducing the number of mother-to-child HIV infections from 2,000 to fewer than 200 per year; and

Whereas, Recent patterns in the United States show that HIV/AIDS increasingly affects African Americans, Latinos, and other racial and ethnic minorities. In 2004, minorities accounted for almost three-fourths of new cases of AIDS in an HIV/AIDS surveillance report by the Centers for Disease Control and Prevention (CDC). Of these newly identified AIDS patients, 48 percent were African Americans and 21 percent were Latinos. The rate also continued to rise among women, who accounted for 27 percent of new AIDS cases in 2004. Of these women newly diagnosed with AIDS, 67 percent were African Americans and 15 percent were Latinas; and

Whereas, In his State of the Union address, President George W. Bush supported reauthorization of the Ryan White CARE Act to encourage prevention of HIV/AIDS and provide care and treatment for the neediest HIV/AIDS victims. The Secretary of Health and Human Services proposed five guiding principles to reauthorize the Act. First, serve the neediest victims of HIV/AIDS. Second, focus on delivering life-saving and life-extending services. Third, increase prevention efforts through more routine testing. Fourth, increase the accountability of states and organizations receiving federal funds. Fifth, give the federal government flexibility to reallocate unspent funds. By following these principles, care will be delivered to the neediest patients that will help them live longer and healthier lives: now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation reauthorizing the Ryan White CARE Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-278. A resolution adopted by the Legislature of the Virgin Islands relative to amending 33 Code of Federal Regulations, Part 160, to exempt the Virgin Islands from the passenger information reporting requirements that went into effect in 2005; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Ms. SNOWE for the Committee on Small Business and Entrepreneurship.

Eric M. Thorson, of Virginia, to be Inspector General, Small Business Administration.

By Mr. SPECTER for the Committee on the Judiciary.

Donald J. DeGabrielle, Jr., of Texas, to be United States Attorney for the Southern District of Texas for the term of four years.

John Charles Richter, of Oklahoma, to be United States Attorney for the Western District of Oklahoma for the term of four years.

Amul R. Thapar, of Kentucky, to be United States Attorney for the Eastern District of Kentucky for the term of four years.

Mauricio J. Tamargo, of Florida, to be Chairman of the Foreign Claims Settlement Commission of the United States for a term expiring September 30, 2009.

(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 Mr. COLEMAN (for himself, Mr. REED, Mr. TALENT, Mr. LIEBERMAN, Mr. ISAKSON, Ms. LANDRIEU, Mr. COCHRAN, Mr. CARPER, Mr. BUNNING, Mrs. LINCOLN, Ms. MURKOWSKI, Mr. LAUTENBERG, and Mr. BURNS):

S. 2393. A bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ISAKSON:

S. 2394. A bill to improve border security, to increase criminal penalties for certain crimes related to illegal aliens, and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. 2395. A bill to amend title 39, United States Code, to require that air carriers accept as mail shipments certain live animals; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SANTORUM (for himself and Mr. ALLEN):

S. 2396. A bill to direct the Administrator of the Small Business Administration to establish a pilot program to make grants to eligible entities for the development of peer learning opportunities for second-stage small business concerns; to the Committee on Small Business and Entrepreneurship.

By Mr. SMITH (for himself and Mrs. LINCOLN):

S. 2397. A bill to amend the Internal Revenue Code of 1986 to establish long-term care trust accounts and allow a refundable tax credit for contributions to such accounts, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS:

S. 2398. A bill to establish an Advanced Research Projects Administration-Energy to initiate high risk, innovative energy research to improve the energy security of the United States, to extend certain energy tax incentives, and for other purposes; to the Committee on Finance.

By Mr. CARPER (for himself and Mr. DEWINE):

S. 2399. A bill to prohibit termination of employment of volunteers firefighters and emergency medical personnel responding to emergencies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. STABENOW:

S. Res. 394. A resolution expressing the sense of the Senate that all people in the United States should participate in a moment of silence to reflect upon the service and sacrifice of members of the Armed Forces both at home and abroad; to the Committee on Armed Services.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. REID, Mrs. BOXER, Mrs. MURRAY, Ms. STABENOW, and Mr. MENENDEZ):

S. Res. 395. A resolution establishing the American Competitiveness through Education (ACE) resolution; to the Committee on Health, Education, Labor, and Pensions.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. Res. 396. A resolution congratulating Rosey Fletcher for her Olympic bronze medal in the parallel giant slalom; considered and agreed to.

By Mr. COLEMAN (for himself and Mr. DAYTON):

S. Res. 397. A resolution recognizing the history and achievements of the curling community of Bemidji, Minnesota; considered and agreed to.

ADDITIONAL COSPONSORS

S. 304

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 304, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 451

At the request of Mr. AKAKA, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 451, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 484

At the request of Mr. WARNER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 811

At the request of Mr. DURBIN, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 811, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

S. 1038

At the request of Mr. LUGAR, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1038, a bill to amend the Farm Security and Rural Investment Act of 2002 to enhance the ability to produce fruits and vegetables on covered commodity base acres.

S. 1064

At the request of Mr. COCHRAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1064, a bill to amend the Public

Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1112

At the request of Mr. BAUCUS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1496

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1496, a bill to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

S. 1907

At the request of Mr. JOHNSON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1907, a bill to promote the development of Native American small business concerns, and for other purposes.

S. 1948

At the request of Mr. BURNS, his name was added as a cosponsor of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

S. 2157

At the request of Mrs. BOXER, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 2157, a bill to amend title 10, United States Code, to provide for the Purple Heart to be awarded to prisoners of war who die in captivity under circumstances not otherwise establishing eligibility for the Purple Heart.

S. 2305

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2305, a bill to amend title XIX of the Social Security Act to repeal the amendments made by the Deficit Reduction Act of 2005 requiring documentation evidencing citizenship or nationality as a condition for receipt of medical assistance under the Medicaid program.

S. 2321

At the request of Mr. SANTORUM, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2351

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2351, a bill to provide additional funding for mental health care for veterans, and for other purposes.

S. 2355

At the request of Mr. BURNS, his name was added as a cosponsor of S. 2355, a bill to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or reckless permitting (on one's land) the construction or use of a tunnel or subterranean passageway between the United States and another country.

S. 2364

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2364, a bill to provide lasting protection for inventoried roadless areas within the National Forest System.

S. 2369

At the request of Mr. SPECTER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2369, a bill to require a more reasonable period for delayed-notice search warrants, to provide enhanced judicial review of FISA orders and national security letters, to require an enhanced factual basis for a FISA order, and to create national security letter sunset provisions.

S. 2370

At the request of Mr. MCCONNELL, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Maine (Ms. SNOWE), the Senator from Oregon (Mr. SMITH), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Alaska (Ms. MURKOWSKI), the Senator from North Carolina (Mr. BURR) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2389

At the request of Mr. ALLEN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2389, a bill to amend the Communications Act of 1934 to prohibit the unlawful acquisition and use of confidential customer proprietary network information, and for other purposes.

S. 2390

At the request of Mr. ENSIGN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2390, a bill to provide a national innovation initiative.

S. CON. RES. 46

At the request of Mr. BROWNBACK, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Con. Res. 46, a concurrent resolution expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards.

S. RES. 387

At the request of Mr. COLEMAN, the names of the Senator from Georgia

(Mr. ISAKSON) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. Res. 387, a resolution recognizing the need to replace the United Nations Human Rights Commission with a new Human Rights Council.

AMENDMENT NO. 2955

At the request of Mr. FRIST, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Montana (Mr. BURNS) were added as cosponsors of amendment No. 2955 intended to be proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

AMENDMENT NO. 2959

At the request of Mr. SCHUMER, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 2959 proposed to S. 2349, an original bill to provide greater transparency in the legislative process.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COLEMAN (for himself, Mr. REED, Mr. TALENT, Mr. LIEBERMAN, Mr. ISAKSON, Ms. LANDRIEU, Mr. COCHRAN, Mr. CARPER, Mr. BUNNING, Mrs. LINCOLN, Ms. MURKOWSKI, Mr. LAUTENBERG, and Mr. BURNS):

S. 2393. A bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers; to the Committee on Health, Education, Labor, and Pensions.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of my legislation, the Conquer Childhood Cancer Act of 2006, 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. 2393

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 "Conquer Childhood Cancer Act of 2006".

SEC. 2. FINDINGS.

Congress makes the following findings:

- (1) Cancer kills more children than any other disease.
- (2) Each year cancer kills more children between 1 and 20 years of age than asthma, diabetes, cystic fibrosis, and AIDS, combined.
- (3) Every year, over 12,500 young people are diagnosed with cancer.
- (4) Each year about 2,300 children and teenagers die from cancer.
- (5) One in every 330 Americans develops cancer before age 20.
- (6) Some forms of childhood cancer have proven to be so resistant that even in spite of the great research strides made, most of

those children die. Up to 75 percent of the children with cancer can now be cured.

(7) The causes of most childhood cancers are not yet known.

(8) Childhood cancers are mostly those of the white blood cells (leukemia's), brain, bone, the lymphatic system, and tumors of the muscles, kidneys, and nervous system. Each of these behaves differently, but all are characterized by an uncontrolled proliferation of abnormal cells.

(9) Eighty percent of the children who are diagnosed with cancer have disease which has already spread to distant sites in the body.

(10) Ninety percent of children with a form of pediatric cancer are treated at one of the more than 200 Children's Oncology Group member institutions throughout the United States

SEC. 3. PURPOSES.

It is the purpose of this Act to authorize appropriations to—

(1) encourage and expand the support for biomedical research programs of the existing National Cancer Institute-designated multicenter national infrastructure for pediatric cancer research;

(2) establish a population-based national childhood cancer database (the Children's Cancer Research Network) to evaluate incidence trends of childhood cancers and to enable the investigations of genetic epidemiology in order to identify causes to aid in development of prevention strategies;

(3) provide informational services to patients and families affected by childhood cancer;

(4) support the development, construction and operation of a comprehensive online public information system on childhood cancers and services available to families; and

(5) establish a fellowship program in pediatric cancer research to foster clinical and translational research career development in pediatric oncologists in the early stages of their career.

SEC. 4. PEDIATRIC CANCER RESEARCH AND AWARENESS.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end thereof the following:

"SEC. 417E. PEDIATRIC CANCER RESEARCH AND AWARENESS.

"(a) PEDIATRIC CANCER RESEARCH.—

"(1) SPECIAL PROGRAMS OF RESEARCH EXCELLENCE IN PEDIATRIC CANCERS.—The Director of NIH, acting through the National Cancer Institute, shall establish special programs of research excellence in the area of pediatric cancers. Such programs shall demonstrate a balanced approach to research cause, prognosis, prevention, diagnosis, and treatment of pediatric cancers that foster translation of basic research findings into innovative interventions applied to patients.

"(2) FELLOWSHIP OF EXCELLENCE IN PEDIATRIC CANCER RESEARCH.—The Secretary shall develop a grant mechanism for the establishment, in cooperation with the National Cancer Institute-supported pediatric cancer clinical trial groups, of Research Fellowships in Pediatric Cancer to support adequate numbers of pediatric focused clinical and translational investigators thereby facilitating continuous momentum of research excellence.

"(b) NATIONAL CHILDHOOD CANCER REGISTRY.—The Director of NIH shall award a grant for the operation of a population-based national childhood cancer database, the Childhood Cancer Research Network (CCRN), of the Children's Oncology Group, in cooperation with the National Cancer Institute.

“(c) PUBLIC AWARENESS OF PEDIATRIC CANCERS AND AVAILABLE TREATMENTS AND RESEARCH.—The Secretary shall award a grants to recognized childhood cancer professional and advocacy organizations for the expansion and widespread implementation of activities to raise public awareness of currently available information, treatment, and research with the intent to ensure access to best available therapies for pediatric cancers.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$20,000,000 for each of fiscal years 2007 through 2011. Funds appropriated under this section shall remain available until expended.”

Mr. REED. Mr. President, I join my colleague, Senator COLEMAN, in introducing the Conquer Childhood Cancer Act. I would also like to recognize Senators TALENT, ISAKSON, COCHRAN, BUNNING, MURKOWSKI, LIEBERMAN, CARPER, LANDRIEU, and LAUTENBERG who have all joined as original cosponsors of the bill.

This bipartisan legislation seeks to achieve several important goals in our battle against childhood cancer. Specifically, it will expand support for pediatric cancer research, foster the career development of more pediatric oncologists, and provide essential information and support to help families deal with this devastating disease. Childhood cancer impacts thousands of children and their families each year. While we have made great steps in treating cancer, we have made relatively little progress in advancing our understanding of the most common forms of pediatric cancer. This legislation will help to provide resources to hopefully one day find a cure.

Each year, more than 12,000 children are diagnosed with cancer, and more than 2,000 of them lose their courageous battle with the disease. Pediatric cancer not only takes a toll on the child, it affects the entire family—the parents, siblings, friends, and extended family all suffer when a child has cancer. I have had the honor of meeting one such family from Warwick, Rhode Island who has taken the pain and devastation of losing their young son to neuroblastoma, a very aggressive childhood cancer, and turned their tragedy into a message of hope. The Haight family is committed, in memory of their nine year old son Ben, to education, advocacy, and lending support to other families going through a similar struggle with pediatric cancer. I never had a chance to meet Ben Haight but his mother Nancy has told me of his tremendous strength and courage. Ben fought every day during his four and a half year battle with this disease and his tragic story highlights the importance of this legislation.

It is my hope that the bill we are introducing today will help to step up our efforts with regard to childhood cancer so that one day Ben's story, and thousands of other children like him, will be one of survival. In Rhode Island alone, a dozen children each year succumb to various forms of childhood cancer. Each of these children had

hopes, dreams, and desires that will never be fulfilled and one cannot quantify the impact each of these children could have had on their communities and on society as a whole. We need to be doing more to give these children a chance to grow up and reach their full potential.

The Conquer Childhood Cancer Act will enhance federal efforts in the fight against childhood cancer and will also complement the incredible work of private organizations dedicated to the prevention and cure of pediatric cancer. I would like to commend the CureSearch National Childhood Cancer Foundation for its work in this area. CureSearch brings together academic and research institutions, medical professionals with expertise in pediatric cancer, and children and families afflicted with the disease, to form a national network committed to research, treatment, and cures for childhood cancer.

Thank you, Mr. President. I look forward to working with my colleagues toward swift passage of this important legislation.

By Mr. GRASSLEY:

S. 2395. A bill to amend title 39, United States Code, to require that air carriers accept as mail shipments certain live animals; to the Committee on Homeland Security and Governmental Affairs.

Mr. GRASSLEY. Mr. President I rise to introduce legislation that would address the concerns related to the shipping of live birds through the United States Postal Service. I introduced a similar bill during the 107th Congress with bi-partisan support. It was included in Public Law 107-67.

This bill should close some loopholes that some of the airlines are using to avoid the timely shipping of day-old baby chicks.

Some members of the airline industry stated that they commonly and regularly refuse to transport shipments of some species of live animals for its regularly scheduled cargo service and, therefore, can refuse to carry any live animals by mail under existing law. My bill will make the law apply to “any air carrier that commonly and regularly carries any live animals as cargo,” thus making sure that if the air carrier does ship any live animals as cargo, it will be required to ship animals as mail.

There have been accusations that the shipping of day-old poultry could spread avian influenza. I have received information from Avian Health Veterinarians and they have informed me that avian influenza is not an egg transmitted disease. There are no reports of day-old poultry from infected breeders being infected with avian influenza when they hatch.

Poultry health specialists have been examining the vertical transmission, or parents-to-chicks via the egg of avian influenza, for more than 30 years. Studies looking at the avian influenza

have consistently failed to reveal evidence of avian influenza virus infections in newly hatched chicks from infected parent flocks.

This clearly shows that day-old poultry are not likely to be naturally infected. So the risk of transmitting avian influenza through shipment of day-old poultry is not an issue.

This bill would also address two other problems that have caused an adverse economic impact to bird shippers. First, the bill requires air carriers that take poultry as mail, to transfer such shipments so that the shipper is guaranteed that the shipment will reach its ultimate destination.

Second, it requires an air carrier to take shipments of poultry as air mail when the outside temperature is between 0 degrees Fahrenheit -17 degrees Celsius and 100 degrees Fahrenheit or 37.77 degrees Celsius from point of origin of the shipment through the point of destination. These temperature parameters are accepted by avian veterinarians as safe and humane.

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. 2395

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

SECTION 1. CONTRACTS FOR TRANSPORTATION OF MAIL BY AIR.

Section 5402(e)(2)(A) of title 39, United States Code, is amended—

(1) in the first sentence—
(A) by inserting “(i)” after “(2)(A)”; and
(B) in clause (i) (as designated by subparagraph (A)), by striking “may” and inserting “shall”; and

(2) by striking the second sentence and inserting the following:

“(ii) A shipment described in clause (i) shall include the transfer of any cargo described in that clause from the point of origin of the shipment to the point of destination.

“(iii) An air carrier shall accept and carry cargo described in clause (i) when the outside temperature is between 0 degrees Fahrenheit (-17.77 degrees Celsius) and 100 degrees Fahrenheit (37.77 degrees Celsius) from point of origin through the point of destination.

“(iv) The authority of the Postal Service under this subparagraph shall apply to any air carrier that commonly and regularly carries any live animals as cargo.”

By Mr. SMITH (for himself and Mrs. LINCOLN):

S. 2397. A bill to amend the Internal Revenue Code of 1986 to establish long-term care trust accounts and allow a refundable tax credit for contributions to such accounts, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce the Long-Term Care Trust Account Act of 2006. I am pleased to be joined by my colleague Senator BLANCHE LINCOLN.

In the past few years the notion of estate planning has taken on a negative connotation. I am here to introduce a bill that will focus on the positive side of planning for one's future.

As the Chairman of the Senate Special Committee on Aging, I am committed to improving the financing and delivery of long-term care. The Centers for Medicare and Medicaid Services estimate that national spending for long-term care was almost \$160 billion in 2002, representing about 12 percent of all personal health care expenditures. While those numbers are already staggering we also know that the need for long-term care is expected to grow significantly in coming decades. Almost two-thirds of people receiving long-term care are over age 65, with this number expected to double by 2030.

For many individuals it will be necessary to find a way to either save for the care needed or purchase long-term care insurance. Long-term care insurance protects assets and income from the devastating financial consequences of long-term health care costs. Today's comprehensive long-term care insurance policies allow consumers to choose from a variety of benefits and offer a wide range of coverage choices. They allow individuals to receive care in a variety of settings including nursing homes, home care, assisted living facilities and adult day care. Some of the most recent policies also provide a cash benefit that a consumer can spend in the manner he or she chooses. Lastly, long-term care insurance allows individuals to take personal responsibility for their long-term health care needs and reduces the strain on state Medicaid budgets. Unfortunately, for many the struggle to pay the immediate costs of long-term care insurance sometimes outweighs the security these products provide.

With our national savings rate in steady decline I fear the American middle class is woefully unprepared to meet the coming challenges of their long-term care needs. As we move forward in our effort to help individuals stay financially stable in their later years, we must encourage them to purchase long-term care insurance and save for long-term care services. The Long-Term Care Trust Account Act of 2006 achieves both goals. My legislation will create a new type of savings vehicle for the purpose of preparing for the costs associated with long-term care services and purchasing long-term care insurance. An individual who establishes a long-term care trust account can contribute up to \$5,000 per year to their account and receive a refundable ten percent tax credit on that contribution. Interest accrued on these accounts will be tax free, and funds can be withdrawn for the purchase of long-term care insurance or to pay for long-term care services. The bill will also allow an individual to make contributions to another person's Long-Term Care Trust Account. This will help many relatives in our country that want to help their parents or a loved one prepare for their health care needs.

It is my hope that this legislation will help all Americans save for their long-term care needs. I urge my col-

leagues on both sides of the aisle to support this important bill.

Thank you, Mr. President.

By Mr. BAUCUS:

S. 2398. A bill to establish an Advanced Research Projects Administration-Energy to initiate high risk, innovative energy research to improve the energy security of the United States, to extend certain energy tax incentives, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, in the years when I first began to serve in Congress, America faced severe problems with supplies of oil. For years, long gas lines, frustration, and questions about the security of our oil supply drove the public debate.

Thirty years have passed. And, frankly, things have not changed all that much. We still use gasoline and coal at staggering rates. And we are still concerned about the security of our oil supply. We do not have lines at gas stations. But last year, prices rose to levels unimaginable just a few years ago.

Prices for gasoline, heating oil, electricity, and natural gas have soared in recent years, hitting working families hard. In the past few weeks, we have seen a terrorist attack on Saudi Arabian oil facilities.

We have seen oil workers kidnapped in Nigeria. We have seen Venezuelan President Hugo Chavez threaten that he would cut off our supply of oil from his country. And we have seen some question whether Iran's role as an oil supplier keeps other countries from properly addressing Iran's threat to nuclear proliferation.

Energy provides one of America's greatest challenges for the 21st century. Our economy has been dependent on oil and coal for about 100 years. And since World War II, natural gas has become part of the equation. Will we continue this dependency for the next 100 years?

The cost of energy will profoundly affect the future competitiveness of the American economy. As the Chinese and Indian economies grow, so will their demand for energy. And that will add further upward pressure to energy prices.

To respond to the challenges of the new world economy, I am introducing legislation in seven key areas to build a foundation for a more competitive America. We must improve education, health care, trade law enforcement, the tax code, and savings. And we must bring a greater focus to energy research and development. Today, I introduce the Energy Competitiveness Act of 2006.

We are trapped in an energy box. It is a box characterized by high imports, ever-increasing prices for oil and natural gas, and environmental danger. We must experiment with ways to break out of that box. To break out, we need an energy research effort modeled after the Manhattan Project, or the Apollo mission to the moon.

America has a brilliant record of gathering the best minds. We meet challenges that may at first seem to be impossible. During World War II, the Manhattan Project brought together brilliant physicists and engineers to build an atomic bomb in 3 short years. And after President

Kennedy described his vision to a joint session of Congress in May of 1961, the Apollo space program put a man on the moon in just 8 years.

Looking back, these achievements were stunning. Both projects started out with no guarantee of success. Each could have ended in utter failure. Yet because of the talent, ingenuity, and focus of creative minds, they both succeeded.

Breaking out of the energy box poses a similar challenge. Success is not guaranteed. But we have got to give it our best shot.

Today I am introducing the Energy Competitiveness Act of 2006. My legislation would create a new energy research agency. It would extend key alternative energy tax relief. It would help our Nation face the challenges of a newly competitive global economy. It would help to move us into a new energy future.

We have the greatest research scientists on the planet. We have the most technically talented workforce in the world. But we do not have the vigor that we need in energy research. Energy research is a backwater, compared to other research efforts in biotechnology, medicine, computers, and defense-oriented projects.

With the Manhattan Project and the Apollo space program, America proved that we can gather the best talent for a focused mission and succeed. It is time that we begin a similar effort on energy.

We need to create a new agency to initiate cutting-edge, innovative energy research and development aimed at taking us to a new energy future. Doing so is essential to our effort to improve our economic competitiveness.

The new agency is modeled on DARPA—the Defense Advanced Research Projects Agency—in the Department of Defense. Among the revolutionary technologies that DARPA has developed are the internet and stealth technology for aircraft. DARPA has been a tremendous success.

The National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine joined to form the Committee on Prospering in the Global Economy of the 21st Century. Norm Augustine chaired the Committee. Based on DARPA's achievements, last fall, the Committee recommended the creation of an ARPA-E: Advanced Research Projects Agency—Energy.

This was one of a number of recommendations that the Committee made in its impressive report on the future competitive challenges that America faces. The Committee recommended that ARPA-E be designed to

conduct transformative, out-of-the-box energy research.

My bill proposes that ARPA-E be a small agency with a total of 250 people. A minimum of 180 of them would be technical staff.

A director of the agency and four deputies would lead ARPA-E. I propose that ARPA-E be funded at \$300 million in fiscal year 2007, \$600 million in 2008, \$1.1 billion in 2009, \$1.5 billion in 2010, and \$2.0 billion in 2011.

We would require that the staff have a technical background. The agency would use the Experimental Personnel Authority designed for DARPA. That authority authorizes higher salaries than for typical Federal employees, and faster hiring, so that the agency could get to work quickly.

To keep the intense, innovative focus that we want, technical staff would be limited to 3 to 4 years at the agency. Managers would be limited to 4 to 6 years. The director could give both groups extended terms of employment if the director so chose.

For contracts, the agency would use the DARPA procedure. That procedure allows more flexible contracting arrangements than are normally possible under the Federal Acquisition Regulations. To ensure that ARPA-E would conduct innovative research, 75 percent of research projects initiated by ARPA-E would not be peer reviewed.

The ARPA-E would be authorized to award cash prizes to encourage and accelerate energy research accomplishments.

Finally, the bill would require a report by the end of fiscal year 2007 on whether ARPA-E would need its own energy research lab.

The Energy Competitiveness Act would also increase our commitment to develop promising energy technologies. In the Energy Policy Act of 2005, last year's Energy bill, we established several important incentives to foster new forms of energy production and to encourage conservation.

America's investment in alternative energy and conservation lags well behind that of other developed countries. The 2005 Energy bill put us on the right track by expanding the tax credit for electricity from renewable resources. It created incentives for coal gasification technologies. It encouraged investment in refineries that can handle North American feedstocks. And it established tax credits for energy-efficient buildings and equipment.

Unfortunately, these provisions are either short-term or capped at insufficient levels. The Energy Competitiveness Act that I introduce today would bolster the first steps made in 2005. The bill that I introduce today would extend these important provisions and increase the amount of tax incentives available.

The bill would extend through 2010 the tax credit for electricity produced from wind, biomass, geothermal, and other renewable sources. It would also increase the volume caps on Clean Re-

newable Energy Bonds and coal gasification tax credits.

The bill would make permanent enhanced depreciation for new refining capacity that is capable of refining non-conventional feedstocks.

North America has abundant energy resources that could ease our demand for oil from the Mideast. But today, many of our refineries are incapable of processing heavier feedstocks, such as oil from shale or tar sands. Making this provision permanent would provide the needed certainty for long-term investments in capital intensive refining projects.

The Energy Competitiveness Act that I introduce today would encourage businesses to purchase alternative fuel and electric vehicles. And it would extend through 2010 many of the incentives from the 2005 bill that promote investment in energy-efficient buildings and equipment.

We are seeing exciting new efforts in America to strengthen our energy competitiveness.

We need to build on this foundation by creating an aggressive energy research agency that will push the limits of new technology and discover alternative energy sources.

America has massive coal reserves. So coal gasification is receiving greater attention. Gasification involves breaking down coal under heat and pressure to create synthetic natural gas. We must address the environmental issues. But if this technology can be improved, then America will be able to take a huge step toward energy independence.

There are exciting developments in wind energy. In Montana, the Judith Gap Wind Farm has been generating power at full capacity for several weeks. The farm includes 90 wind turbines. Each turbine can produce enough electricity for roughly 400 homes.

The entire farm can produce the electricity needed to supply 300,000 customers. Montana was one of nine States that put in place more than 100 megawatts of wind power generation in 2005. And my State ranks in the top 15 States in the Nation for wind power capacity.

Fusion is another possible area where aggressive research could lead to huge payoffs. Continuing research will help us to determine whether energy production through fusion is a practical option.

Ethanol is also gaining as an alternative energy option. In 2005, Americans invested more than \$850 million in ethanol plants. Ford Motor Company has plans for producing 250,000 vehicles in 2006 that will be able to use several different types of fuel, including ethanol.

Brazil, with the help of ethanol, expects to become energy independent this year. Ethanol accounts for 20 percent of Brazil's fuel transport market. Seven out of every 10 cars in Brazil can run on ethanol, gasoline, or a mixture of both.

In Iceland, all electricity generation is from renewable sources. Iceland is now taking the next step, and has started an initiative to replace the use of fossil fuels with hydrogen by 2050.

To achieve this, in 1999, Icelanders founded a public-private partnership called Icelandic New Energy. This partnership is the main driver in hydrogen energy research and implementation in Iceland. Public hydrogen-fueled buses began service in December of last year.

And experiments continue with hydrogen-driven consumer motorcycles, small cars, and fishing boats.

We live in a much larger and more complex nation than Iceland or Brazil. But we can share their vision of a future fueled by alternative energy and improved conservation.

There are also exciting developments in nanotechnology, solar power, energy-efficient materials, biomass, and green buildings.

All of these are examples of possible directions for our Nation's energy future. But we need a more aggressive and focused research and development effort to push these alternatives. And we need an effort to create scientific breakthroughs to supplement existing technologies.

We have got to give it our best shot. As President Franklin Roosevelt said, we must conduct "bold, persistent experimentation."

Our economic security is at stake. Our ability to compete in the new world economy is at stake.

ARPA-E will help us move forward on existing technologies. It will help us to find new technologies that are not even imaginable today. And the tax incentives will keep us on the right track until more dramatic breakthroughs occur.

I urge my colleagues to look closely at this legislation.

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. 2398

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 "Energy Competitiveness Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ADVANCED RESEARCH PROJECTS ADMINISTRATION-ENERGY
Sec. 101. Advanced Research Projects Administration-Energy.

TITLE II—ENERGY TAX INCENTIVES
Subtitle A—Energy Infrastructure Tax Incentives

Sec. 201. Extension of credit for electricity produced from certain renewable resources.

Sec. 202. Extension and expansion of credit to holders of clean renewable energy bonds.

Sec. 203. Extension and expansion of qualifying advanced coal project credit.

Sec. 204. Extension and expansion of qualifying gasification project credit.

Subtitle B—Domestic Fossil Fuel Security

Sec. 211. Extension of election to expense certain refineries.

Subtitle C—Conservation and Energy Efficiency Provisions

Sec. 221. Extension of energy efficient commercial buildings deduction.

Sec. 222. Extension of new energy efficient home credit.

Sec. 223. Extension of residential energy efficient property credit.

Sec. 224. Extension of credit for business installation of qualified fuel cells and stationary microturbine power plants.

Sec. 225. Extension of business solar investment tax credit.

Subtitle D—Alternative Fuels and Vehicles Incentives

Sec. 231. Extension of excise tax provisions and income tax credit for biodiesel and alternative fuels.

Sec. 232. Exception from depreciation limitation for certain alternative and electric passenger automobiles.

TITLE I—ADVANCED RESEARCH PROJECTS ADMINISTRATION-ENERGY

SEC. 101. ADVANCED RESEARCH PROJECTS ADMINISTRATION-ENERGY.

(a) ESTABLISHMENT.—There is established the Advanced Research Projects Administration-Energy (referred to in this section as “ARPA-E”).

(b) GOALS.—The goals of ARPA-E are to reduce the quantity of energy the United States imports from foreign sources and to improve the competitiveness of the United States economy by—

(1) promoting revolutionary changes in the critical technologies that would promote energy competitiveness;

(2) turning cutting-edge science and engineering into technologies for energy and environmental application; and

(3) accelerating innovation in energy and the environment for both traditional and alternative energy sources and in energy efficiency mechanisms to—

(A) reduce energy use;

(B) decrease the reliance of the United States on foreign energy sources; and

(C) improve energy competitiveness.

(c) DIRECTOR.—

(1) IN GENERAL.—ARPA-E shall be headed by a Director (referred to in this section as the “Director”) appointed by the President.

(2) POSITIONS AT LEVEL V.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

“Director, Advanced Research Projects Administration-Energy.”.

(d) DUTIES.—

(1) IN GENERAL.—In carrying out this section, the Director shall award competitive grants, cooperative agreements, or contracts to institutions of higher education, companies, or consortia of such entities (which may include federally funded research and development centers) to achieve the goal described in subsection (b) through acceleration of—

(A) energy-related research;

(B) development of resultant techniques, processes, and technologies, and related testing and evaluation; and

(C) demonstration and commercial application of the most promising technologies and research applications.

(2) SMALL-BUSINESS CONCERNS.—The Director shall carry out programs established under this section, to the maximum extent practicable, in a manner that is similar to

the Small Business Innovation Research Program established under section 9 of the Small Business Act (15 U.S.C. 638) to ensure that small-business concerns are fully able to participate in the programs.

(e) PERSONNEL.—

(1) PROGRAM MANAGERS.—

(A) APPOINTMENT.—The Director shall appoint employees to serve as program managers for each of the programs that are established to carry out the duties of ARPA-E under this section.

(B) DUTIES.—Program managers shall be responsible for—

(i) establishing research and development goals for the program, as well as publicizing goals of the program to the public and private sectors;

(ii) soliciting applications for specific areas of particular promise, especially areas for which the private sector cannot or will not provide funding;

(iii) selecting research projects for support under the program from among applications submitted to ARPA-E, based on—

(I) the scientific and technical merit of the proposed projects;

(II) the demonstrated capabilities of the applicants to successfully carry out the proposed research project; and

(III) such other criteria as are established by the Director; and

(iv) monitoring the progress of projects supported under the program.

(2) OTHER PERSONNEL.—

(A) IN GENERAL.—Subject to subparagraph (B), the Director shall appoint such employees as are necessary to carry out the duties of ARPA-E under this section.

(B) LIMITATIONS.—The Director shall appoint not more than 250 employees to carry out the duties of ARPA-E under this section, including not less than 180 technical staff, of which—

(i) not less than 20 staff shall be senior technical managers (including program managers designated under paragraph (1)); and

(ii) not less than 80 staff shall be technical program managers.

(3) EXPERIMENTAL PERSONNEL AUTHORITY.—In appointing personnel for ARPA-E, the Director shall have the hiring and management authorities described in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 5 U.S.C. 3104 note).

(4) MAXIMUM DURATION OF EMPLOYMENT.—

(A) PROGRAM MANAGERS AND SENIOR TECHNICAL MANAGERS.—

(i) IN GENERAL.—Subject to clause (ii), a program manager and a senior technical manager appointed under this subsection shall serve for a term not to exceed 4 years after the date of appointment.

(ii) EXTENSIONS.—The Director may extend the term of employment of a program manager or a senior technical manager appointed under this subsection for not more than 4 years through 1 or more 2-year terms.

(B) TECHNICAL PROGRAM MANAGERS.—A technical program manager appointed under this subsection shall serve for a term not to exceed 6 years after the date of appointment.

(5) LOCATION.—The office of an officer or employee of ARPA-E shall not be located in the headquarters of the Department of Energy.

(f) TRANSACTIONS OTHER THAN CONTRACTS AND GRANTS.—

(1) IN GENERAL.—To carry out projects through ARPA-E, the Director may enter into transactions (other than contracts, cooperative agreements, and grants) to carry out advanced research projects under this section under similar terms and conditions as the authority is exercised under section 646(g) of the Department of Energy Organization Act (42 U.S.C. 7256(g)).

(2) PEER REVIEW.—Peer review shall not be required for 75 percent of the research projects carried out by the Director under this section.

(g) PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.—The Director may carry out a program to award cash prizes in recognition of outstanding achievements in basic, advanced, and applied research, technology development, and prototype development that have the potential for application to the performance of the mission of ARPA-E under similar terms and conditions as the authority is exercised under section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396).

(h) COORDINATION OF ACTIVITIES.—The Director—

(1) shall ensure that the activities of ARPA-E are coordinated with activities of Department of Energy offices and outside agencies; and

(2) may carry out projects jointly with other agencies.

(i) REPORT.—Not later than September 30, 2007, the Director shall submit to Congress a report on the activities of ARPA-E under this section, including a recommendation on whether ARPA-E needs an energy research laboratory.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) \$300,000,000 for fiscal year 2007;

(2) \$600,000,000 for fiscal year 2008;

(3) \$1,100,000,000 for fiscal year 2009;

(4) \$1,500,000,000 for fiscal year 2010; and

(5) \$2,000,000,000 for fiscal year 2011.

TITLE II—ENERGY TAX INCENTIVES

Subtitle A—Energy Infrastructure Tax Incentives

SEC. 201. EXTENSION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

Section 45(d) of the Internal Revenue Code of 1986 (relating to qualified facilities) is amended by striking “2008” each place it appears and inserting “2011”.

SEC. 202. EXTENSION AND EXPANSION OF CREDIT TO HOLDERS OF CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Section 54(m) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking “2007” and inserting “2010”.

(b) ANNUAL VOLUME CAP FOR BONDS ISSUED DURING EXTENSION PERIOD.—Paragraph (1) of section 54(f) of the Internal Revenue Code of 1986 (relating to limitation on amount of bonds designated) is amended to read as follows:

“(1) NATIONAL LIMITATION.—

“(A) INITIAL NATIONAL LIMITATION.—With respect to bonds issued after December 31, 2005, and before January 1, 2008, there is a national clean renewable energy bond limitation of \$800,000,000.

“(B) ANNUAL NATIONAL LIMITATION.—With respect to bonds issued after December 31, 2007, and before January 1, 2011, there is a national clean renewable energy bond limitation for each calendar year of \$800,000,000.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 203. EXTENSION AND EXPANSION OF QUALIFYING ADVANCED COAL PROJECT CREDIT.

(a) IN GENERAL.—Section 48A(d)(3)(A) of the Internal Revenue Code of 1986 (relating to aggregate credits) is amended by striking “\$1,300,000,000” and inserting “\$1,800,000,000”.

(b) AUTHORIZATION OF ADDITIONAL INTEGRATED GASIFICATION COMBINED CYCLE PROJECTS.—Subparagraph (B) of section 48A(d)(3) of the Internal Revenue Code of 1986 (relating to aggregate credits) is amended to read as follows:

“(B) PARTICULAR PROJECTS.—Of the dollar amount in subparagraph (A), the Secretary is authorized to certify—

“(i) \$800,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(i),

“(ii) \$500,000,000 for projects which use other advanced coal-based generation technologies the application for which is submitted during the period described in paragraph (2)(A)(i), and

“(iii) \$500,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(ii).”

(c) APPLICATION PERIOD FOR ADDITIONAL PROJECTS.—Subparagraph (A) of section 48A(d)(2) of the Internal Revenue Code of 1986 (relating to certification) is amended to read as follows:

“(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application meeting the requirements of subparagraph (B). An applicant may only submit an application—

“(i) for an allocation from the dollar amount specified in clause (i) or (ii) of paragraph (3)(A) during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1), and

“(ii) for an allocation from the dollar amount specified in paragraph (3)(A)(iii) during the 3-year period beginning at the termination of the period described in clause (i).”

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 1307 of the Energy Policy Act of 2005.

SEC. 204. EXTENSION AND EXPANSION OF QUALIFYING GASIFICATION PROJECT CREDIT.

(a) IN GENERAL.—Section 48B(d)(1) of the Internal Revenue Code of 1986 (relating to qualifying gasification project program) is amended by striking “\$350,000,000” and inserting “\$850,000,000”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 1307 of the Energy Policy Act of 2005.

Subtitle B—Domestic Fossil Fuel Security

SEC. 211. EXTENSION OF ELECTION TO EXPENSE CERTAIN REFINERIES.

(a) IN GENERAL.—Section 179C(c)(1) of the Internal Revenue Code of 1986 (defining qualified refinery property) is amended—

(1) by striking “and before January 1, 2012” in subparagraph (B) and inserting “and, in the case of any qualified refinery described in subsection (d)(1), before January 1, 2012”, and

(2) by inserting “if described in subsection (d)(1)” after “of which” in subparagraph (F)(i).

(b) CONFORMING AMENDMENT.—Subsection (d) of section 179C of the Internal Revenue Code of 1986 is amended to read as follows:

“(d) QUALIFIED REFINERY.—For purposes of this section, the term ‘qualified refinery’ means any refinery located in the United States which is designed to serve the primary purpose of processing liquid fuel from—

“(1) crude oil, or

“(2) qualified fuels (as defined in section 45K(c)).”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendment made by section 1323(a) of the Energy Policy Act of 2005.

Subtitle C—Conservation and Energy Efficiency Provisions

SEC. 221. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Section 179D(h) of the Internal Revenue Code of 1986 (relating to termination) is

amended by striking “2007” and inserting “2010”.

SEC. 222. EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT.

(a) IN GENERAL.—Subsection (g) of section 45L of the Internal Revenue Code of 1986 (relating to new energy efficient home credit) is amended to read as follows:

“(g) TERMINATION.—This section shall not apply to—

“(1) any qualified new energy efficient home meeting the energy saving requirements of subsection (c)(1) acquired after December 31, 2010, and

“(2) any qualified new energy efficient home meeting the energy saving requirements of paragraph (2) or (3) of subsection (c) acquired after December 31, 2007.”

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 1332 of the Energy Policy Act of 2005.

SEC. 223. EXTENSION OF RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT.

Section 25D(g) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking “2007” and inserting “2010”.

SEC. 224. EXTENSION OF CREDIT FOR BUSINESS INSTALLATION OF QUALIFIED FUEL CELLS AND STATIONARY MICROTURBINE POWER PLANTS.

Sections 48(c)(1)(E) and 48(c)(2)(E) of the Internal Revenue Code of 1986 (relating to termination) are each amended by striking “2007” and inserting “2010”.

SEC. 225. EXTENSION OF BUSINESS SOLAR INVESTMENT TAX CREDIT.

Sections 48(a)(2)(A)(i)(II) and 48(a)(3)(A)(ii) of the Internal Revenue Code of 1986 (relating to termination) are each amended by striking “2008” and inserting “2011”.

Subtitle D—Alternative Fuels and Vehicles Incentives

SEC. 231. EXTENSION OF EXCISE TAX PROVISIONS AND INCOME TAX CREDIT FOR BIODIESEL AND ALTERNATIVE FUELS.

(a) BIODIESEL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) of the Internal Revenue Code of 1986 are each amended by striking “2008” and inserting “2010”.

(b) ALTERNATIVE FUEL.—

(1) FUELS.—Sections 6426(d)(4) and 6427(e)(5)(C) of the Internal Revenue Code of 1986 are each amended by striking “September 30, 2009” and inserting “December 31, 2010”.

(2) REFUELING PROPERTY.—Section 30C(g) of such Code is amended by striking “2009” and inserting “2010”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2007.

SEC. 232. EXCEPTION FROM DEPRECIATION LIMITATION FOR CERTAIN ALTERNATIVE AND ELECTRIC PASSENGER AUTOMOBILES.

(a) IN GENERAL.—Paragraph (1) of section 280F(a) of the Internal Revenue Code of 1986 (relating to limitation) is amended by adding at the end the following new subparagraph:

“(D) SPECIAL RULE FOR CERTAIN ALTERNATIVE MOTOR VEHICLES AND QUALIFIED ELECTRIC VEHICLES.—Subparagraph (A) shall not apply to any motor vehicle for which a credit is allowable under section 30 or 30B.”

(b) CONFORMING AMENDMENT.—Subparagraph (C) of section 280F(a)(1) of the Internal Revenue Code of 1986 is amended by striking clause (ii) and by redesignating clause (iii) as clause (ii).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 394—EXPRESSING THE SENSE OF THE SENATE THAT ALL PEOPLE IN THE UNITED STATES SHOULD PARTICIPATE IN A MOMENT OF SILENCE TO REFLECT UPON THE SERVICE AND SACRIFICE OF MEMBERS OF THE ARMED FORCES BOTH AT HOME AND ABROAD

Ms. STABENOW submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 394

Whereas it was through the brave and noble efforts of the forefathers of the United States that the United States first gained freedom and became a sovereign country;

Whereas there are more than 1,300,000 active component and more than 1,100,000 reserve component members of the Armed Forces serving the Nation in support and defense of the values and freedom that all people in the United States cherish;

Whereas the members of the Armed Forces deserve the utmost respect and admiration of the people of the United States for putting their lives in danger for the sake of the freedoms enjoyed by all people of the United States;

Whereas members of the Armed Forces are defending freedom and democracy around the globe and are playing a vital role in protecting the safety and security of all the people of the United States;

Whereas the United States officially celebrates and honors the accomplishments and sacrifices of veterans, patriots, and leaders who fought for freedom, but does not yet officially pay tribute to those who currently serve in the Armed Forces;

Whereas all people of the United States should participate in a moment of silence to support the troops; and

Whereas March 26th, 2006, is designated as “National Support the Troops Day”: Now, therefore, be it

Resolved, That it is the sense of the Senate that all people in the United States should participate in a moment of silence to reflect upon the service and sacrifice of members of the Armed Forces both at home and abroad.

SENATE RESOLUTION 395—ESTABLISHING THE AMERICAN COMPETITIVENESS THROUGH EDUCATION (ACE) RESOLUTION

Mr. HARKIN (for himself, Mr. KENNEDY, Mr. REID, Mrs. BOXER, Mrs. MURRAY, Ms. STABENOW, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 395

Whereas the economy and future of the United States depend on maintaining a highly skilled and educated workforce with the ability to compete in an increasingly high-tech global economy;

Whereas millions of hard-working middle-class families now struggle to afford the rising cost of higher education, which averages \$12,127 per year at a public 4-year college and \$29,026 per year at a private 4-year college for the 2005–2006 school year;

Whereas between 2000 and 2005, the cost of tuition and fees increased 57 percent at public 4-year colleges and 32 percent at private 4-year colleges;

Whereas during the 1985–1986 school year, the maximum Federal Pell Grant covered 55 percent of the cost of tuition, fees, room and board at a public 4-year college, but during the 2005–2006 school year the maximum Federal Pell Grant covers only 33 percent of such cost, leaving today's students burdened with more debt or unable to afford a college education at all;

Whereas at the same time that college costs are rising substantially, President Bush recently signed into law the largest cut in student loan programs in the history of the Nation and now proposes a budget for fiscal year 2007 that would eliminate new funding for Federal Perkins Loans and freeze the maximum Federal Pell Grant award at \$4,050, where the maximum Federal Pell Grant has been since 2003, reducing the real value of the maximum Federal Pell Grant to the families who depend upon it;

Whereas the President's budget also breaks promises to our children, their parents, and their schools;

Whereas school districts must meet tough new standards under the No Child Left Behind Act of 2001 (Public Law 107–110; 115 Stat. 1425), but the President's budget underfunds this effort by \$15,400,000,000;

Whereas all children deserve an education that will prepare them for the 21st century global economy, but the President is proposing to leave 3,700,000 children behind by failing to fully fund title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) at the level promised in the No Child Left Behind Act of 2001;

Whereas in 1975 Congress committed to fully funding the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), in order to provide an appropriate education to students with special needs, yet for the second year in a row the President's budget retreats on that commitment by reducing the Federal Government's share of the cost for educating students with special needs, placing a greater financial burden on States and local school districts;

Whereas research shows that every dollar invested in high-quality early childhood education yields \$13 in benefits to the public, but the President's budget would eliminate Head Start services for 19,000 children;

Whereas despite the importance of education, the President now is proposing a \$2,100,000,000 cut to Federal education funding, which would be the largest cut in the 26-year history of the Department of Education;

Whereas the President's budget proposes to eliminate or substantially reduce funding for 42 existing education programs, including Safe and Drug-Free Schools and Communities State Grants, Educational Technology State Grants, Elementary and Secondary School Counseling Programs, Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR-UP), and Federal TRIO Programs;

Whereas every child deserves a safe, healthy, supervised place to go after school, but the President's budget denies these opportunities to 2,000,000 disadvantaged students by funding 21st Century Community Learning Centers at less than half the level promised in the No Child Left Behind Act of 2001; and

Whereas the education cuts in the President's budget would eliminate the ability of many working families to ensure a quality education for their children, deny many young people the opportunities that flow from a college education, reduce the competitiveness of the United States workforce, and harm the Nation's economy: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE.

It is the sense of the Senate that—
(1) Congress should act to make college more affordable by—

(A) increasing tax benefits to offset college costs, such as expanding the Hope Scholarship Credit and the deductibility of college tuition;

(B) substantially increasing the size of Federal Pell Grants to better reflect the increase in the cost of higher education; and

(C) making student loans more affordable by reducing interest rates and fees for students and families;

(2) Congress should keep its promises to the children of the United States, particularly by fully funding the No Child Left Behind Act of 2001, the Individuals with Disabilities Education Act, and the Head Start Act (42 U.S.C. 9831 et seq.); and

(3) Congress should reject the cuts in the President's education budget for fiscal year 2007.

SEC. 2. SHORT TITLE.

This resolution may be cited as the "American Competitiveness through Education Resolution" or the "ACE Resolution".

SENATE RESOLUTION 396—CONGRATULATING ROSEY FLETCHER FOR HER OLYMPIC BRONZE MEDAL IN THE PARALLEL GIANT SLALOM

Mr. STEVENS (for himself and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 396

Whereas on February 23, 2006, Rosey Fletcher became the first woman from the United States to win an Olympic medal in the parallel giant slalom;

Whereas Rosey Fletcher won a bronze medal for her performance at the 2006 Torino Olympic Winter Games;

Whereas Rosey Fletcher is the only snowboarder to have competed in 3 Winter Olympic Games;

Whereas Rosey Fletcher was a silver medalist at the 1999 and 2001 world championships and is ranked 8th in the parallel giant slalom on the World Cup circuit;

Whereas February 23, 2006, was declared "Rosey Fletcher Day" by Alyeska Resort in honor of her Olympic achievement and mentoring of young Alaskan athletes; and

Whereas Rosey Fletcher is a hometown hero from Girdwood, Alaska: Now, therefore, be it

Resolved, That the Senate congratulates Rosey Fletcher for winning the bronze medal in the parallel giant slalom.

SENATE RESOLUTION 397—RECOGNIZING THE HISTORY AND ACHIEVEMENTS OF THE CURLING COMMUNITY OF BEMIDJI, MINNESOTA

Mr. COLEMAN (for himself and Mr. DAYTON) submitted the following resolution; which was considered and agreed to:

S. RES. 397

Whereas the citizens of Bemidji, Minnesota, have enjoyed the sport of curling ever since the Hibbing Curling Club demonstrated the sport during the Winter Carnival of 1932;

Whereas many families who live in Bemidji have participated in the sport for over 4 generations, the latest of whom enjoy the oppor-

tunity to enroll in high school courses that are held at the Bemidji Curling Club and focus on the fundamentals of curling;

Whereas members of the Bemidji community gathered at the Tourist Information Building and organized the now famous Bemidji Curling Club on January 13, 1935;

Whereas the Club brought the Bemidji community together, as members routinely shared their equipment with fellow curlers until the Club could afford to purchase a sufficient supply of stones, brooms, and other items;

Whereas the Bemidji Curling Club has promoted the participation of women in the sport of curling for almost 60 years;

Whereas the tireless efforts of parents and fellow members of the Club have inspired a large number of youths in the Bemidji community to participate in junior leagues;

Whereas teams belonging to the Bemidji Curling Club have won over 50 State and national titles;

Whereas, after producing generations of champion curlers, the City of Bemidji, the Bemidji Curling Club, and the town of Chisom have the honor of calling themselves the home of the 2006 United States Men's and Women's Olympic Curling Teams;

Whereas the citizens of Bemidji and Chisom celebrated the strong performances of each Olympic curling team, and watched with pride as the Men's Olympic Curling Team captured the bronze medal in Torino; and

Whereas the Bemidji Curling Club and the City of Bemidji continues to foster the growth and development of curling by hosting the United States World Team Trials in March of 2006: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the curling community of Bemidji for its efforts in promoting the sport of curling in Minnesota and the United States; and

(2) respectfully requests the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) the City of Bemidji; and

(B) the Bemidji Curling Club.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2968. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table.

SA 2969. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2970. Mr. SUNUNU (for himself, Mr. MCCAIN, Mr. GRAHAM, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2971. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2972. Mr. TALENT (for himself, Mr. FRIST, Mr. ALLEN, and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2973. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2974. Mr. MCCAIN (for himself, Mr. KYL, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2975. Mr. COBURN submitted an amendment intended to be proposed by him

to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2976. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2977. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2978. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. OBAMA, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2979. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2980. Mr. ENSIGN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2981. Mr. ENSIGN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2982. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2983. Mr. ENSIGN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2984. Mr. MCCAIN (for himself, Mr. COBURN, Mr. DEMINT, Mr. ENSIGN, Mr. GRAHAM, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2985. Mr. MCCAIN (for himself, Mr. COBURN, Mr. DEMINT, Mr. ENSIGN, Mr. GRAHAM, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2986. Mr. MCCAIN (for himself, Mr. COBURN, Mr. DEMINT, Mr. ENSIGN, Mr. GRAHAM, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2987. Mr. MCCAIN (for himself, Mr. COBURN, Mr. DEMINT, Mr. ENSIGN, Mr. GRAHAM, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2988. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2989. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2990. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2991. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2992. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2993. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2994. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2995. Mr. OBAMA submitted an amendment intended to be proposed by him to the

bill S. 2349, supra; which was ordered to lie on the table.

SA 2996. Mr. HAGEL (for himself and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, supra; which was ordered to lie on the table.

SA 2997. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2349, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2968. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ FULL DISCLOSURE OF ENTITIES RECEIVING FEDERAL FUNDS.

(a) DEFINITIONS.—In this section:
(1) AGENCY.—The term “agency” means an Executive agency as defined under section 105 of title 5, United States Code.

(2) CONTRACTOR ENTITY.—The term “contractor entity” means any entity that receives Federal funds as a general contractor or subcontractor at any tier in connection with a Federal contract.

(3) COVERED ENTITY.—The term “covered entity” means any entity that receives Federal funds—

(A) through a grant or loan, except—
(i) a grant or loan under entitlement authority; or

(ii) a loan designated by the Office of Management and Budget under subsection (b)(3); or

(B) under a statutory provision that directly references the entity receiving Federal funds, including any appropriations Act (or related committee or conference report) that specifically identifies the entity.

(4) ENTITLEMENT AUTHORITY.—The term “entitlement authority” has the meaning given under section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622).

(5) ENTITY.—The term “entity”—
(A) includes any State or local government; and

(B) shall not include the Federal Government.

(b) OFFICE OF MANAGEMENT AND BUDGET.—The Office of Management and Budget—

(1) shall issue a Federal funds application number to each covered entity or contractor entity that applies for such number, except that if more than 1 covered entity or contractor entity share a single tax identification number, only 1 Federal funds application number shall be issued for those covered entities or contractor entities;

(2) shall develop and establish an updated searchable database website accessible to the public of the information on—

(A) each covered entity required to be submitted under subsection (c)(3), including links to other websites described under subsection (c)(3); and

(B) each contractor entity required to be submitted under subsection (d)(3);

(3) may promulgate regulations to designate loan programs which are not covered by this section if—

(A) the Federal funds under that program are received only by individuals; and

(B) the agency administering the program exercises minimal discretion in determining recipients other than the application of specific criteria of eligibility; and

(4) after consultation with agencies, promulgate regulations to provide exemptions

for disclosures of information, covered entities, and contractor entities in the interest of national defense or national security.

(c) REQUIREMENTS FOR COVERED ENTITIES.—Each covered entity shall—

(1) apply to the Office of Management and Budget for a Federal funds application number;

(2) use the Federal funds application number in any application or other document relating to the receipt of Federal funds; and

(3) not later than 45 days before the end of each fiscal year, file a report with the Office of Management and Budget that includes—

(A) the dollar amount, of any Federal funds received by the entity in the previous 5 years and the identification of such amounts in each year, including an identification of the source of funds from programs based on the Catalogue of Federal Assistance, if applicable;

(B) the entity’s—
(i) primary office and any additional offices;

(ii) the tax status; and
(iii) tax identification number;

(C) the full name, address, and social security numbers of each officer and director of the entity;

(D) an overall annual financial disclosure statement for the previous year (with specific amounts for total lobbying expenses, travel expenses, rent, salaries, and decorating expenses);

(E) the full name, address, and social security number of each employee making more than \$50,000 each year in gross income;

(F) any links to the website of the covered entity providing additional information on that covered entity; and

(G) any other relevant information the Office of Management and Budget may require.

(d) REQUIREMENTS FOR CONTRACTOR ENTITIES.—Each contractor entity shall—

(1) apply to the Office of Management and Budget for a Federal funds application number;

(2) use the Federal funds application number in any application or other document relating to the receipt of Federal funds; and

(3) not later than 45 days before the end of each fiscal year, file a report with the Office of Management and Budget that includes—

(A) the dollar amount, of any Federal funds received by the entity in the previous 5 years and the identification of such amounts in each year, including an identification of the source of funds from programs based on the Catalogue of Federal Assistance, if applicable; and

(B) the entity’s—
(i) primary office and any additional offices;

(ii) the tax status; and
(iii) tax identification number.

(e) FEDERAL AGENCIES.—Each agency shall—

(1) use the Federal funds application number with respect to any document relating to a covered entity or contractor entity receiving Federal funds, including applications, correspondence, contracts, memoranda, proposals, agreements, and receipts; and

(2) make such information relating to covered entities or contractor entities and such documents available to the Office of Management and Budget as the Office may require.

(f) APPLICATION OF CERTAIN FEDERAL LAWS TO COVERED ENTITIES AND CONTRACTOR ENTITIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the provisions of law described under paragraph (2) shall apply to a covered entity or contractor entity to the greatest extent practicable as though that covered entity or contractor entity is a Federal agency, if the covered entity or contractor entity has business expenditures or a

business budget in any year equal to or greater than 10 percent of the amount of Federal funds received by that covered entity or contractor entity in that year.

(2) **APPLICABLE LAWS.**—The provisions of law referred to under paragraph (1) are—

(A) section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); and

(B) subchapter I of chapter 57 of title 5, United States Code (relating to travel and subsistence expenses and mileage allowances).

(g) **REGULATIONS.**—The Office of Management and Budget shall promulgate regulations to carry out this section.

(h) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—This section shall take effect on January 2, 2007.

(2) **REGULATIONS.**—Subsection (g) shall take effect on the date of enactment of this Act.

SA 2969. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

Strike after the first word and, insert the following:

SEC. . . . FULL DISCLOSURE OF ENTITIES RECEIVING FEDERAL FUNDS.

(a) **DEFINITIONS.**—In this section:

(1) **AGENCY.**—The term “agency” means an Executive agency as defined under section 105 of title 5, United States Code.

(2) **CONTRACTOR ENTITY.**—The term “contractor entity” means any entity that receives Federal funds as a general contractor or subcontractor at any tier in connection with a Federal contract.

(3) **COVERED ENTITY.**—The term “covered entity” means any entity that receives Federal funds—

(A) through a grant or loan, except—

(i) a grant or loan under entitlement authority; or

(ii) a loan designated by the Office of Management and Budget under subsection (b)(3); or

(B) under a statutory provision that directly references the entity receiving Federal funds, including any appropriations Act (or related committee or conference report) that specifically identifies the entity.

(4) **ENTITLEMENT AUTHORITY.**—The term “entitlement authority” has the meaning given under section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622).

(5) **ENTITY.**—The term “entity”—

(A) includes any State or local government; and

(B) shall not include the Federal Government.

(b) **OFFICE OF MANAGEMENT AND BUDGET.**—The Office of Management and Budget—

(1) shall issue a Federal funds application number to each covered entity or contractor entity that applies for such number, except that if more than 1 covered entity or contractor entity share a single tax identification number, only 1 Federal funds application number shall be issued for those covered entities or contractor entities;

(2) shall develop and establish an updated searchable database website accessible to the public of the information on—

(A) each covered entity required to be submitted under subsection (c)(3), including links to other websites described under subsection (c)(3); and

(B) each contractor entity required to be submitted under subsection (d)(3);

(3) may promulgate regulations to designate loan programs which are not covered by this section if—

(A) the Federal funds under that program are received only by individuals; and

(B) the agency administering the program exercises minimal discretion in determining recipients other than the application of specific criteria of eligibility; and

(4) after consultation with agencies, promulgate regulations to provide exemptions for disclosures of information, covered entities, and contractor entities in the interest of national defense or national security.

(c) **REQUIREMENTS FOR COVERED ENTITIES.**—Each covered entity shall—

(1) apply to the Office of Management and Budget for a Federal funds application number;

(2) use the Federal funds application number in any application or other document relating to the receipt of Federal funds; and

(3) not later than 45 days before the end of each fiscal year, file a report with the Office of Management and Budget that includes—

(A) the dollar amount, of any Federal funds received by the entity in the previous 5 years and the identification of such amounts in each year, including an identification of the source of funds from programs based on the Catalogue of Federal Assistance, if applicable;

(B) the entity’s—

(i) primary office and any additional offices;

(ii) the tax status; and

(iii) tax identification number;

(C) the full name, address, and social security numbers of each officer and director of the entity;

(D) an overall annual financial disclosure statement for the previous year (with specific amounts for total lobbying expenses, travel expenses, rent, salaries, and decorating expenses);

(E) the full name, address, and social security number of each employee making more than \$50,000 each year in gross income;

(F) any links to the website of the covered entity providing additional information on that covered entity; and

(G) any other relevant information the Office of Management and Budget may require.

(d) **REQUIREMENTS FOR CONTRACTOR ENTITIES.**—Each contractor entity shall—

(1) apply to the Office of Management and Budget for a Federal funds application number;

(2) use the Federal funds application number in any application or other document relating to the receipt of Federal funds; and

(3) not later than 45 days before the end of each fiscal year, file a report with the Office of Management and Budget that includes—

(A) the dollar amount, of any Federal funds received by the entity in the previous 5 years and the identification of such amounts in each year, including an identification of the source of funds from programs based on the Catalogue of Federal Assistance, if applicable; and

(B) the entity’s—

(i) primary office and any additional offices;

(ii) the tax status; and

(iii) tax identification number.

(e) **FEDERAL AGENCIES.**—Each agency shall—

(1) use the Federal funds application number with respect to any document relating to a covered entity or contractor entity receiving Federal funds, including applications, correspondence, contracts, memoranda, proposals, agreements, and receipts; and

(2) make such information relating to covered entities or contractor entities and such documents available to the Office of Management and Budget as the Office may require.

(f) **APPLICATION OF CERTAIN FEDERAL LAWS TO COVERED ENTITIES AND CONTRACTOR ENTITIES.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the provisions of law described under paragraph (2) shall apply to a covered entity or contractor entity to the greatest extent practicable as though that covered entity or contractor entity is a Federal agency, if the covered entity or contractor entity has business expenditures or a business budget in any year equal to or greater than 10 percent of the amount of Federal funds received by that covered entity or contractor entity in that year.

(2) **APPLICABLE LAWS.**—The provisions of law referred to under paragraph (1) are—

(A) section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); and

(B) subchapter I of chapter 57 of title 5, United States Code (relating to travel and subsistence expenses and mileage allowances).

(g) **REGULATIONS.**—The Office of Management and Budget shall promulgate regulations to carry out this section.

(h) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—This section shall take effect on January 1, 2007.

(2) **REGULATIONS.**—Subsection (g) shall take effect on the date of enactment of this Act.

SA 2970. Mr. SUNUNU (for himself, Mr. MCCAIN, Mr. GRAHAM, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

Beginning on page 4, strike line 21 and all that follows through page 6, line 7, and insert the following:

SEC. 103. EARMARKS.

The Standing Rules of the Senate are amended by adding at the end the following:

“RULE XLIV

“EARMARKS

“1. In this rule—

“(1) the term ‘earmark’ means a provision that specifies the identity of a non-Federal entity to receive assistance and the amount of the assistance; and

“(2) the term ‘assistance’ means budget authority, contract authority, loan authority, and other expenditures, and tax expenditures or other revenue items.

“2. It shall not be in order to consider any Senate bill or Senate amendment or conference report on any bill, including an appropriations bill, a revenue bill, and an authorizing bill, unless a list of—

“(1) all earmarks in such measure;

“(2) an identification of the Member or Members who proposed the earmark; and

“(3) an explanation of the essential governmental purpose for the earmark;

is available along with any joint statement of managers associated with the measure to all Members and made available on the Internet to the general public for at least 48 hours before its consideration.”

SEC. 104. AVAILABILITY OF CONFERENCE REPORTS ON THE INTERNET.

(a) **IN GENERAL.**—

(1) **AMENDMENT.**—Rule XXVIII of all the Standing Rules of the Senate is amended by adding at the end the following:

“7. It shall not be in order to consider a conference report unless such report is available to all Members and made available to the general public by means of the Internet for at least 48 hours before its consideration.”

SA 2971. Mr. ENSIGN submitted an amendment intended to be proposed by

him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 8, line 7, after "principal." insert "This clause shall not apply to a gift, meal, refreshment, or travel provided by a State, local, or tribal government."

SA 2972. Mr. TALENT (for himself, Mr. FRIST, Mr. ALLEN, and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 16, between lines 3 and 4, insert the following:

SEC. 114. LINE ITEM VETO.

(a) FINDINGS.—The Senate finds that—
(1) the Federal Government has struggled with deficits since World War II, balancing its budget only 9 times since 1950;

(2) the national debt is currently more than \$8,200,000,000,000, or 66 percent of the total gross domestic product, and is a long-term threat to our economic health;

(3) the number of earmarks in appropriations bills has tripled over the last 5 years, to more than 14,000;

(4) every President for the last 25 years has asked Congress to pass a line item veto to help reduce the deficit by eliminating wasteful spending;

(5) 43 Governors have line item veto authority, and numerous studies have shown that the line item veto is effective at reducing State spending;

(6) Congress passed the Line Item Veto Act (Public Law 104-30; 110 Stat. 1200) in the 104th Congress, by a 294-134 vote in the House of Representatives and a 69-31 vote in the Senate;

(7) in 1998 the Supreme Court of the United States, in a 6-3 decision, found the Line Item Veto Act unconstitutional;

(8) the Congress and the President share a responsibility to the American people to spend their money wisely; and

(9) the Federal Government should use every tool possible to help reduce the deficit, and the line item veto is a time-tested method of doing so.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should provide the President with a constitutionally acceptable line item veto authority.

SA 2973. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 14, between lines 2 and 3, insert the following:

SEC. 12. ADDITIONAL EMPLOYMENT RIGHTS.

(a) IN GENERAL.—Section 104 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i) is amended by striking subsection (j) and inserting the following:

"(j) ADDITIONAL EMPLOYMENT RIGHTS.—

"(1) DEFINITION OF TRIBAL EMPLOYEE.—In this subsection, the term 'tribal employee', with respect to an Indian tribal government, means an individual acting under the day-to-day control or supervision of the Indian tribal government, unaffected by the control or supervision of any independent contractor, agency or organization, or intervening sovereignty.

"(2) RIGHTS OF CERTAIN EMPLOYEES.—Notwithstanding sections 205 and 207 of title 18, United States Code, an officer or employee of

the United States assigned to an Indian tribe under section 3372 of title 5, United States Code, or section 2072 of the Revised Statutes (25 U.S.C. 48), or an individual that was formerly an officer or employee of the United States and who is a tribal employee or an elected or appointed official of an Indian tribe carrying out an official duty of the tribal employee or official may communicate with and appear before any department, agency, court, or commission on behalf of the Indian tribe on any matter, including any matter in which the United States is a party or has a direct and substantial interest.

"(3) NOTIFICATION OF INVOLVEMENT IN PENDING MATTER.—An officer, employee, or former officer or employee described in paragraph (2) shall submit to the head of each appropriate department, agency, court, or commission, in writing, a notification of any personal and substantial involvement the officer, employee, or former officer or employee had as an officer or employee of the United States with respect to the pending matter."

(b) EFFECTIVE DATE.—The effective date of the amendment made by this section shall be the date that is 1 year after the date of enactment of this Act.

SA 2974. Mr. MCCAIN (for himself, Mr. KYL, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 16, strike line 1 and insert the following:

SEC. 113. REPORTING OF CONTRIBUTIONS BY INDIAN TRIBES.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by inserting after section 304 the following new section:

"REPORTS BY INDIAN TRIBES

"SEC. 304A. (a)(1) IN GENERAL.—Each Indian tribe shall file reports of contributions made to a candidate, a political committee, or a Federal account of a State, district, or local committee of a political party in accordance with the provisions of this subsection.

"(2) REPORTS.—

"(A) ELECTION YEAR.—

"(i) IN GENERAL.—In any calendar year during which there is a regularly scheduled election, an Indian tribe shall file a report—

"(I) for the first calendar quarter in which contributions are made that aggregate in excess of \$1,000 for the calendar year; and

"(II) for any calendar quarter after the quarter described in subclause (I) in which additional contributions are made.

"(ii) TIMING OF REPORTS.—A report required under clause (i) shall be filed no later than the 15th day after the last day of the calendar quarter, and shall be complete as of the last day of the calendar quarter: except that the report for the quarter ending on December 31 shall be filed no later than January 31 of the following calendar year.

"(iii) INITIAL REPORT.—The report required under clause (i)(I) shall include information with respect to contributions made during all preceding quarters during the calendar year.

"(B) OTHER YEARS.—

"(i) IN GENERAL.—In any other calendar year, an Indian tribe shall file a report—

"(I) for the first reporting period described in clause (ii) in which contributions are made that aggregate in excess of \$1,000 in the calendar year; and

"(II) for any reporting period after the period described in subclause (I) in which additional contributions are made.

"(ii) REPORTING PERIODS DESCRIBED.—The reporting periods described in this clause are—

"(I) the period beginning January 1 and ending June 30 of such calendar year; and

"(II) the period beginning July 1 and ending December 31 of such calendar year.

"(iii) TIMING OF REPORT.—The reports required under clause (i) shall be filed—

"(I) in the case of the reporting period described in clause (ii)(I), no later than July 31; and

"(II) in the case of the reporting period described in clause (ii)(II), no later than January 31 of the following calendar year.

"(iv) INITIAL REPORT.—The report required under clause (i)(I) shall include information with respect to contributions made during any preceding reporting period during the calendar year.

"(b) CONTENTS OF REPORT.—Each report under this section shall disclose—

"(1) the total amount of contributions made by the Indian tribe to candidates, political committees, and Federal accounts of State, district, and local committees of political parties during the reporting period;

"(2) the name and address of each such candidate, political committee, and Federal account to which the Indian tribe made a contribution during the reporting period, with respect to which the contribution or contributions have an aggregate amount or value in excess of \$200 within the calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office), together with the date and amount of any such contribution;

"(3) the name and address of the Indian tribe and the unique identifier assigned to the Indian tribe under subsection (c); and

"(4) the name, address, and position of the custodian of the books and accounts of the Indian tribe.

"(c) UNIQUE IDENTIFIER.—The Commission, in consultation with the Secretary of the Interior, shall assign a unique identifier to each Indian tribe for the purpose of filing reports under this section."

(b) DEFINITION OF INDIAN TRIBE.—Section 301 of such Act (2 U.S.C. 431) is amended by adding at the end the following new paragraph:

"(27) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians."

SEC. 114. EFFECTIVE DATE.

SA 2975. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 5, line 20 between "available" and "on", insert "in an electronically searchable format".

SA 2976. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 6, line 6 between "available" and "to", insert "in an electronically searchable format".

SA 2977. Mrs. FEINSTEIN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 5, strike lines 4 through 17 and insert the following:

“(2) the term ‘covered earmark’ means an earmark that includes any matter not committed to the conferees by either House; and

“(3) the term ‘assistance’ means budget authority, contract authority, loan authority, and other expenditures, and tax expenditures or other revenue items.

“2. It shall not be in order to consider any Senate bill or Senate amendment or conference report on any bill, including an appropriations bill, a revenue bill, and an authorizing bill, unless a list of—

“(1) all covered earmarks in such measure;

“(2) an identification of the Member or Members who proposed the covered earmark; and

“(3) an explanation of the essential governmental purpose for the covered earmark;

SA 2978. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. OBAMA, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE III—OFFICE OF PUBLIC INTEGRITY
SEC. 301. ESTABLISHMENT OF OFFICE OF PUBLIC INTEGRITY.

There is established, as an independent office within the legislative branch of the Government, the Office of Public Integrity (referred to in this title as the “Office”).

SEC. 302. DIRECTOR.

(a) **APPOINTMENT OF DIRECTOR.**—The Office shall be headed by a Director who shall be appointed by agreement of the Speaker of the House of Representatives, the majority leader of the Senate, and the minority leaders of the House of Representatives and the Senate. The selection and appointment of the Director shall be without regard to political affiliation and solely on the basis of fitness to perform the duties of the Office.

(b) **VACANCY.**—A vacancy in the directorship shall be filled in the manner in which the original appointment was made.

(c) **TERM OF OFFICE.**—The Director shall serve for a term of 5 years and may be reappointed.

(d) **REMOVAL.**—

(1) **AUTHORITY.**—The Director may be removed by a majority of the appointing authority for—

(A) disability that substantially prevents the Director from carrying out the duties of the Director;

(B) inefficiency;

(C) neglect of duty; or

(D) malfeasance, including a felony or conduct involving moral turpitude.

(2) **STATEMENT OF REASONS.**—In removing the Director, a statement of the reasons for removal shall be provided in writing to the Director.

(e) **COMPENSATION.**—The Director shall be compensated at the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 303. DUTIES AND POWERS OF THE OFFICE.

(a) **DUTIES.**—The Office is authorized—

(1) to receive, monitor, and oversee reports filed by registered lobbyists under the Lobbying Disclosure Act of 1995;

(2) to assume all other responsibilities and authorities of the Secretary of the Senate and the Clerk of the House of Representatives under the Lobbying Disclosure Act of 1995;

(3) to refer to the Select Committee on Ethics of the Senate and Committee on Standard of Official Conduct of the House of Representatives, as appropriate, any information it comes across that relates to a possible violation of ethics rules or standards of the relevant body;

(4) to conduct periodic and random reviews and audits of reports filed with it to ensure compliance with all applicable laws and rules; and

(5) to provide informal guidance to registrants under the Lobbying Disclosure Act of 1995 of their responsibilities under such Act.

(b) **POWERS.**—

(1) **OBTAINING INFORMATION.**—Upon request of the Office, the head of any agency or instrumentality of the Government shall furnish information deemed necessary by the Director to enable the Office to carry out its duties.

(2) **REFERRALS TO THE DEPARTMENT OF JUSTICE.**—Whenever the Director has reason to believe that a violation of the Lobbying Disclosure Act of 1995 may have occurred, he shall refer that matter to the Department of Justice for it to investigate.

(3) **GENERAL AUDITS.**—The Director shall have the authority to conduct general audits of filings under the Lobbying Disclosure Act of 1995.

SEC. 304. ADMINISTRATION AND STAFF.

(a) **STAFF AND SUPPORT SERVICES.**—The Director may appoint and fix the compensation of such staff as the Director considers necessary.

(b) **APPLICABILITY OF CIVIL SERVICE LAWS.**—The Director and other members of the staff of the Office shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(c) **EXPERTS AND CONSULTANTS.**—The Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) **PHYSICAL FACILITIES.**—The Architect of the Capitol, in consultation with the appropriate entities in the legislative branch, shall locate and provide suitable office space for the operation of the Office on a non-reimbursable basis. The facilities shall serve as the headquarters of the Office and shall include all necessary equipment and incidentals required for the proper functioning of the Office.

(e) **ADMINISTRATIVE SUPPORT SERVICES AND OTHER ASSISTANCE.**—

(1) **IN GENERAL.**—Upon the request of the Director, the Architect of the Capitol and the Administrator of General Services shall provide to the Director on a nonreimbursable basis such administrative support services as the Commission may request.

(2) **ADDITIONAL SUPPORT.**—In addition to the assistance set forth in paragraph (1), departments and agencies of the United States may provide the Director such services, funds, facilities, staff, and other support services as the Director may deem advisable and as may be authorized by law.

(f) **USE OF MAILS.**—The Office may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(g) **PRINTING.**—For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Govern-

ment Printing Office, the Office shall be deemed to be a committee of the Congress.

SEC. 305. EXPENSES.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this title.

(b) **FINANCIAL AND ADMINISTRATIVE SERVICES.**—The Director may place orders and enter into agreements for goods and services with the head of any agency, or major organizational unit within an agency, in the legislative or executive branch of the Government in the same manner and to the same extent as agencies are authorized to do so under sections 1535 and 1536 of title 31, United States Code.

SEC. 306. TRANSFER OF RECORDS.

Not later than 90 days after the effective date of this Act, the Office of Public Records in the Senate and the Office of Clerk of the House of Representatives shall transfer all records to the Office with respect to their former duties under the Lobbying Disclosure Act of 1995 and the Ethics in Government Act of 1978.

SEC. 307. TRANSFER OF JURISDICTION TO OFFICE OF PUBLIC INTEGRITY.

(a) **FILING OF REGISTRATIONS.**—Section 4 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603) is amended—

(1) in subsection (a)(1), by striking “Secretary of the Senate and the Clerk of the House of Representatives” and inserting “Office of Public Integrity”; and

(2) in subsection (d), by striking “Secretary of the Senate and the Clerk of the House of Representatives” and inserting “Office of Public Integrity”.

(b) **REPORTS BY REGISTERED LOBBYISTS.**—Section 5(a) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(a)) is amended by striking “Secretary of the Senate and the Clerk of the House of Representatives” and inserting “Office of Public Integrity”.

(c) **DISCLOSURE AND ENFORCEMENT.**—Section 6(a) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1605) is amended by striking “Secretary of the Senate and the Clerk of the House of Representatives” and inserting “Office of Public Integrity”.

(d) **PENALTIES.**—Section 7 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is amended by striking “Secretary of the Senate or the Clerk of the House of Representatives” and inserting “Office of Public Integrity”.

(e) **RULES OF CONSTRUCTION.**—Section 8(c) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1607(c)) is amended by striking “Secretary of the Senate or the Clerk of the House of Representatives” and inserting “Office of Public Integrity”.

(f) **ESTIMATES BASED ON TAX REPORTING SYSTEM.**—Section 15(c)(1) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1610(c)(1)) is amended by striking “Secretary of the Senate and the Clerk of the House of Representatives” and inserting “Office of Public Integrity”.

SEC. 308. OPI EMPLOYEES UNDER THE CONGRESSIONAL ACCOUNTABILITY ACT.

Section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 3) is amended—

(1) in paragraph (3)—

(A) in subparagraph (H), by striking “or”;

(B) in subparagraph (I), by striking the period and inserting “; or”; and

(C) by adding at the end the following:

“(J) the Office of Public Integrity.”; and

(2) in paragraph (9), by striking “and the Office of Technology Assessment” and inserting “the Office of Technology Assessment, and the Office of Public Integrity”.

SEC. 309. PROHIBITION ON FILING AND OTHER ASSOCIATED FEES.

The Office shall not—

(1) charge any registrant a fee for filings with the Office required under the Lobbying Disclosure Act of 1995; or

(2) charge such a registrant a fee for obtaining an electronic signature for such a filing.

SEC. 310. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided by subsection (b), this title shall take effect on January 1, 2007.

(b) EXCEPTION.—Sections 302, 304, and 305 shall take effect upon the date of enactment of this Act.

SA 2979. Mr. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 22, lines 12 through 14, strike “the registrant or employee listed as a lobbyist provided, or directed or arranged to be provided,” and insert “the registrant provided, or directed or arranged to be provided, or the employee listed as a lobbyist directed or arranged to be provided.”

SA 2980. Mr. ENSIGN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 5, line 2 strike “a non-Federal” and insert “an”.

SA 2981. Mr. ENSIGN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 3, strike line 9 and all that follows through page 4, line 20, and insert the following:

(a) IN GENERAL.—A point of order may be made by any Senator against consideration of a conference report on a general appropriations bill that includes any new or general legislation, any unauthorized appropriation, or new matter or nongermane matter not committed to the conferees by either House. The point of order shall be made and voted on separately for each item in violation of this section.

(b) DISPOSITION.—If the point of order against a conference report under subsection (a) is sustained, then—

(1) the matter in such conference report shall be deemed to have been struck;

(2) when all other points of order under this section have been disposed of—

(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report not deemed to have been struck;

(B) the question shall be debatable; and

(C) no further amendment shall be in order; and

(3) if the Senate agrees to the amendment, then the bill and the Senate amendment thereto shall be returned to the House for its concurrence in the amendment of the Senate.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of 3/5

of the Members, duly chosen and sworn. An affirmative vote of 2/3 of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DEFINITIONS.—In this section:

(1)(A) The term “unauthorized appropriation” means an appropriation—

(i) not specifically authorized by law or Treaty stipulation (unless the appropriation has been specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law); or

(ii) the amount of which exceeds the amount specifically authorized by law or Treaty stipulation (or specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law) to be appropriated.

(B) An appropriation is not specifically authorized if it is restricted or directed to, or authorized to be obligated or expended for the benefit of, an identifiable person, program, project, entity, or jurisdiction by earmarking or other specification, whether by name or description, in a manner that is so restricted, directed, or authorized that it applies only to a single identifiable person, program, project, entity, or jurisdiction, unless the identifiable person, program, project, entity, or jurisdiction to which the restriction, direction, or authorization applies is described or otherwise clearly identified in a law or Treaty stipulation (or an Act or resolution previously passed by the Senate during the same session or in the estimate submitted in accordance with law) that specifically provides for the restriction, direction, or authorization of appropriation for such person, program, project, entity, or jurisdiction.

(2) The term “new or general legislation” has the meaning given that term when it is used in paragraph 2 of Rule XVI of the Standing Rules of the Senate.

(3) The term “new matter” means any matter not committed to conferees by either House.

(4) The term “nongermane matter” has the meaning given that term when it is used in Rule XXII of the Standing Rules of the Senate.

SA 2982. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 25, after line 11, insert the following:

Section 7 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1606) is amended by adding at the end the following: “An officer of an organization described in section 501(c) of the Internal Revenue Code of 1986 who engages in lobbying activities with Federal funds as prohibited by section 18 shall be imprisoned for not more than 5 years and fined under title 18 of the United States Code, or both.”

SA 2983. Mr. ENSIGN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 3, line 12, strike “shall be made and voted on separately for each item in violation of this section” and insert “may be

made and voted on separately for each item in violation of this section”.

It shall be in order for a Senator to raise a single point of order that several provisions of a conference report or an amendment between the Houses violate subparagraph (a). The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some or all of the provisions against which the Senator raised the point of order, then only those provisions against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this paragraph. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order, in accordance with subparagraph (g), as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

SA 2984. Mr. MCCAIN (for himself, Mr. COBURN, Mr. DEMINT, Mr. ENSIGN, Mr. GRAHAM, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 5, line 21, strike “24 hours” and insert “48 hours”.

On page 6, line 7, strike “24 hours” and insert “48 hours”.

On page 16, between lines 3 and 4, insert the following:

SEC. 114. REFORM OF CONSIDERATION OF APPROPRIATIONS BILLS IN THE SENATE.

(a) IN GENERAL.—Rule XVI of the Standing Rules of the Senate is amended by adding at the end the following:

“9. (a) On a point of order made by any Senator:

“(1) No new or general legislation nor any unauthorized appropriation may be included in any general appropriation bill.

“(2) No amendment may be received to any general appropriation bill the effect of which will be to add an unauthorized appropriation to the bill.

“(3) No unauthorized appropriation may be included in any amendment between the Houses, or any amendment thereto, in relation to a general appropriation bill.

“(b)(1) If a point of order under subparagraph (a)(1) against a Senate bill or amendment is sustained—

“(A) the new or general legislation or unauthorized appropriation shall be struck from the bill or amendment; and

“(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the bill or amendment, as directed by the chairman of the Committee on the Budget, shall be made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be reduced accordingly.

“(2) If a point of order under subparagraph (a)(1) against an Act of the House of Representatives is sustained when the Senate is not considering an amendment in the nature of a substitute, then an amendment to the House bill is deemed to have been adopted that—

“(A) strikes the new or general legislation or unauthorized appropriation from the bill; and

“(B) modifies, if necessary and as directed by the chairman of the Committee on the Budget, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the bill and reduces the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) accordingly.

“(c) If the point of order against an amendment under subparagraph (a)(2) is sustained, then the amendment shall be out of order and may not be considered.

“(d)(1) If a point of order under subparagraph (a)(3) against a Senate amendment is sustained, then—

“(A) the unauthorized appropriation shall be struck from the amendment;

“(B) any modification of total amounts appropriated, as directed by the chairman of the Committee on the Budget, necessary to reflect the deletion of the matter struck from the amendment shall be made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be reduced accordingly; and

“(C) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the amendment as so modified.

“(2) If a point of order under subparagraph (a)(3) against a House of Representatives amendment is sustained, then—

“(A) an amendment to the House amendment is deemed to have been adopted that—

“(i) strikes the new or general legislation or unauthorized appropriation from the House amendment; and

“(ii) modifies, if necessary and as directed by the chairman of the Committee on the Budget, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the House amendment and reduces the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) accordingly; and

“(B) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the question of whether to concur with further amendment.

“(e) The disposition of a point of order made under any other paragraph of this rule, or under any other Standing Rule of the Senate, that is not sustained, or is waived, does not preclude, or affect, a point of order made under subparagraph (a) with respect to the same matter.

“(f) A point of order under subparagraph (a) may be waived only by a motion agreed to by the affirmative vote of three-fifths of the Senators duly chosen and sworn. If an appeal is taken from the ruling of the Presiding Officer with respect to such a point of order, the ruling of the Presiding Officer shall be sustained absent an affirmative vote of three-fifths of the Senators duly chosen and sworn.

“(g) Notwithstanding any other rule of the Senate, it shall be in order for a Senator to raise a single point of order that several provisions of a general appropriation bill or an amendment between the Houses on a general appropriation bill violate subparagraph (a). The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some or all of the provisions against which the Senator raised the point of order, then only those provisions against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this paragraph. Before the Presiding Officer rules on such a point of order,

any Senator may move to waive such a point of order, in accordance with subparagraph (f), as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

“(h) For purposes of this paragraph:

“(1) The term ‘new or general legislation’ has the meaning given that term when it is used in paragraph 2 of this rule.

“(2) The term ‘new matter’ means matter not committed to conference by either House of Congress.

“(3)(A) The term ‘unauthorized appropriation’ means an appropriation—

“(i) not specifically authorized by law or Treaty stipulation (unless the appropriation has been specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law); or

“(ii) the amount of which exceeds the amount specifically authorized by law or Treaty stipulation (or specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law) to be appropriated.

“(B) An appropriation is not specifically authorized if it is restricted or directed to, or authorized to be obligated or expended for the benefit of, an identifiable person, program, project, entity, or jurisdiction by earmarking or other specification, whether by name or description, in a manner that is so restricted, directed, or authorized that it applies only to a single identifiable person, program, project, entity, or jurisdiction, unless the identifiable person, program, project, entity, or jurisdiction to which the restriction, direction, or authorization applies is described or otherwise clearly identified in a law or Treaty stipulation (or an Act or resolution previously passed by the Senate during the same session or in the estimate submitted in accordance with law) that specifically provides for the restriction, direction, or authorization of appropriation for such person, program, project, entity, or jurisdiction.

“(10. (a) On a point of order made by any Senator, no new or general legislation, nor any unauthorized appropriation, new matter, or nongermane matter may be included in any conference report on a general appropriation bill.

“(b) If the point of order against a conference report under subparagraph (a) is sustained—

“(1) the new or general legislation, unauthorized appropriation, new matter, or nongermane matter in such conference report shall be deemed to have been struck;

“(2) any modification of total amounts appropriated, as directed by the chairman of the Committee on the Budget, necessary to reflect the deletion of the matter struck shall be deemed to have been made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be deemed to be reduced accordingly;

“(3) when all other points of order under this paragraph have been disposed of—

“(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amend-

ment, which further amendment shall consist of only that portion of the conference report not deemed to have been struck (together with any modification of total amounts appropriated and reduction in the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) deemed to have been made);

“(B) the question shall be debatable; and

“(C) no further amendment shall be in order; and

“(4) if the Senate agrees to the amendment, then the bill and the Senate amendment thereto shall be returned to the House for its concurrence in the amendment of the Senate.

“(c) The disposition of a point of order made under any other paragraph of this rule, or under any other Standing Rule of the Senate, that is not sustained, or is waived, does not preclude, or affect, a point of order made under subparagraph (a) with respect to the same matter.

“(d) A point of order under subparagraph (a) may be waived only by a motion agreed to by the affirmative vote of three-fifths of the Senators duly chosen and sworn. If an appeal is taken from the ruling of the Presiding Officer with respect to such a point of order, the ruling of the Presiding Officer shall be sustained absent an affirmative vote of three-fifths of the Senators duly chosen and sworn.

“(e) Notwithstanding any other rule of the Senate, it shall be in order for a Senator to raise a single point of order that several provisions of a conference report on a general appropriation bill violate subparagraph (a). The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some or all of the provisions against which the Senator raised the point of order, then only those provisions against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this paragraph. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order, in accordance with subparagraph (d), as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

“(f) For purposes of this paragraph:

“(1) The terms ‘new or general legislation’, ‘new matter’, and ‘unauthorized appropriation’ have the same meaning as in paragraph 9.

“(2) The term ‘nongermane matter’ has the same meaning as in Rule XXII and under the precedents attendant thereto, as of the beginning of the 109th Congress.”

(b) PROHIBITION ON OBLIGATION OF FUNDS FOR APPROPRIATIONS EARMARKS INCLUDED ONLY IN CONGRESSIONAL REPORTS.—

(1) IN GENERAL.—No Federal agency may obligate any funds made available in an appropriation Act to implement an earmark that is included in a congressional report accompanying the appropriation Act, unless the earmark is also included in the appropriation Act.

(2) DEFINITIONS.—For purposes of this subsection:

(A) The term “assistance” includes an award, grant, loan, loan guarantee, contract, or other expenditure.

(B) The term “congressional report” means a report of the Committee on Appropriations

of the House of Representatives or the Senate, or a joint explanatory statement of a committee of conference.

(C) The term "earmark" means a provision that specifies the identity of an entity to receive assistance and the amount of the assistance.

(D) The term "entity" includes a State or locality.

(3) EFFECTIVE DATE.—This subsection shall apply to appropriation Acts enacted after December 31, 2006.

(C) LOBBYING ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS.—The Lobbying Disclosure Act of 1995 is amended by adding after section 5 the following:

"SEC. 5A. REPORTS BY RECIPIENTS OF FEDERAL FUNDS.

"(a) IN GENERAL.—A recipient of Federal funds shall file a report as required by section 5(a) containing—

"(1) the name of any lobbyist registered under this Act to whom the recipient paid money to lobby on behalf of the Federal funding received by the recipient; and

"(2) the amount of money paid as described in paragraph (1).

"(b) DEFINITION.—In this section, the term 'recipient of Federal funds' means any recipient of Federal funds, including an award, grant, loan, loan guarantee, contract, or other expenditure."

SA 2985. Mr. MCCAIN (for himself, Mr. COBURN, Mr. DEMINT, Mr. ENSIGN, Mr. GRAHAM, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 16, between lines 3 and 4, insert the following:

SEC. 114. REFORM OF CONSIDERATION OF APPROPRIATIONS BILLS IN THE SENATE.

Rule XVI of the Standing Rules of the Senate is amended by adding at the end the following:

"9. (a) On a point of order made by any Senator:

"(1) No new or general legislation nor any unauthorized appropriation may be included in any general appropriation bill.

"(2) No amendment may be received to any general appropriation bill the effect of which will be to add an unauthorized appropriation to the bill.

"(3) No unauthorized appropriation may be included in any amendment between the Houses, or any amendment thereto, in relation to a general appropriation bill.

"(b)(1) If a point of order under subparagraph (a)(1) against a Senate bill or amendment is sustained—

"(A) the new or general legislation or unauthorized appropriation shall be struck from the bill or amendment; and

"(B) any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the bill or amendment, as directed by the chairman of the Committee on the Budget, shall be made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be reduced accordingly.

"(2) If a point of order under subparagraph (a)(1) against an Act of the House of Representatives is sustained when the Senate is not considering an amendment in the nature of a substitute, then an amendment to the House bill is deemed to have been adopted that—

"(A) strikes the new or general legislation or unauthorized appropriation from the bill; and

"(B) modifies, if necessary and as directed by the chairman of the Committee on the Budget, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the bill and reduces the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) accordingly.

"(c) If the point of order against an amendment under subparagraph (a)(2) is sustained, then the amendment shall be out of order and may not be considered.

"(d)(1) If a point of order under subparagraph (a)(3) against a Senate amendment is sustained, then—

"(A) the unauthorized appropriation shall be struck from the amendment;

"(B) any modification of total amounts appropriated, as directed by the chairman of the Committee on the Budget, necessary to reflect the deletion of the matter struck from the amendment shall be made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be reduced accordingly; and

"(C) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the amendment as so modified.

"(2) If a point of order under subparagraph (a)(3) against a House of Representatives amendment is sustained, then—

"(A) an amendment to the House amendment is deemed to have been adopted that—

"(i) strikes the new or general legislation or unauthorized appropriation from the House amendment; and

"(ii) modifies, if necessary and as directed by the chairman of the Committee on the Budget, the total amounts appropriated by the bill to reflect the deletion of the matter struck from the House amendment and reduces the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) accordingly; and

"(B) after all other points of order under this paragraph have been disposed of, the Senate shall proceed to consider the question of whether to concur with further amendment.

"(e) The disposition of a point of order made under any other paragraph of this rule, or under any other Standing Rule of the Senate, that is not sustained, or is waived, does not preclude, or affect, a point of order made under subparagraph (a) with respect to the same matter.

"(f) A point of order under subparagraph (a) may be waived only by a motion agreed to by the affirmative vote of three-fifths of the Senators duly chosen and sworn. If an appeal is taken from the ruling of the Presiding Officer with respect to such a point of order, the ruling of the Presiding Officer shall be sustained absent an affirmative vote of three-fifths of the Senators duly chosen and sworn.

"(g) Notwithstanding any other rule of the Senate, it shall be in order for a Senator to raise a single point of order that several provisions of a general appropriation bill or an amendment between the Houses on a general appropriation bill violate subparagraph (a). The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some or all of the provisions against which the Senator raised the point of order, then only those provisions against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this paragraph. Before the Presiding Officer rules on such a point of order,

any Senator may move to waive such a point of order, in accordance with subparagraph (f), as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

"(h) For purposes of this paragraph:

"(1) The term 'new or general legislation' has the meaning given that term when it is used in paragraph 2 of this rule.

"(2) The term 'new matter' means matter not committed to conference by either House of Congress.

"(3)(A) The term 'unauthorized appropriation' means an appropriation—

"(i) not specifically authorized by law or Treaty stipulation (unless the appropriation has been specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law); or

"(ii) the amount of which exceeds the amount specifically authorized by law or Treaty stipulation (or specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law) to be appropriated.

"(B) An appropriation is not specifically authorized if it is restricted or directed to, or authorized to be obligated or expended for the benefit of, an identifiable person, program, project, entity, or jurisdiction by earmarking or other specification, whether by name or description, in a manner that is so restricted, directed, or authorized that it applies only to a single identifiable person, program, project, entity, or jurisdiction, unless the identifiable person, program, project, entity, or jurisdiction to which the restriction, direction, or authorization applies is described or otherwise clearly identified in a law or Treaty stipulation (or an Act or resolution previously passed by the Senate during the same session or in the estimate submitted in accordance with law) that specifically provides for the restriction, direction, or authorization of appropriation for such person, program, project, entity, or jurisdiction.

"10. (a) On a point of order made by any Senator, no new or general legislation, nor any unauthorized appropriation, new matter, or nongermane matter may be included in any conference report on a general appropriation bill.

"(b) If the point of order against a conference report under subparagraph (a) is sustained—

"(1) the new or general legislation, unauthorized appropriation, new matter, or nongermane matter in such conference report shall be deemed to have been struck;

"(2) any modification of total amounts appropriated, as directed by the chairman of the Committee on the Budget, necessary to reflect the deletion of the matter struck shall be deemed to have been made and the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) shall be deemed to be reduced accordingly;

"(3) when all other points of order under this paragraph have been disposed of—

"(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the

House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report not deemed to have been struck (together with any modification of total amounts appropriated and reduction in the allocation of discretionary budgetary resources allocated under section 302(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)(2)) deemed to have been made);

“(B) the question shall be debatable; and
“(C) no further amendment shall be in order; and

“(4) if the Senate agrees to the amendment, then the bill and the Senate amendment thereto shall be returned to the House for its concurrence in the amendment of the Senate.

“(c) The disposition of a point of order made under any other paragraph of this rule, or under any other Standing Rule of the Senate, that is not sustained, or is waived, does not preclude, or affect, a point of order made under subparagraph (a) with respect to the same matter.

“(d) A point of order under subparagraph (a) may be waived only by a motion agreed to by the affirmative vote of three-fifths of the Senators duly chosen and sworn. If an appeal is taken from the ruling of the Presiding Officer with respect to such a point of order, the ruling of the Presiding Officer shall be sustained absent an affirmative vote of three-fifths of the Senators duly chosen and sworn.

“(e) Notwithstanding any other rule of the Senate, it shall be in order for a Senator to raise a single point of order that several provisions of a conference report on a general appropriation bill violate subparagraph (a). The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some or all of the provisions against which the Senator raised the point of order, then only those provisions against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this paragraph. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order, in accordance with subparagraph (d), as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with the rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

“(f) For purposes of this paragraph:

“(1) The terms ‘new or general legislation’, ‘new matter’, and ‘unauthorized appropriation’ have the same meaning as in paragraph 9.

“(2) The term ‘nongermane matter’ has the same meaning as in Rule XXII and under the precedents attendant thereto, as of the beginning of the 109th Congress.”.

SA 2986. Mr. MCCAIN (for himself, Mr. COBURN, Mr. DEMINT, Mr. ENSIGN, Mr. GRAHAM, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 16, between lines 3 and 4, insert the following:

SEC. 114. PROHIBITION ON OBLIGATION OF FUNDS FOR APPROPRIATIONS EARMARKS INCLUDED ONLY IN CONGRESSIONAL REPORTS.

(a) IN GENERAL.—No Federal agency may obligate any funds made available in an appropriation Act to implement an earmark that is included in a congressional report accompanying the appropriation Act, unless the earmark is also included in the appropriation Act.

(b) DEFINITIONS.—For purposes of this section:

(1) The term “assistance” includes an award, grant, loan, loan guarantee, contract, or other expenditure.

(2) The term “congressional report” means a report of the Committee on Appropriations of the House of Representatives or the Senate, or a joint explanatory statement of a committee of conference.

(3) The term “earmark” means a provision that specifies the identity of an entity to receive assistance and the amount of the assistance.

(4) The term “entity” includes a State or locality.

(c) EFFECTIVE DATE.—This section shall apply to appropriation Acts enacted after December 31, 2006.

SA 2987. Mr. MCCAIN (for himself, Mr. COBURN, Mr. DEMINT, Mr. ENSIGN, Mr. GRAHAM, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 16, between lines 3 and 4, insert the following:

SEC. 114. LOBBYING ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS.

The Lobbying Disclosure Act of 1995 is amended by adding after section 5 the following:

“SEC. 5A. REPORTS BY RECIPIENTS OF FEDERAL FUNDS.

“(a) IN GENERAL.—A recipient of Federal funds shall file a report as required by section 5(a) containing—

“(1) the name of any lobbyist registered under this Act to whom the recipient paid money to lobby on behalf of the Federal funding received by the recipient; and

“(2) the amount of money paid as described in paragraph (1).

“(b) DEFINITION.—In this section, the term ‘recipient of Federal funds’ means any recipient of Federal funds, including an award, grant, loan, loan guarantee, contract, or other expenditure.”.

SA 2988. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE III—REFORM OF SECTION 527 ORGANIZATIONS

SEC. 301. SHORT TITLE.

This title may be cited as the “527 Reform Act of 2005”.

SEC. 302. TREATMENT OF SECTION 527 ORGANIZATIONS.

(a) DEFINITION OF POLITICAL COMMITTEE.—Section 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)) is amended—

(1) by striking the period at the end of subparagraph (C) and inserting “; or”; and

(2) by adding at the end the following:

“(D) any applicable 527 organization.”.

(b) DEFINITION OF APPLICABLE 527 ORGANIZATION.—Section 301 of such Act (2 U.S.C. 431) is amended by adding at the end the following new paragraph:

“(27) APPLICABLE 527 ORGANIZATION.—

“(A) IN GENERAL.—For purposes of paragraph (4)(D), the term ‘applicable 527 organization’ means a committee, club, association, or group of persons that—

“(i) has given notice to the Secretary of the Treasury under section 527(i) of the Internal Revenue Code of 1986 that it is to be treated as an organization described in section 527 of such Code; and

“(ii) is not described in subparagraph (B).

“(B) EXCEPTED ORGANIZATIONS.—A committee, club, association, or other group of persons described in this subparagraph is—

“(i) an organization described in section 527(i)(5) of the Internal Revenue Code of 1986;

“(ii) an organization which is a committee, club, association or other group of persons that is organized, operated, and makes disbursements exclusively for paying expenses described in the last sentence of section 527(e)(2) of the Internal Revenue Code of 1986 or expenses of a newsletter fund described in section 527(g) of such Code;

“(iii) an organization which is a committee, club, association, or other group that consists solely of candidates for State or local office, individuals holding State or local office, or any combination of either, but only if the organization refers only to one or more non-Federal candidates or applicable State or local issues in all of its voter drive activities and does not refer to a Federal candidate or a political party in any of its voter drive activities; or

“(iv) an organization described in subparagraph (C).

“(C) APPLICABLE ORGANIZATION.—For purposes of subparagraph (B)(iv), an organization described in this subparagraph is a committee, club, association, or other group of persons whose election or nomination activities relate exclusively to—

“(i) elections where no candidate for Federal office appears on the ballot; or

“(ii) one or more of the following purposes:

“(I) Influencing the selection, nomination, election, or appointment of one or more candidates to non-Federal offices.

“(II) Influencing one or more applicable State or local issues.

“(III) Influencing the selection, appointment, nomination, or confirmation of one or more individuals to non-elected offices.

“(D) EXCLUSIVITY TEST.—A committee, club, association, or other group of persons shall not be treated as meeting the exclusivity requirement of subparagraph (C) if it makes disbursements aggregating more than \$1,000 for any of the following:

“(i) A public communication that promotes, supports, attacks, or opposes a clearly identified candidate for Federal office during the 1-year period ending on the date of the general election for the office sought by the clearly identified candidate (or, if a runoff election is held with respect to such general election, on the date of the runoff election).

“(ii) Any voter drive activity during a calendar year, except that no disbursements for any voter drive activity shall be taken into account under this subparagraph if the committee, club, association, or other group of persons during such calendar year—

“(I) makes disbursements for voter drive activities with respect to elections in only 1 State and complies with all applicable election laws of that State, including laws related to registration and reporting requirements and contribution limitations;

“(II) refers to one or more non-Federal candidates or applicable State or local issues in all of its voter drive activities and does

not refer to any Federal candidate or any political party in any of its voter drive activities;

“(III) does not have a candidate for Federal office, an individual who holds any Federal office, a national political party, or an agent of any of the foregoing, control or materially participate in the direction of the organization, solicit contributions to the organization (other than funds which are described under clauses (i) and (ii) of section 323(e)(1)(B)), or direct disbursements, in whole or in part, by the organization; and

“(IV) makes no contributions to Federal candidates.

“(E) CERTAIN REFERENCES TO FEDERAL CANDIDATES NOT TAKEN INTO ACCOUNT.—For purposes of subparagraphs (B)(iii) and (D)(ii)(II), a voter drive activity shall not be treated as referring to a clearly identified Federal candidate if the only reference to the candidate in the activity is—

“(i) a reference in connection with an election for a non-Federal office in which such Federal candidate is also a candidate for such non-Federal office; or

“(ii) a reference to the fact that the candidate has endorsed a non-Federal candidate or has taken a position on an applicable State or local issue, including a reference that constitutes the endorsement or position itself.

“(F) CERTAIN REFERENCES TO POLITICAL PARTIES NOT TAKEN INTO ACCOUNT.—For purposes of subparagraphs (B)(iii) and (D)(ii)(II), a voter drive activity shall not be treated as referring to a political party if the only reference to the party in the activity is—

“(i) a reference for the purpose of identifying a non-Federal candidate;

“(ii) a reference for the purpose of identifying the entity making the public communication or carrying out the voter drive activity; or

“(iii) a reference in a manner or context that does not reflect support for or opposition to a Federal candidate or candidates and does reflect support for or opposition to a State or local candidate or candidates or an applicable State or local issue.

“(G) APPLICABLE STATE OR LOCAL ISSUE.—For purposes of this paragraph, the term ‘applicable State or local issue’ means any State or local ballot initiative, State or local referendum, State or local constitutional amendment, State or local bond issue, or other State or local ballot issue.”

(c) DEFINITION OF VOTER DRIVE ACTIVITY.—Section 301 of such Act (2 U.S.C. 431), as amended by subsection (b), is further amended by adding at the end the following new paragraph:

“(28) VOTER DRIVE ACTIVITY.—The term ‘voter drive activity’ means any of the following activities conducted in connection with an election in which a candidate for Federal office appears on the ballot (regardless of whether a candidate for State or local office also appears on the ballot):

“(A) Voter registration activity.

“(B) Voter identification.

“(C) Get-out-the-vote activity.

“(D) Generic campaign activity.

“(E) Any public communication related to activities described in subparagraphs (A) through (D).

Such term shall not include any activity described in subparagraph (A) or (B) of section 316(b)(2).”

(d) REGULATIONS.—The Federal Election Commission shall promulgate regulations to implement this section not later than 60 days after the date of enactment of this Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date which is 60 days after the date of enactment of this Act.

SEC. 303. RULES FOR ALLOCATION OF EXPENSES BETWEEN FEDERAL AND NON-FEDERAL ACTIVITIES.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following:

“SEC. 325. ALLOCATION AND FUNDING RULES FOR CERTAIN EXPENSES RELATING TO FEDERAL AND NON-FEDERAL ACTIVITIES.

“(a) IN GENERAL.—In the case of any disbursements by any political committee that is a separate segregated fund or nonconnected committee for which allocation rules are provided under subsection (b)—

“(1) the disbursements shall be allocated between Federal and non-Federal accounts in accordance with this section and regulations prescribed by the Commission; and

“(2) in the case of disbursements allocated to non-Federal accounts, may be paid only from a qualified non-Federal account.

“(b) COSTS TO BE ALLOCATED AND ALLOCATION RULES.—

“(1) IN GENERAL.—Disbursements by any separate segregated fund or nonconnected committee, other than an organization described in section 323(b)(1), for any of the following categories of activity shall be allocated as follows:

“(A) 100 percent of the expenses for public communications or voter drive activities that refer to one or more clearly identified Federal candidates, but do not refer to any clearly identified non-Federal candidates, shall be paid with funds from a Federal account, without regard to whether the communication refers to a political party.

“(B) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the expenses for public communications and voter drive activities that refer to one or more clearly identified candidates for Federal office and one or more clearly identified non-Federal candidates shall be paid with funds from a Federal account, without regard to whether the communication refers to a political party.

“(C) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the expenses for public communications or voter drive activities that refer to a political party, but do not refer to any clearly identified Federal or non-Federal candidate, shall be paid with funds from a Federal account, except that this paragraph shall not apply to communications or activities that relate exclusively to elections where no candidate for Federal office appears on the ballot.

“(D) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the expenses for public communications or voter drive activities that refer to a political party and refer to one or more clearly identified non-Federal candidates, but do not refer to any clearly identified Federal candidates, shall be paid with funds from a Federal account, except that this paragraph shall not apply to communications or activities that relate exclusively to elections where no candidate for Federal office appears on the ballot.

“(E) Unless otherwise determined by the Commission in its regulations, at least 50 percent of any administrative expenses, including rent, utilities, office supplies, and salaries not attributable to a clearly identified candidate, shall be paid with funds from a Federal account, except that for a separate segregated fund such expenses may be paid instead by its connected organization.

“(F) At least 50 percent, or a greater percentage if the Commission so determines by regulation, of the direct costs of a fundraising program or event, including disbursements for solicitation of funds and for plan-

ning and administration of actual fundraising events, where Federal and non-Federal funds are collected through such program or event shall be paid with funds from a Federal account, except that for a separate segregated fund such costs may be paid instead by its connected organization. This paragraph shall not apply to any fundraising solicitations or any other activity that constitutes a public communication.

“(2) CERTAIN REFERENCES TO FEDERAL CANDIDATES NOT TAKEN INTO ACCOUNT.—For purposes of paragraph (1), a public communication or voter drive activity shall not be treated as referring to a clearly identified Federal candidate if the only reference to the candidate in the communication or activity is—

“(A) a reference in connection with an election for a non-Federal office in which such Federal candidate is also a candidate for such non-Federal office; or

“(B) a reference to the fact that the candidate has endorsed a non-Federal candidate or has taken a position on an applicable State or local issue (as defined in section 301(27)(G)), including a reference that constitutes the endorsement or position itself.

“(3) CERTAIN REFERENCES TO POLITICAL PARTIES NOT TAKEN INTO ACCOUNT.—For purposes of paragraph (1), a public communication or voter drive activity shall not be treated as referring to a political party if the only reference to the party in the communication or activity is—

“(A) a reference for the purpose of identifying a non-Federal candidate;

“(B) a reference for the purpose of identifying the entity making the public communication or carrying out the voter drive activity; or

“(C) a reference in a manner or context that does not reflect support for or opposition to a Federal candidate or candidates and does reflect support for or opposition to a State or local candidate or candidates or an applicable State or local issue.

“(c) QUALIFIED NON-FEDERAL ACCOUNT.—

“(1) IN GENERAL.—For purposes of this section, the term ‘qualified non-Federal account’ means an account which consists solely of amounts—

“(A) that, subject to the limitations of paragraphs (2) and (3), are raised by the separate segregated fund or nonconnected committee only from individuals, and

“(B) with respect to which all requirements of Federal, State, or local law (including any law relating to contribution limits) are met.

“(2) LIMITATION ON INDIVIDUAL DONATIONS.—

“(A) IN GENERAL.—A separate segregated fund or nonconnected committee may not accept more than \$25,000 in funds for its qualified non-Federal account from any one individual in any calendar year.

“(B) AFFILIATION.—For purposes of this paragraph, all qualified non-Federal accounts of separate segregated funds or nonconnected committees which are directly or indirectly established, financed, maintained, or controlled by the same person or persons shall be treated as one account.

“(3) FUNDRAISING LIMITATION.—

“(A) IN GENERAL.—No donation to a qualified non-Federal account may be solicited, received, directed, transferred, or spent by or in the name of any person described in subsection (a) or (e) of section 323.

“(B) FUNDS NOT TREATED AS SUBJECT TO ACT.—Except as provided in subsection (a)(2) and this subsection, any funds raised for a qualified non-Federal account in accordance with the requirements of this section shall not be considered funds subject to the limitations, prohibitions, and reporting requirements of this Act for any purpose (including

for purposes of subsection (a) or (e) of section 323 or subsection (d)(1) of this section.

“(d) DEFINITIONS.—

“(1) FEDERAL ACCOUNT.—The term ‘Federal account’ means an account which consists solely of contributions subject to the limitations, prohibitions, and reporting requirements of this Act. Nothing in this section or in section 323(b)(2)(B)(iii) shall be construed to infer that a limit other than the limit under section 315(a)(1)(C) applies to contributions to the account.

“(2) NONCONNECTED COMMITTEE.—The term ‘nonconnected committee’ shall not include a political committee of a political party.

“(3) VOTER DRIVE ACTIVITY.—The term ‘voter drive activity’ has the meaning given such term in section 301(28).”

(b) REPORTING REQUIREMENTS.—Section 304(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(e)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5); and

(2) by inserting after paragraph (2) the following new paragraph:

“(3) RECEIPTS AND DISBURSEMENTS FROM QUALIFIED NON-FEDERAL ACCOUNTS.—In addition to any other reporting requirement applicable under this Act, a political committee to which section 325(a) applies shall report all receipts and disbursements from a qualified non-Federal account (as defined in section 325(c)).”

(c) REGULATIONS.—The Federal Election Commission shall promulgate regulations to implement the amendments made by this section not later than 180 days after the date of enactment of this Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date which is 180 days after the date of enactment of this Act.

SEC. 304. CONSTRUCTION.

No provision of this title, or amendment made by this title, shall be construed—

(1) as approving, ratifying, or endorsing a regulation promulgated by the Federal Election Commission;

(2) as establishing, modifying, or otherwise affecting the definition of political organization for purposes of the Internal Revenue Code of 1986; or

(3) as affecting the determination of whether a group organized under section 501(c) of the Internal Revenue Code of 1986 is a political committee under section 301(4) of the Federal Election Campaign Act of 1971.

SEC. 305. JUDICIAL REVIEW.

(a) SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.—If any action is brought for declaratory or injunctive relief to challenge the constitutionality of any provision of this title or any amendment made by this title, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(b) INTERVENTION BY MEMBERS OF CONGRESS.—In any action in which the constitutionality of any provision of this title or any amendment made by this title is raised (including but not limited to an action described in subsection (a)), any Member of the House of Representatives (including a Delegate or Resident Commissioner to Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge the constitutionality of any provision of this title or any amendment made by this title.

(d) APPLICABILITY.—

(1) INITIAL CLAIMS.—With respect to any action initially filed on or before December 31, 2008, the provisions of subsection (a) shall apply with respect to each action described in such subsection.

(2) SUBSEQUENT ACTIONS.—With respect to any action initially filed after December 31, 2008, the provisions of subsection (a) shall not apply to any action described in such subsection unless the person filing such action elects such provisions to apply to the action.

SEC. 306. SEVERABILITY.

If any provision of this title or any amendment made by this title, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and the amendments made by this title, and the application of the provisions and amendments to any person or circumstance, shall not be affected by the holding.

SA 2989. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 6, line 7, strike “for at least 24 hours before its consideration.” and insert “for (1) at least 24 hours before its consideration; and (2) for at least 72 hours before its consideration if at least 35 percent of the conferees have filed a notice with the Senate that such final conference report was not debated and voted upon in open session.”

SA 2990. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

At the appropriate place, insert the following:

SEC. ____ AMENDMENTS AND MOTIONS TO RECOMMIT.

Paragraph 1 of rule XV of the Standing Rules of the Senate is amended to read as follows:

“1. (a) Except as provided in subparagraph (b), all motions and amendments shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before being debated.

“(b) All amendments and all motions to recommit with instructions, shall be reduced

to writing and copied and provided by the clerk to the desks of the Majority Leader and the Minority Leader and shall be read before being debated.”

SA 2991. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 6, line 7, strike “24 hours” and insert “48 hours”.

SA 2992. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 6, after line 7, insert the following: “8. It shall not be in order to consider a report of a committee of conference under paragraph 1 of this rule unless an official written cost estimate or table by the Congressional Budget Office is available at the time of consideration.”

SA 2993. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table, as follows:

On page 6, after line 19, insert the following:

(c) CBO SCORE.—Section 312 of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended by adding at the end the following:

“(g) CBO SCORE FOR CONFERENCE REPORTS.—It shall not be in order to consider a report of a committee of conference for any measure that has a budgetary impact unless an official written cost estimate or table by the Congressional Budget Office is available at the time of consideration.”

SA 2994. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

Strike Title 2, Section 220.

SA 2995. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____ PROHIBITION ON PAID COORDINATION LOBBYING ACTIVITIES.

Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

“13. A Member of the Senate or an employee of the Senate earning in excess of 75 percent of the salary paid to a Senator shall not engage in paid lobbying activity in the year after leaving the employment of the Senate, which shall include the development, coordination, or supervision of strategy or activity for the purpose of influencing legislation before either House of Congress.”

SA 2996. Mr. HAGEL (for himself and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2349, to provide greater transparency in the legislative process;

which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . AUDIT AND STUDY RELATING TO GOVERNMENT-SPONSORED ENTERPRISES.

(a) ANNUAL AUDITS.—The Secretary of Housing and Urban Development shall annually conduct an audit of the Fannie Mae Foundation and the Freddie Mac Foundation, or any successors thereto.

(b) STUDY AND REPORT ON LOBBYING ACTIVITIES.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study of the lobbying activities of government-sponsored entities to examine whether such activities further each of their congressionally chartered missions.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study under paragraph (1).

(c) DEFINITIONS.—As used in this section, the term “government-sponsored enterprise” means—

- (1) the Federal National Mortgage Association and any affiliate thereof;
- (2) the Federal Home Loan Mortgage Corporation and any affiliate thereof; and
- (3) the Federal home loan banks.

SA 2997. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2349, to provide greater transparency in the legislative process; which was ordered to lie on the table; as follows:

On page 16, line 8 strike “the” and “Transparency”, strike “Legislative” and insert “Lobbying.”

On page 44, line 18 between “section” and “; or” strike “503” and insert “263.”

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate on Thursday, March 9, 2006, at 10:30 a.m. in SR328A, Senate Russell Office Building. The purpose of this committee hearing will be to review the United States Department of Agriculture’s Management and Oversight of the Packers and Stockyards Act

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

COMMITTEE ON ARMED SERVICES

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 9, 2006, at 9:30 a.m., in open session to receive testimony on the defense authorization request for fiscal year 2007 and the future year’s defense program.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Com-

mittee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 9, 2006, at 10 a.m., to conduct a hearing on “A Review of Self-Regulatory Organizations in the Securities Markets.”

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 9, 2006, at 3:15 p.m., on Nominations.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 9 at 10 a.m. The purpose of this hearing is to consider the pending nominations of Raymond L. Orbach, of California, to be under Secretary for Science, Department of Energy; Alexander A. Karsner, of Virginia, to be an Assistant Secretary of Energy (Energy Efficiency and Renewable Energy); Dennis R. Spurgeon, of Florida, to be Assistant Secretary of Energy (Nuclear Energy); and David Longly Benhardt, of Colorado, to be solicitor of the Department of the Interior.

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

COMMITTEE ON THE JUDICIARY

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 9, 2006, at 9 a.m. in Senate Dirksen Building Room 226.

Agenda

I. Nominations: Steven G. Bradbury, to be an Assistant Attorney General for the Office of Legal Counsel; John F. Clark, to be Director of the United States Marshals Service; Donald J. DeGabrielle, Jr., to be U.S. Attorney for the Southern District of Texas; John Charles Richter, to be U.S. Attorney for the Western District of Oklahoma; Amul R. Thapar, to be U.S. Attorney for the Eastern District of Kentucky; Mauricio J. Tamargo, to be Chairman of the Foreign Claims Settlement Commission of the United States.

II. Bills: S. ____ Comprehensive Immigration Reform, Chairman’s Mark; S. 1768, A bill to permit the televising of Supreme Court proceedings; Specter, Leahy, Cornyn, Grassley, Schumer, Feingold, Durbin; S. 829, Sunshine in the Courtroom Act of 2005; Grassley, Schumer, Cornyn, Leahy, Feingold, Durbin, Graham, DeWine, Specter; S. 489, Federal Consent Decree Fairness Act; Alexander, Kyl, Cornyn, Graham, Hatch; S. 2039, Prosecutors and Defendants Incentive Act of 2005; Durbin, Spec-

ter, DeWine, Leahy, Kennedy, Feinstein, Feingold; S. 2292, A bill to provide relief for the Federal judiciary from excessive rent charges; Specter, Leahy, Cornyn, Feinstein, Biden.

III. Matters: S.J. Res. 1, Marriage Protection Amendment, Allard, Sessions, Kyl, Hatch, Cornyn, Coburn, Brownback.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled, “The President’s FY2007 Budget Request and Legislative Proposals for the SBA” on Thursday, March 9, 2006, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

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

COMMITTEE ON VETERANS’ AFFAIRS

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on Thursday, March 9, 2006, to hear the legislative presentation of the Paralyzed Veterans of America, the Blinded Veterans of America, the Non-Commissioned Officers Association, the Military Order of the Purple Heart, and the Jewish War Veterans.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 9, 2006 at 2:30 p.m. to hold a closed business meeting.

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

SPECIAL COMMITTEE ON AGING

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Thursday, March 9, 2006 from 10 a.m.–12 p.m. in Dirksen 138 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON CLEAR AIR, CLIMATE CHANGE AND NUCLEAR SAFETY

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Climate Change, and Nuclear Safety be authorized to hold a hearing on Thursday, March 9th at 9:30 a.m. to conduct oversight of the Nuclear Regulatory Commission.

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

SUBCOMMITTEE ON CONSTITUTION, CIVIL RIGHTS AND PROPERTY RIGHTS

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, Civil Rights and Property Rights be authorized to meet to conduct a markup to

consider S.J. Res. 12, The Flag Desecration Resolution on Thursday, March 9, 2006 at 1:30 p.m. in Dirksen Senate Office Building Room 226.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. COLEMAN. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, March 9, 2006, at 2:30 p.m. for a hearing regarding "Reporting Improper Payments: A Report Card on Agencies' Progress"

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

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 10 a.m. on Monday, March 13, the Senate begin consideration of the budget resolution, if available; provided further that the time until 11:30 be equally divided; and I further ask that the Senate then proceed to a period of morning business from the hours of 11:30 to 1:30 p.m. with that time equally divided.

I further ask unanimous consent that at 1:30 the Senate resume consideration of the budget resolution.

Finally, I ask unanimous consent that on Friday, March 10, it be in order for the Budget Committee to file reported legislation from 11 a.m. to 12 noon.

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

CONGRATULATING ROSEY FLETCHER FOR WINNING GIANT SLALOM OLYMPIC BRONZE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 396 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 396) congratulating Rosey Fletcher for winning the Giant Slalom Olympic Bronze Medal.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 396) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 396

Whereas on February 23, 2006, Rosey Fletcher became the first woman from the

United States to win an Olympic medal in the parallel giant slalom;

Whereas Rosey Fletcher won a bronze medal for her performance at the 2006 Torino Olympic Winter Games;

Whereas Rosey Fletcher is the only snowboarder to have competed in 3 Winter Olympic Games;

Whereas Rosey Fletcher was a silver medalist at the 1999 and 2001 world championships and is ranked 8th in the parallel giant slalom on the World Cup circuit;

Whereas February 23, 2006, was declared "Rosey Fletcher Day" by Alyeska Resort in honor of her Olympic achievement and mentoring of young Alaskan athletes; and

Whereas Rosey Fletcher is a hometown hero from Girdwood, Alaska: Now, therefore, be it

Resolved, That the Senate congratulates Rosey Fletcher for winning the bronze medal in the parallel giant slalom.

RECOGNIZING THE HISTORY AND ACHIEVEMENTS OF THE CURLING COMMUNITY OF BEMIDJI, MINNESOTA

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to consideration of S. Res. 397 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 397) recognizing the history and achievements of the curling community of Bemidji, Minnesota.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 397) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 397

Whereas the citizens of Bemidji, Minnesota, have enjoyed the sport of curling ever since the Hibbing Curling Club demonstrated the sport during the Winter Carnival of 1932;

Whereas many families who live in Bemidji have participated in the sport for over 4 generations, the latest of whom enjoy the opportunity to enroll in high school courses that are held at the Bemidji Curling Club and focus on the fundamentals of curling;

Whereas members of the Bemidji community gathered at the Tourist Information Building and organized the now famous Bemidji Curling Club on January 13, 1935;

Whereas the Club brought the Bemidji community together, as members routinely shared their equipment with fellow curlers until the Club could afford to purchase a sufficient supply of stones, brooms, and other items;

Whereas the Bemidji Curling Club has promoted the participation of women in the sport of curling for almost 60 years;

Whereas the tireless efforts of parents and fellow members of the Club have inspired a large number of youths in the Bemidji community to participate in junior leagues;

Whereas teams belonging to the Bemidji Curling Club have won over 50 State and national titles;

Whereas, after producing generations of champion curlers, the City of Bemidji, the Bemidji Curling Club, and the town of Chisolm have the honor of calling themselves the home of the 2006 United States Men's and Women's Olympic Curling Teams;

Whereas the citizens of Bemidji and Chisolm celebrated the strong performances of each Olympic curling team, and watched with pride as the Men's Olympic Curling Team captured the bronze medal in Torino; and

Whereas the Bemidji Curling Club and the City of Bemidji continues to foster the growth and development of curling by hosting the United States World Team Trials in March of 2006: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the curling community of Bemidji for its efforts in promoting the sport of curling in Minnesota and the United States; and

(2) respectfully requests the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) the City of Bemidji; and

(B) the Bemidji Curling Club.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 5:30 p.m. on Monday, March 13, the Senate proceed to executive session and an immediate vote on the confirmation of Calendar No. 520, Leo Gordon to be a Judge of the United States Court of International Trade; provided further that following that vote the President be immediately notified of the Senate's action and the Senate resume legislative session.

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

NOMINATIONS RECOMMITTED

Mr. MCCONNELL. Mr. President, as in executive session, I ask unanimous consent that Executive Calendar Nos. 550 and 561 be recommitted to the HELP Committee.

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

ORDERS FOR MONDAY, MARCH 13, 2006

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Monday, March 13; I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to the budget resolution as under the previous order.

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

PROGRAM

Mr. MCCONNELL. Mr. President, I say to our colleagues, we have a number of items to complete next week before the March recess. This afternoon,

the Committee on the Budget, under the leadership of Chairman GREGG, ordered reported a budget resolution that we will take up for floor consideration on Monday at 10 o'clock. In addition to the budget resolution, we will have to address the debt limit and other Executive Calendar items. We will have a full week, and Members should expect some late nights.

The first vote of next week will occur on Monday at 5:30. This vote will be on an Executive Calendar item.

ADJOURNMENT UNTIL MONDAY,
MARCH 13, 2006, AT 10 A.M.

Mr. McCONNELL. Therefore, Mr. President, if there is no further business to come before the Senate, I ask

unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:42 p.m., adjourned until Monday, March 13, 2006, at 10 a.m.