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## Senate

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

### PRAYER

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

Let us pray:

O God of mercies, You preserve the seas and all that is in them. You have promised to keep in perfect peace those whose minds are fixed on You.

Give our Senators today the serenity that comes through trusting in Your strength. As they do the work of freedom, may they seek Your guidance and wisdom. Lead them with Your precepts to the decisions that will honor Your name. Give your peace and unity to their hearts so that harmony can be seen in their interactions. Shine Your light within them so that they can serve humanity well.

Help us all to humble ourselves under Your mighty hand, that You may exalt us in due time. We pray in Your sovereign Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JIM DEMINT 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, April 25, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JIM DEMINT, a Senator from the State of South Carolina, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. FRIST. Mr. President, today, we will start with a 1-hour period of morning business, and following that we will go into executive session to consider the nomination of Gray Miller to be a U.S. district judge for the Southern District of Texas. We have 10 minutes allocated for debate on that nomination, with the vote occurring after that time.

Senators can expect the first vote today at approximately 11 o'clock this morning. We have a group of Senators going to the White House. Therefore, we want to start that vote no later than 11 o'clock. I hope Members will be able to keep their remarks brief so we can get to that vote.

After the vote, we will resume consideration of the supplemental appropriations bill. There is an opportunity for Senators to give opening statements this morning prior to the policy lunch. The Senate will recess for each party's policy meeting between 12:30 and 2:15. Later this afternoon, I expect amendments to be offered to the supplemental, and I hope we will be voting on those amendments during today's session.

### FOCUSING ON THE CHALLENGES FACING AMERICA

Mr. FRIST. Mr. President, I welcome my colleagues back from the Easter/

Passover recess. It was a 2-week recess, where many had the opportunity to spend time with our families and with our constituents back at home. I hope everybody had a rejuvenating and productive period of time because we have a lot to do.

We have before us a 5-week block of time, during which I intend to keep the Senate focused on the big challenges facing America and on delivering meaningful solutions to the problems Americans are seeing out there every day, some of which are very apparent and some of which are not very apparent in their everyday lives.

As we set out from the very start, the goal of this Republican-led Senate is to make America safer, stronger, more productive, and healthier. That applies across the board, from the war on terror abroad—and we will have a lot of discussion on that on the supplemental—to the family budget right here at home, and people are feeling the pinch of gasoline prices and skyrocketing health care costs every day.

Time is of the essence. We have serious issues to tackle in 5 short weeks. That means working together, pulling the very best out of both sides of the aisle, and recognizing that obstruction is not in order as we proceed along this upward path of producing for the American people.

It is an election year. That always makes it challenging for everything we do every step along the way. But the American people expect us to legislate, to govern, and not to get mired down in partisan obstruction and partisan politics. It is our obligation and responsibility to deliver to them. We have the challenges out there. We have to act and we need to act with solutions. That is what the American people expect—challenge, action, solutions. That is what they deserve.

We need to support our troops who are fighting in the field for our freedom and safety. We need to address the skyrocketing health care costs and make

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



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health care more affordable, more accessible to every American, no matter where they live. We need to put judges on the bench who interpret and not make the law. We need to keep our economy strong and growing. We need to tackle that rising cost of gasoline. Right now it is up, teetering at the \$3 level. That is too much to be paying per gallon.

Over the next 5 weeks, we are going to tackle each of these items. I call upon my colleagues on both sides to work together to get this done for the sake of our fellow citizens who have sent us here to work for them, to represent them.

Unfortunately, before the Easter recess, obstruction from the other side got in the way of comprehensive border security and immigration reform. But as I have announced over the last couple of days, I intend to bring this issue back and to continue driving forward on this important issue to the American people. We need real border security. That includes a fence along certain parts of the border, surveillance along other parts of the border. But we have to get this border under control. We took very positive steps last year in increasing the number of border agents and the number of detention facilities, and both are very important in this supplemental bill over the next several days. We will once again address border security.

We also need employer enforcement in a system that addresses the fact that we have 12 million to 20 million individuals who right now are kept in the shadows. Building on last year's efforts, spearheaded by the Senate, I will support an effort to put funds into the supplemental bill to make our next downpayment on securing the border.

Hiring more Border Patrol agents and giving them the tools they need to get the job done doesn't need to wait until we finish the overall immigration bill. We can take important steps now and indeed we will. It is part of the challenge, the action, and the solutions the American people want; they want serious reform.

Keeping America strong also means keeping America healthy. Insurance premiums have risen—health insurance premiums—73 percent over the last 5 years. It hits small businesses and their employees in particular. Of the 20 million Americans who are working and are uninsured, don't have health insurance, 49 percent are self-employed or work in firms with fewer than 25 employees. According to the Institutes of Medicine, nearly 18,000 Americans die prematurely each year due to lack of insurance. It is a fact. It has been proven again and again.

If you have health insurance—even if you do not have comprehensive health insurance, but you have any health insurance, you do better in terms of health outcomes. Last month, the HELP Committee reported out a bill to allow small businesses to band together all over a community to reach

out and gain that purchasing clout which we know in the marketplace can drive prices down. It can make those insurance policies less expensive and thus more accessible.

The Enzi legislation, when fully phased in, would reduce employer premiums by 12 percent and the number of uninsured workers by at least a million. Voters are close to unanimous in their support for allowing self-employed workers and small business employees to band together to negotiate lower insurance costs as spelled out in that Enzi bill.

Again, challenge, action, solutions. It is time to get it done.

We have also known for some time that the medical malpractice system is broken. It is driving up costs, driving my doctor colleagues out of their professions, from practicing medicine and delivering care. Nearly half of America's counties today lack an obstetrician/gynecologist, and that is due in large part to excessive, skyrocketing medical malpractice premiums. Three out of four neurosurgeons will no longer operate on children. When you ask why, it is because of medical liability. And 79 percent of doctors practice defensive medicine for fear of getting sued. That means when somebody comes in and they have a headache, you get a whole barrage of unnecessary tests to protect yourself in the event there is a lawsuit. Health care costs have risen between \$70 billion and \$126 billion in defensive medicine costs.

I was in Texas the other day. Texas is fascinating to me as a physician. They recently adopted liability reform measures. The largest malpractice insurer in the State immediately began lowering premiums, and premiums in that State are now down by 22 percent. Indeed, there is an influx of doctors from all over the country moving to Texas because of this very effective, proven to be effective, malpractice reform. An overwhelming majority of Americans support a Federal law to limit jury awards to compensate for pain and suffering in medical malpractice suits. Challenge, action, solutions. It is time to get this done.

Keeping America strong means keeping our economy thriving. That is why we passed the Tax Relief Act of 2005. We know that tax cuts work. We know they grow the economy and help create jobs. In 2001, we passed \$1.4 trillion in tax relief; 2 years later, another \$350 billion. That is \$1.7 trillion that goes into the pockets of everyday, hard-working Americans for them to save, to spend, to invest. We cut taxes on income and marriage. We doubled the child tax credit and slashed taxes on capital gains and dividends. Because we did, our economy has grown.

Right now, each month we are creating about 200,000 new jobs. Over the last 32 months, we have created 5.1 million new jobs. Home ownership is up. Minority home ownership is up at all-time highs.

Tax relief has led to 3 years of record economic growth. But we have a lot

more to do. In the next 5 weeks, I intend to bring legislation to the floor to eliminate the death tax once and for all. The death tax is unfair, it is inefficient, and it taxes people for dying. It is double and triple taxation. The death tax drives hard-working people to spend billions of dollars on complicated tax structures for the sole purpose of avoiding death taxes on income that has already been taxed.

Because of Katrina, we could not move forward on repealing the death tax last fall, but now is the time to bury that death tax once and for all. Keeping America strong, protecting the democratic process means protecting the separation of powers. We need judges who interpret the law and who don't make law from the bench.

We have made substantial progress on judicial nominations. We put one Chief Justice, one Associate Justice, six previously filibustered circuit court nominees, 20 other circuit nominees, and 104 district court nominees on the bench since 2003. But we cannot rest on that progress.

Terry Boyle is one example of a nominee who deserves our consideration. He was nominated for a circuit court judgeship back in 1991 and then again in 2001. He has been waiting 15 years for a fair up-or-down vote.

Another is Brett Kavanaugh, first nominated in July 2003. He has been waiting ever since that date. He, too, deserves a fair up-or-down vote.

We need to keep up the momentum and keep driving forward so that each and every nominee gets a fair up-or-down vote on the floor of the Senate.

The weather is warming up and we are approaching the summer driving season, and American families are being squeezed tighter and tighter by these skyrocketing gas prices. We need to help them find relief. We know there is no single magic bullet. We know it is an issue of supply and demand.

As a first step, Speaker HASTERT and I have asked the President to direct the Federal Trade Commission and the Department of Justice to investigate if price gouging or speculation in the oil markets is contributing to the current high prices.

We need to get to the bottom of it, and if we do so, we may have legislative action required on the floor of the Senate, or we may not, but only an investigation, only an examination by the FTC and DOJ can give us that answer.

We need to find short-term solutions. In the long term, however, the answer is to reduce America's dependence on foreign oil. The fact that we are 60-percent dependent today on foreign sources of oil is simply inexcusable.

During our majority over the last 12 years, Democratic obstruction and delay has stopped measures to enhance domestic production, and domestic production must be a part of any long-term solution for our energy supply.

The President laid out a number of initiatives in his State of the Union

Address, and I hope we can pursue them in committees and then bring them to the floor quickly. Again, challenge, action, solutions.

Those are some of the things we need to be doing over the next 5 weeks. There is a lot to do in a very short period of time, but I am convinced that with determination and focus and by leading on principle, we can and we must govern with meaningful solutions on the issues that matter, and they can be delivered to the American people. We can make America stronger, we can make America safer, and we can make it more secure. We must keep America moving forward.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the Democratic leader or his designee.

The Senator from Montana.

#### ENERGY

Mr. BURNS. Mr. President, this morning the leader touched on a lot of problems we have before us as we come back from Easter break. I know most of us have been home and listened to the folks at home. Most of us have probably come back with more challenges than when we left. Here are a couple of issues.

I was glad to hear the leader bring up the situation on insurance premiums, especially for small businesses and the self-employed. Senator ENZI of Wyoming and I have been working on the small business health plans for almost a year now. That is nothing new. It is not a new idea. Ever since I joined the Small Business Committee and even under the chairmanship of my good friend from Arkansas, Senator Bumpers, prior to 1994, we were working on the same issue, but we were unsuccessful then and have been unsuccessful up until now in striking a balance. There is broad support for the approach being taken by the chairman of the HELP Committee.

If you talk with folks engaged in small business, Montana businesses with 10 employees or less have little or no leverage when it comes to buying group insurance or trying to broaden their pool to keep their insurance premiums at a minimum. I look forward to that debate when the bill comes to the floor, and I look forward to final passage and getting it to the President for his signature.

I took a drive across the State of Montana over Easter Recess, all by myself. I just jumped into my pickup and took off and talked with rural Montanans. I fight awfully hard for rural Montanans for the simple reason that, right now, they are sort of being pushed into the background when we start talking about what is happening in our economy. Even though our livestock prices are decent, the grain producers, and many other folks, still have a real problem because they cannot get their arms around this business of containing costs, and the cost of energy is their main issue.

Whenever gas and diesel prices go up, it goes up on the farm also, and the cost of putting a crop in and getting it out has increased substantially due to these high energy costs.

We are a big State. We are a mobile State. We are 147,000 square miles. Yes, we only have 900,000 people, and some could probably make the case it is getting a little crowded up there. We have to drive long distances just to do business around the State, and these energy prices are impacting all of us.

Everybody wants to stand around on the floor of the Senate pointing fingers, when we could be looking at the real case of cumulative effects—of what we have done in policy and what has to be done to produce more energy for a growing society and a growing economy.

We are driven by agriculture in my State. Farmers and ranchers are price takers; in other words, we sell wholesale, we buy retail, and we pay the freight both ways. Any time we talk about freight, whether it is delivering or receiving, energy is involved.

So we are caught in what some would think is a perfect storm. We haven't hit the \$3 mark for gasoline in Montana yet, as other parts of the country have, but we are nearing it. In fact, we are so close to it that folks are afraid of what will happen if we do hit it.

I will tell you this: We have a situation in northeast Montana and northwest North Dakota called the Williston Basin. This area is quite a large producer of oil and gas. When we start quoting the price of oil on the New York Mercantile Exchange, we are not really talking about what the cash or spot price of oil is costing today. Do you realize, even though everybody is talking about the price of \$73 a barrel, that market price is not being paid to our oil producers today? It is a long way from that \$73. In fact, it is from \$25 to \$35 lower than even the spot price. Why? We are finding more oil, we are doing a better job of finding oil and lifting it, but the infrastructure of transportation—in other words, getting the crude to the refineries—and the refineries' capacity to refine it has not kept pace even with our own production in the United States. Therein lies a problem, and it is one we have to address.

We have not built a refinery in this country for 30 years—35 years, I think,

if you want to get very particular. The ability to expand refining capacity in the present-day facility is becoming very expensive and cannot be done without expanding outside the boundary.

If anybody has the idea that the refiners are making a lot of money, look at their return on investment. It is not very big. So people point their fingers at the refiners. Do they point their fingers at the big oil companies? Yes, they do, and in some cases justifiably so. We can sit here and poke holes in that argument. But our basic problem is siting and building facilities to satisfy a growing demand.

If you want to build a new refinery, or if you want to build a new pipeline to move the crude to the refining areas, I will tell you, you are going to have sticker shock when you look at what it costs just in permitting and siting for that facility. It is unbelievable. 25 percent of the estimated construction cost of a new refinery now will be eaten up in permits and siting, and all because of some laws and regulations that basically do not serve this country very well.

Am I justifying the prices today? Somewhat. But I think what we are seeing is a perfect storm of cumulative effects, of not keeping pace with our ability to produce and lift oil from the ground.

Alternative fuels and renewable fuels are also an important part of our energy program.

In 2002, we actually got a title into the agricultural bill that dealt with renewables and agriculture. We knew that we were going to have an energy bill and that title would dovetail into some of the policies that we wanted to put forward in an energy bill. We knew that an energy bill should come pretty quick. However, it did not come quickly. It came some 4 years later. After dragging and stalling and putting up all kinds of barriers, we finally got an energy bill in 2005, and we did dovetail some of the elements on renewables as it relates to agriculture.

In 2007, we will renew the Agriculture bill. And I would not be a bit surprised if we do not see energy even in the main title because we can produce renewables and we can produce alternative fuels to make sure we wean ourselves off of our dependency on foreign oil. We have to do that. We are going to get it done even though there are people who will obstruct and drag their feet in setting the policy.

I see my good friend from Utah is in the Chamber. Whenever you are producing oil at post-1970 production in the State of Montana, that means we have crude oil, like the crude oil that could go to refineries today in his State of Utah, from pipelines that are fed out of Montana, as well as to refineries in Montana and also in Colorado. Do you realize a 36-inch pipeline moves something like 86 thousand barrels a day? We can't even get on that pipeline. That pipeline is owned by Canada,

and it is full of tar sands oil moving to refineries in Utah and Colorado. Meanwhile we are actually slowing down production at wells since we can't get all the crude oil being produced in the Williston Basin area today out of the area. If we do manage to get some of the crude oil on the pipeline, it is at a discounted price of around \$25 to \$30 a barrel.

What is wrong with this picture? The infrastructure isn't there to move the oil. The refining capacity is not there to refine the oil. We are picking and choosing who gets the oil on the pipeline and who gets to sell their crude oil at prices that are far less than \$73 a barrel. The price that is going through the roof, that we hear so much about, is the oil futures price, which is set by speculators and expectations. That is not the spot price. Americans have to understand the difference.

So we need infrastructure, but we also need this ability to produce the alternatives and the renewables and to get those energy products on line as well. And we can do just that if we don't have to chew up 25 percent of our construction costs just in permitting and selecting a site in which to do the work.

I know that high costs affect people who have to drive automobiles to get to work and have to go places to make this economy grow. Yes, the President is right on. Let's take a look at the oil companies. Let's see what is going on there. Let's get on the internal part of it and see what the prices are all about today.

But I stand here today with the appeal that we need to look at our food and fiber production across this country.

I will tell you something else I found out while driving around Montana. I would drive down the highway through a little town, and if I saw a little restaurant there, a little café with six or seven pickups sitting there, I would go in and have a cup of coffee. You will get some conversation going on in there, I guarantee you. When I hear of farmers cutting back on the use of fertilizer by almost a third last fall and this spring when going in with their crops, that sends a message to the rest of the country that food and fiber production is being negatively impacted by these energy costs. Yields go down, the amount of grain and food products that moves to the marketplace goes down. The producers just can't afford the fertilizer. Then they go to pay their diesel costs for putting the crop in and taking it out, and it makes for a very interesting discussion around the restaurant or the café in the coffee clutch. Usually those fellows have all the answers, if you will just listen. I hope most of our Members of this Senate would do that: Just take off, sit down in a restaurant, listen to what people are talking about, and then try to come up with some sort of policy that would increase our ability to move and to be mobile and to fuel an

economy that supports a very mobile society.

For alternative fuels, our technology is moving right along. We have many technologies that are going to help us in ethanol production, especially the cellulosic technology that uses plant residues. What we usually throw away, the waste, can now be turned into energy.

Biodiesel is viable. Genetically improved oilseeds are being produced and can be turned into a cleaner diesel. We were in Billings yesterday and saw an experiment of what can be done with biodiesel. We are the Saudi Arabia of coal in Montana. There are ways to turn that into diesel. Basically, we haven't found any alternative to diesel in moving big loads. We have to continue our research and development and our effort to turn what we grow every year, what is renewable every year, into usable, practical renewables to fuel our every day lives.

So I hope that during this week policies which would increase production, whether hydrocarbon or renewable, could move out because there is nothing in the short term that is going to take care of it. I tell you: we have to look at the long term of where we want to be in 20 years and ask ourselves how we get there. To formulate that policy in 1 week is asking a lot from this body or any other policymaking body. Nonetheless, we have to take up that challenge and be aware of what is happening on our farms and ranches across this country because the second thing every one of us does when we get up in the morning is eat breakfast, and we know the cost of that is going to rise if we don't address this business called high energy prices.

There is a cumulative effect here. We could point fingers at one, two, three, or four different contributing factors, but it is the perfect storm of all these factors that have come together. Finally we are being sent a message that policy has to be changed in order to increase our ability to move Americans. I thank the Chair, and I yield the floor.

Mr. BENNETT. Mr. President, today's papers are filled with stories about energy prices and particularly gas costs and editorials demanding that the Congress and the President do something about it. I think perhaps the best comment that appeared was in this morning's Wall Street Journal in a story with the headline "Bush Aims To Rein In Gas Costs," where there is a quote from Robert Ebel, who directs the energy program at the Washington Center for Strategic and International Studies. All of us are familiar with CSIS and the good work that it does. I would like to quote Mr. Ebel because what he has to say is the clear understanding of where we are. He says:

A good politician never admits he's powerless in a situation, but I don't see anything that the Congress can propose that will make any difference. We don't stand in isolation from the rest of the world oil market,

and there are events going on around the world that affect the world price of oil.

I note that he uses the term "world"—I could count how many times, but multiple times—and we act as if this is a domestic problem. We act as if this is something we in Congress or the President in the White House can wave a magic wand and do something about.

I would like to point out a few facts and perhaps bring a little humility into this body, something that is in fairly short supply but in great need.

As Mr. Ebel points out, the price of oil is set by a series of world events. It is not set in the Congress. It is not set in the White House. People look at the cost of a gallon of gasoline and say to themselves: You know, it only costs—picking numbers out of the air but being illustrative—\$1.50 to put that gallon of gasoline in the tank at the service station, yet the service station operator is charging me \$3 to take it out; there is price gouging going on somewhere. The reality is that the price in the tank at the service station is not figured on the basis of what did it cost to get that gallon there; the price at the service station is figured on the cost of what will it cost to replace that gallon there. So the reason a gallon of gas is at \$3 at the service station is that all of the forces involved in putting that gallon of gas in there assume that it will cost \$3 to replace it; therefore, they better charge \$3 for it in the first place.

Now, they may be wrong. It may be that they can replace that gallon of gas for \$2.50, and as soon as they come to that conclusion, that gallon of gas will come down to \$2.50. It may be that the cost of replacing that gallon of gas will be \$3.50, and at that point, everybody will lose some money along the way. But whether it is the production of oil in the oilfield, the transportation of oil around the world, the refinement of oil in the various refineries, the transportation from the refinery to the service station, everyone is making a guess as to what it will cost for the next gallon of gas along the way, and that shows up in what appears at the service station.

So when there is trouble in Nigeria, someone says, by virtue of that trouble in Nigeria, the next gallon of gas is going to cost more than we think, and that is why the price goes up. If there is trouble and difficulty in Iran, well, that is going to cause the price to go up, and let's bet against that future. If there is trouble in Venezuela, then that figures in. When it turns out that the trouble doesn't materialize, the price of gasoline drops dramatically, and we have seen that in this past history.

The primary thing that started gas prices going up was Katrina. Why? Because Katrina wiped out a good percentage of our refinery capability. As the Senator from Montana has pointed out, we haven't built a refinery in this country for several decades. We need to get about it. But that is a 5- to 10-year

problem. We can't instantly create a refinery out of nothing. As the refineries were shut down as a result of Katrina, the price of gas spiked as people anticipated that there would not be enough supply. As the refineries came back on line more rapidly than anybody anticipated, the price of gasoline dropped.

Now refinery capacity is being shut down again. Why? Because we here in this Congress mandated the replacement of MTBE with ethanol, and the refineries have to gear up to make that shift. When they do that, they shut down in order to retool. When they shut down, there is a lack of gasoline, and you have prices going back up again. Once they have made the shift over, we will find those prices will start to come down, unless there is some other unsettling situation somewhere in the world.

The bottom line, to repeat a refrain I have stated ever since I have been in the Senate, is that we cannot repeal the law of supply and demand. We engrave Latin phrases around here—and they are wonderful—to remind us of our history and our background, but if I could control what we carve in marble and see every day, it would be that statement: You cannot repeal the law of supply and demand. If we had built the facilities in ANWR in 2001 when there were sufficient votes in the House but was killed in the Senate, it is likely that oil would be coming on line now, because at the time people said: Don't get excited about ANWR; it is going to take at least 5 years. Well, 2001 was 5 years ago. If we had done that, we would start to see that oil. Would it lower the price? Of course it would because it would change the equation of expectations of people who are involved in this whole situation.

One last comment. I have talked about ethanol, and I have talked about MTBE. These are additives to lower the emissions that come out of gasoline, and they are good things. They are, however, expensive, and we cannot say on one hand: OK, let's get the price of gasoline as low as possible, and by the way, while we are doing it, let's put new burdens on the refineries that require this additive, that additive, and the other additive, that will require the creation of what are called boutique fuels, so that the refinery, instead of just putting out gasoline in regular or super high test, are putting out a boutique fuel for this part of the country and a boutique fuel for that part of the country and a boutique fuel for the other part of the country. That means constantly retooling, shutting down, starting up, changing, and all of that adds to the cost.

We have added to the cost here in the Congress in the name of environmental protection. I am not saying environmental protection is bad, but I am saying it costs money. We should pay attention to that so when the time comes for us to say what can we do about the high gasoline prices, the answer is we

can pay attention and be a little more humble before the power of market forces. If we think Government can intervene with market forces and produce long-term lower prices, all we need to do is dredge up memory of what happened the last time we panicked about this as a nation in the 1970s. Under the leadership of President Carter we created a synfuels corporation, created oil company windfall taxes, and ended up in lines on separate days. You could only get your gas tank filled on alternative days. Ultimately, we saw all of the effort collapse when market forces finally took hold and brought the prices back in line.

I know it is not a message people want to hear. I, like Senator BURNS and other Senators, have been out in my constituency during the break, and I heard people talking about: What are you going to do about gas prices? I had two choices. I could either tell them I will come back here and I will fight to lower the gas prices—and make them feel good—or I could tell them the truth. I chose to tell them the truth. This is a long-term problem, it is a serious problem, and it can only be solved by serious policies. The most intelligent serious policy that we can adopt is to do whatever we can to facilitate the kinds of competition and market forces that ultimately will bring supply up and prices down and deal with the demand side as best we can through conservation.

It is not a quick fix. We can't pass a resolution and say, gee, look what we did and see something happen at the pump the day after tomorrow. It is time we recognize that fact and told our constituents the truth.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

#### FTC INVESTIGATION

Ms. STABENOW. Mr. President, I rise today to talk about gas prices and the energy situation in our country. First, to agree with my distinguished colleague from Utah, in fact there are long-term issues we have to address. There is no question about that. Alternative fuels, the efforts to put forward very aggressive alternatives such as ethanol, soy-based biodiesel, and other alternatives that create real competition, are critical, but there are short-term actions we can take right now that will help the families who are being squeezed on all sides by outrageous prices, along with outrageously high profits of the oil companies.

Today our leader on the floor, our Republican leader, said there ought to be an investigation going on, and the President said today we ought to have an investigation going on as to possible price gouging. I come to the floor today, as the author of the amendment that successfully passed in the Energy bill last August, to say that we have an investigation going on. The Federal

Trade Commission was authorized and charged with doing an investigation, which they are doing as a criminal investigation, into possible price gouging. I was pleased to be joined by Senator DORGAN and Senator BOXER and others in that effort.

Since that time, because they began to move extremely slowly last year, I was pleased to coauthor an increase of \$1 million in the budget in order to fund that investigation. We passed that last fall. There have been bipartisan letters that have gone to the Chairman of the FTC saying let's get going. That occurred last fall, last September. Now we are seeing from the Federal Trade Commission that they intend to have this report done, this investigation done by May 21.

It is about time. First I would say: Mr. President, it is your FTC. You appoint the majority of the members on the Federal Trade Commission. You should know that this is going on.

I encourage the President to be engaged with what his Federal Trade Commission is doing at this very moment. Hopefully, we are going to get the right kind of investigation with tough recommendations that will tell it like it is. This is already occurring. Right now the investigation, as I said, is structured as a law enforcement case. They are working with the CFTC, with the States Attorneys General right now. I encourage everyone interested in this issue to give their input to the Federal Trade Commission that is already doing an investigation.

In fact, one of the things they found doing this investigation, as they sent out 200 investigation demands which are roughly the same as subpoenas, ExxonMobil, back in January-February, filed a petition to quash the FTC subpoena for tax information. Fortunately, the Commission denied the appeal and ExxonMobil had to subsequently comply. But now they are looking at manipulation and gouging, whether or not that is happening. They are confident, they say, that they found enough information for a solid determination in their final report, which is expected on May 21.

I say, first to my Republican colleagues, to the leadership, to the President, this investigation is already going on. I am glad you now think there ought to be an investigation. But we would appreciate it if you would be involved in making sure what the FTC does is tough and smart and tells it like it is in terms of what is really going on.

Gasoline is not a luxury for the families of Michigan or the families anywhere across the country. It is a necessity. Families are caught in a bind because, on the one hand, this is not a regulated utility like electricity, and there is not enough competition with basically five different companies. We all know there is not enough competition because of the consolidations that have gone on. So what happens? American consumers are stuck in the middle, squeezed on all sides.

Now in Michigan it costs about \$42 to fill up a tank. That is \$4 more than last month; \$150 more than last year. We are told by the Energy Information Administration there is going to be an average 25-cent increase this summer. We already know that numbers are topping \$3, in some cases around the country \$4 a gallon.

What this means on average to Michigan families is about \$500 more in the cost of gas for this year—about \$500. For the average family that is a mortgage payment. That is the rent. That is a car payment. It is paying for food. It is the difference between helping your kids buy books when they need to go to college. This is a big deal. Yet we see comments coming from the head of ExxonMobil, Mr. Raymond, who dismissed the concerns between Exxon's record profits and out-of-control gas prices when he said on CNN that a single quarter or single year's profits is not all that significant.

Mr. Raymond, it may not be significant to you. It is significant to the people in Michigan. Five hundred dollars more is significant. It is a big deal.

We also know that according to our businesses—for instance, General Motors executives say that every time there is a \$1 increase in the price of a barrel of oil it adds \$4 million to GM's logistical costs. So this is an issue of jobs. Petroleum costs equate with what is happening on jobs. So this is a big deal.

It is also a big deal for the oil companies. As we all know, we have all been seeing the numbers, the total combined profit for the big five oil companies last year was \$111 billion. For 2005, ExxonMobil reported the highest profits ever recorded in U.S. corporate history.

What adds insult to injury is when we look at the things like the CEO compensation. He is being paid a total compensation package of \$69.7 million. That is about \$110,000 a day, by the way. Most people in Michigan don't make \$110,000 a year, and we have the head of the largest oil company making \$110,000 a day, with a \$400 million retirement package. Then we are to expect that this is just the global marketplace happening, that there is nothing we can do? I don't accept that.

In the short run we can do one thing and that is go back to the drawing board on a bill that is in conference committee right now on tax cuts. That has over \$5 billion in new tax cuts, tax breaks for oil companies, some of it based on their businesses overseas. We can say no. This industry does not need taxpayers to subsidize \$5 billion-plus, plus another \$2 billion in the Energy bill that passed last year. We are looking at \$7 billion in increased tax breaks that American taxpayers are subsidizing while we are paying the higher prices? No.

I have introduced a bill called the Oil Company Accountability Act that says no to more tax breaks for oil companies and puts that money back into a

\$500 rebate per taxpayer in this country to pay the cost of higher gas prices for the coming year. The average taxpayer is going to pay \$500 more. I think that is a better use of those dollars than putting it into more tax breaks for an industry that is already the most profitable, with the most outrageous salaries, and that continues to price gasoline at a level that is out of control.

I am hopeful my colleagues will be offering this in various capacities. It would be terrific to get this passed right away because families could have their checks in the mailbox before Labor Day to help them pay the outrageously high gas increases that we are seeing: \$500 tax rebate checks for families, no to the oil companies on more tax breaks, and that at least gets us on the right track while other long-term efforts needed take place.

Mr. President, I yield.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I want to take 5 minutes to talk a little about the energy issues that are affecting us and challenging us as a nation and the high price of gasoline more specifically. I am persuaded that most of the increase in the price of gasoline that we are seeing at the pump is a result of the increase in the price of oil and that most of that increase in the price of oil is a result of supply and demand factors. Not all of it, necessarily, but the majority of the cause is with supply and demand.

So the question comes down to what can we be doing to come to grips with this supply and demand situation? To the extent that there is manipulation of the price, what can we do to deal with that?

Let me talk about the manipulation first. I strongly support putting in place a Federal statute that prohibits price gouging. Many States have similar statutes, and they have had some success in the enforcement of those statutes. But we have no Federal statute to that effect. We had a hearing. That was a joint hearing between the Energy Committee and the Commerce Committee a couple of months ago. It was in November, so it has been more than a couple of months ago. We had the head of the Federal Trade Commission, Deborah Platt Majoras, there testifying. The Federal Trade Commission is the Federal agency that would be the natural agency to have responsibility for enforcement of a Federal anti-price-gouging statute. She testified:

A Federal statute that makes it illegal to charge prices that are considered to be too high as long as companies set those prices independently would be a mistake. The omission of a Federal price gouging law is not inadvertent. It reflects sound policy choices.

The clear position of the Federal Trade Commission, as articulated by the Chairwoman of the Federal Trade Commission of this administration, is that they do not want a Federal anti-price-gouging statute, they do not be-

lieve it would be good policy to have such a statute. They would find it difficult to enforce and therefore they urge Congress not to proceed.

I think that is a mistake. I think we should bring an anti-price-gouging statute to the floor, and we should proceed to pass it as soon as possible. So that is on the manipulation issue.

What about supply and demand and the effect that is having on the price of gasoline? Clearly, the supply is not what it needs to be to meet demand today. Trying to increase simply over the short term is very difficult. The most likely prospect we have for increasing supply in the next few years is legislation that I have cosponsored along with Senator DOMENICI to try to open up an area in the gulf coast for drilling. That is lease sale 181. That legislation would open up for development an area that is estimated to contain 6 trillion cubic feet of natural gas, an area that is estimated to contain 1 billion barrels of oil. That would help. That is not an immediate fix, but over the next few years that could begin to help with the supply situation.

What about demand? Frankly, that is the area where we could do the most good. In the Energy bill we passed last year, we did some things to try to reduce demand, to try to encourage additional efficiency, to try to encourage additional conservation, but we did too little, in my view.

There is more that can be done, particularly in the transportation sector. This is legislation that I am joining with others on in a bipartisan group to introduce this week which is called the Enhanced Energy Efficiency Act of 2006. This legislation would try to set targets and goals and requirements for the various Federal agencies to adopt, policies to save oil over the next several years—and it would put specific amounts of savings that we would work toward. They could do that through a variety of initiatives, a variety of policy changes and regulatory changes to encourage more fuel-efficient vehicles, to encourage fleet conservation requirements, assistance to State programs to retire fuel-inefficient vehicles, assistance to States to reduce schoolbus idling.

There are a variety of provisions in this bill. These are provisions which were included in a bill that Senators BAYH, BROWNBACK, COLEMAN, and various other Senators introduced earlier in this Congress. I think it was S. 2025. But these are provisions that would be under the jurisdiction of the Energy Committee. These are provisions that I believe would begin the process of looking more seriously at ways we can reduce demand.

We could encourage efficiency in our use of energy, and particularly in our use of oil. These are steps that could be taken—that need to be taken.

I think we should pass a Federal anti-price-gouging law. We could do that quickly. We can get that to the President for his signature.

We can also pass this other legislation. We can pass the legislation that opens lease sale 181 for development. That, again, would help somewhat with the supply situation. Unfortunately, it is very difficult to affect the price of gasoline through legislation in the short term. I think we all need to acknowledge that. But I believe there are steps we can take. I believe there are policies we can adopt. I hope we can work in a bipartisan way to do that.

I hope we can come to the aid of the American consumers who are having to pay these very high prices for gasoline at this time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, this morning the President of the United States held a press conference and announced the following: Prices at the pumps reflect our addiction to oil.

So it turns out it is our fault. It turns out it is the fault of the consumers. It is the fault of families and businesses and farmers that the prices have gone so high. I don't think so. I think the prices at the pump reflect the oil companies' addiction to greed.

Let me give you a case to consider. Lee Raymond, CEO of Exxon, recently retired. Did he get a gold watch for his service to Exxon? No. Mr. Raymond was given a severance package of \$400 million. And the prices at the pumps reflect the consumers' shortcoming?

ExxonMobil recorded the highest corporate profits in the history of the United States of America. Money went straight from the credit cards of American families into the board rooms of ExxonMobil. They realized billions of dollars in profit, and they turned around and gave Mr. Raymond, as a farewell gift for his fine tutelage over their company, \$400 million as a going-away gift. And the President says the price at the pumps reflects the consumers' addiction to oil? What choice do consumers have?

You go shop around in your hometown, as I did in Springfield and Chicago. There is some variation from pump to pump, from gas station to gas station. By and large, consumers have nowhere to turn.

What is happening is the price of gasoline is going up so fast, so high, that it is creating a hardship—not just for farmers and individuals but for America's economy—for the farmers I represent who are trying to put a crop in the field, for businesses that depend on the cost of energy as one of their input costs. That is a reality.

Let me say to the President that the prices at the pumps don't reflect our addiction to oil; they reflect a failure in leadership by this White House.

It hasn't even been 1 year—not 12 months—since the President ceremoniously signed the Energy bill for America's energy policy last August. What a great bill that has been. Since that bill was signed, what has happened to the price of energy and heat-

ing, and energy and gasoline? It has gone up dramatically across America. That bill was a failure. It was a failure because this administration believes the price at the pump is the fault of the consumers. It isn't. The consumers have nowhere to turn. That bill that was passed was an outrage. There were some provisions in it that I supported—expanding the use of alcohol fuels, alternative fuels—but the bill also contained multibillion-dollar subsidies to the oil industry at a time when they are enjoying record-breaking profits.

We are going to take money away from taxpayers and give it to industry? What in the world could we be thinking?

The bill also has had no meaningful conservation effort. How can we be serious about an energy policy in America if we aren't moving toward more fuel-efficient cars and trucks? We continue to import oil from overseas with abandon.

Why hasn't this administration set as a goal for America what the Democrats argued for on the floor; that is, that we would reduce our dependence on foreign oil by more than 50 percent over the next 10 years? We can do it with the vision and leadership of a White House that is not wedded to the oil industry but wedded, rather, to an economy that is being at this point seriously disadvantaged by the terrible increases in gasoline prices.

When the President wants to blame the consumer pulling up to the pump for his addiction to oil, I have to ask the President: What have you done? What has Congress done? What should we do?

Let me say this: Despite my serious misgivings about the energy policy of this administration which believes the answer to our prayers is to drill for oil in a wildlife refuge in Alaska that we have protected for 50 years, a refuge which at best will start producing oil in 10 years, and over its lifespan produce 6 months of energy for America, as if this is the answer to our prayers, that is very shortsighted. We need to come together. We need to understand that when the Republican leaders in Congress and the President of the United States are saying we had better call the Federal Trade Commission because something is going wrong with gasoline stations—America, excuse me; the Federal Trade Commission is part of this administration. Why are they waiting until this moment in time when all the bells and whistles and alarms are sounding to finally realize that we have to move on price gouging and price fixing?

I think it is time to have a windfall profits tax. I introduced that bill. When ExxonMobil can realize billions of dollars of profit at the expense of American businesses and families, it is time for us to step in and say that money is coming back to the Treasury and back to the consumers. We have talked for a long time about tax cuts for average families. How about a tax

rebate from the windfall profits of these oil companies going right back to the families who are being flailed by these high gasoline prices. That would send a message to the oil companies that their price gouging is not going to go without penalty. They will pay a price for it. Those who would benefit from the windfall profits tax are the very consumers who are paying these high energy prices.

I think that is what we need to do. We need to understand that if we are going to have an energy policy in America which keeps our economy moving forward, we need to acknowledge the obvious. It is not the consumers' fault. The consumer has nowhere to turn at this point but to pay these high gasoline prices. It is the fault of leadership—the leadership at the oil companies that will take every last penny out of every working family they can at the pump, and it is the fault of an administration which comes from the oil patch and has been afraid to confront their old friends when it comes to these rising gasoline prices.

It is time to start anew. It is time to start on a bipartisan basis to understand that this isn't just a temporary inconvenience. It is something which can seriously handicap this economy for a long time to come.

I just returned from Illinois. I spent 2 weeks traveling all over the State, the city of Chicago, and suburban areas. I tell you that I expected to hear a lot about the Iraqi war, a lot about immigration, health care, education, and I did hear about those, but the thing that is focusing the attention of the people in Illinois is the price at the gasoline stations.

These families understand that this is a hardship they never counted on. It is bad enough in this country when these families struggle to try to make a living, to put their kids through school, make that mortgage payment, but then to have these oil companies and their rapacious greed charging higher and higher prices for their product and taking \$400 million so Mr. Raymond can have a sweet retirement from ExxonMobil, that is unconscionable.

It is time for the President to speak out. It is not a question of whether our addiction to oil has caused this problem. It is not the consumers' fault. No. It is the fault of the oil company executives and this administration which needs to show real leadership so this economy doesn't stall.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Mr. President, I would very much like to work on an energy policy in a bipartisan way. I think we all understand that the only way to get anything important done in Washington, DC, is to work in a bipartisan way. Unfortunately, the same Bush administration that so tragically bungled the response to Hurricanes Katrina and Rita has now bungled its way to \$3-a-



gallon gasoline. And in particular, I am concerned that all of the evidence showed that this spring we would have these problems.

The administration, for example, has given Congress a variety of reports about how post-Katrina we would have evidence of a supply problem. With respect to the changeover from MTBE to ethanol, all the evidence was available many months ago. The Wall Street Journal was warning about it—that there would be huge logistical problems for service stations and others to make that changeover.

We know that ethanol—and the Senator from Illinois has been one of the leaders in this effort—is going to play an important role in America's gasoline future. Given that, this should have been an all-hands-on-deck approach at the administration trying to watchdog the transition from MTBE to ethanol. This is an administration with enormous expertise in the oil area. For all practical purposes, this is an administration that is almost marinated in oil. One official after another has a history and a background in this sector. Yet where was the Department of Energy? Where was the Environmental Protection Agency? Where was the Commodity Futures Trading Commission at a key time in our country's energy future?

With all the problems overseas—Nigeria, Venezuela, and Iraq producing a tiny fraction of what they were able to produce before the war—we knew that this was going to be a difficult time this spring.

I talked to a gasoline station owner last night. I pulled up and was faced with the prospect of \$3.25 a gallon. That station owner said: Nobody gave us any information at all about how to proceed in this significant switchover from MTBE to ethanol.

They have to clean their tanks. There are tremendous logistical problems and a different role for transportation with respect to trucks and rails versus pipelines. Normally, you would have taken a much longer period of time to make this changeover. That wasn't done.

So the administration should have been there working with the service station owners and the oil companies and a variety of parties to try to minimize the problems when you are having this massive transition in the energy area. So we are going to see instances where people try to exploit the situation. I hope we can get the Federal Trade Commission off the dime and finally go out and take the steps to protect the public from this exploitation.

It was known a year ago that this was a time when we would have a perfect energy storm. We knew we were going to have the equivalent of what amounts to a level 5 hurricane in the gasoline market. Yet the folks in the administration sat on their hands. It did not have to be that way.

I want to work in a bipartisan way to turn this around. Unfortunately, the

same kind of bumbling and bungling approach that was taken in responding to Hurricanes Katrina and Rita has driven our gasoline prices over \$3 a gallon. We ought to come together. I recommended yesterday in a lengthy speech a variety of steps we could take in the short term—for example, helping the States to make this transition to ethanol easier. We can do it in a bipartisan way. If it were not for the bungling of this administration over the last year and its failure to take the steps that could have prevented much of what we have seen, we would not have to come to this point. That is unfortunate. The American people have been gratuitously hammered again. It didn't have to be.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I have been listening to the debate in the Senate. Senator CORNYN is going to respond in a little more detail. Honestly, it is very important we address the energy issue in a way that suggests what we can do. The people of America are not interested in Democratic charges against Republicans and Republican charges against Democrats. They want more resources so the price of gasoline at the pump will come down.

In my hometown of Dallas, there are shortages now in addition to the high prices. We need to do some things that diversify our resources so we depend on our own resources for oil and natural gas. That means drilling for oil in our country and trying to make sure we have conservation and alternative sources of energy, which is exactly what Congress has been trying to do. We have been held up in doing it.

I appreciate very much this opportunity. I am very pleased to work with my colleague, Senator CORNYN.

Mr. CORNYN. Mr. President, I will use a few minutes to respond to some of the voices that have been raised regarding the fuel prices. Of course, this is an issue that affects everyone. It is ironic that those who have railed the loudest against high gasoline prices are the ones who indeed are responsible for obstructing rational energy policy in this country that would bring down the price of gasoline itself.

For example, we all know that the global competition for oil and gas is greater with the industrialization and growth of countries such as China, with 1.3 billion people, with the growth and industrialization of countries such as India. But notwithstanding the need to diversify our energy sources to nuclear energy and use the 300 years of coal we have in this country in a clean and environmentally sensitive way, we have been met with nothing but obstruction when it comes to trying to both diversify our energy sources and to undertake policies that would literally bring down the price of gasoline at the pump.

It is no secret the single greatest factor in high gasoline prices is high oil prices. We have simply been denied

every opportunity we have tried to undertake to expand domestic production at home by exploring places such as the Arctic Wildlife Refuge in an environmentally responsible way and drilling offshore in America in a way that can preserve both the environment but also increase the supply of oil and help bring down the price of gas.

Congress can do a lot of things, but we cannot repeal the laws of supply and demand. Without additional supply, we know with additional demand, prices will continue to go up. Because of obstruction and unreasonable regulation we have not seen a new refinery built in this country in the last 30 years.

Our time would be used more productively if our colleagues across the aisle would work with us to diversify and expand the sources of domestic energy so we can help bring down the price at the pump. It would be much more constructively used if we work together rather than attempting to score political points and to place the blame in a political season.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF GRAY HAMPTON MILLER TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session for consideration of Calendar No. 602, which the clerk will report.

Under the previous order, there will be 5 minutes for the Senator from Texas.

The bill clerk read the nomination of Gray Hampton Miller, of Texas, to be United States District Judge for the Southern District of Texas.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I take this opportunity to talk about Gray Miller. Senator CORNYN and I are dividing this time because we are both responsible for nominating this incredible person to serve on the Federal district bench from the southern district of Texas in his hometown of Houston.

Senator CORNYN and I have a process. We have a committee made up of Republicans and Democrats, geographically diverse, lawyers respected in their fields, who interview all of the nominees for Federal benches. There were quite a few nominees, probably 15 to 20, for this particular bench. They rank them. Senator CORNYN and I then talked to the top 3 or 4 nominees. It has been a great system. We have gotten extremely qualified judges on the



district benches in Texas doing it this way.

I appreciate the input of Senator CORNYN, a member of the Judiciary Committee, because he has been attorney general of Texas. His input is very valuable and our system has produced a quality judge in Gray Miller.

Gray Miller is a senior partner at Fulbright & Jaworski. Gray has headed the firm's admiralty department, starting in 1997. In fact, he is widely considered one of the leading maritime lawyers in the world and was included in Euro's Money Guide to the world's leading maritime lawyers. Included in his many professional honors are accolades as a Texas superlawyer by Texas Monthly Magazine and recognition as one of the best lawyers in America.

Gray Miller is one of the most honorable, hard-working Americans I have ever known. From 1969 to 1978 Gray worked his way through undergraduate and law school as a Houston police officer. He and his wife raised their two children during this time. While he has obtained exceptional skills and qualifications as a lawyer and with the admiralty specialty, which is a big part of the practice in Houston, his experience of serving as a Houston police officer brings a unique perspective to the Federal bench.

He was appointed by the Governor of Texas to serve on the board of the Texas Department of Mental Health and Retardation. He is a lifetime member of the 100 Club of Houston, an organization that assists the families of police officers and firefighters who are killed or injured in the line of duty.

I am honored to recommend Gray Miller. He meets the high standards to which we hold all judicial nominees. He has an impressive record of service. He has great judicial temperament. He shoots straight. He has an experience that is so diverse, from being an on-the-ground police officer who is dealing with the criminal aspect in our society—we do not have enough people with that background on the Federal bench—to admiralty, which is an intellectual contract, and international law, part of the responsibility in the southern district of Texas.

With this array of experience and the integrity he holds, we have an outstanding nominee. I urge all of my colleagues to support the nomination of Gray Miller.

I yield the floor.

Mr. CORNYN. Mr. President, I join my colleague, Senator HUTCHISON, in commending to our colleagues this fine nominee to the U.S. District Court for the Southern District of Texas. Soon-to-be-Judge Miller will succeed Judge Ewing Werlein, who assumed senior status early this year.

I add to all of Mr. Miller's outstanding credentials my recognition and our appreciation for Judge Werlein's service to his Nation and the legal profession during his time on the bench.

First, I thank the chairman of the Judiciary Committee, Senator SPEC-

TER, as well as the ranking member, Senator LEAHY, for working with Senator HUTCHINSON and me to fill the important vacancy in the Houston Division of the Southern District of Texas.

Mr. Miller has been nominated to fill the vacancy created when Judge Ewing Werlein assumed senior status earlier this year. Judge Werlein has served his country and the legal profession admirably, and I commend him for his dedicated service.

The Houston division is one of the most important and diverse in the entire Federal judiciary as it is responsible for some of the Nation's most complex, notable commercial disputes and criminal prosecutions. It is crucial that we fill this vacancy quickly and I thank the committee for their vote to bring Mr. Miller's nomination to the Senate floor.

When I consider nominees for the Federal bench, there are certain characteristics that I value. In fact, I believe that many of my colleagues also appreciate these same characteristics. First, nominees usually have a notable history of public service. In addition, nominees are often well-respected by their peers and have impeccable academic and/or professional records. Last, nominees usually have a long and distinguished history of civil involvement. Mr. President, Gray Miller possesses these traits.

Mr. Miller has the necessary qualifications to serve on the Federal bench. He has been a long-time partner in the distinguished Texas law firm of Fulbright and Jaworski. He has excelled at the practice of law and is well respected within the legal profession for his knowledge of admiralty and maritime law. This nominee also enjoys the support of the American Bar Association which has certified him as well-qualified after a thorough review of his credentials.

Furthermore, he devotes a substantial amount of his time to public service. Most notably, he spent 9 years as a Houston police officer, working his way through his undergraduate and law degrees. Now, as a private practice attorney, he supports a variety of public service initiatives, including the Houston Volunteer Lawyers Program and Habitat for Humanity. He also previously has served on the board of trustees of the Mental Health/Mental Retardation Authority of Harris County and on the board of the Texas Department of Mental Health and Mental Retardation. He and his wife actively support Houston schools for students with learning disabilities and drug and alcohol problems. His devotion to the greater Houston community is commendable.

From a congressional page in 1965 to a police officer in the 1970s to an accomplished trial advocate, Mr. Miller understands and respects the role of our three branches of government. He has an unfailing respect for the judiciary and the jury system. It is with this understanding that I believe Mr. Miller

will serve his country honorably as a Federal district court judge should—by interpreting and applying the law and adhering to established precedent.

I am pleased that President Bush has nominated Gray Miller to serve on the court of the Southern District of Texas. I look forward to his service on the Federal bench in the Great State of Texas. I ask my colleagues to support his nomination.

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

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Gray Hampton Miller, of Texas, to be United States District Judge for the Southern District of Texas? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Louisiana (Mr. VITTER).

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. DAYTON), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), the Senator from Illinois (Mr. OBAMA), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "aye."

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

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 93 Ex.]

#### YEAS—93

Akaka	Dodd	Martinez
Alexander	Dole	McCain
Allard	Domenici	McConnell
Allen	Dorgan	Menendez
Baucus	Durbin	Mikulski
Bayh	Ensign	Murkowski
Bennett	Enzi	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Bond	Frist	Pryor
Boxer	Graham	Reed
Brownback	Grassley	Reid
Bunning	Gregg	Roberts
Burns	Hagel	Salazar
Burr	Harkin	Santorum
Byrd	Hatch	Sarbanes
Cantwell	Hutchison	Schumer
Carper	Inhofe	Sessions
Chafee	Inouye	Shelby
Chambliss	Isakson	Smith
Clinton	Johnson	Snowe
Coburn	Kennedy	Specter
Cochran	Kyl	Stabenow
Coleman	Landrieu	Stevens
Collins	Lautenberg	Sununu
Conrad	Leahy	Talent
Cornyn	Levin	Thomas
Craig	Lieberman	Thune
Crapo	Lincoln	Voinovich
DeMint	Lott	Warner
DeWine	Lugar	Wyden

#### NOT VOTING—7

Dayton	Kohl	Vitter
Jeffords	Obama	
Kerry	Rockefeller	

The nomination was confirmed.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

# MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 4939, for debate only, until 2:15 p.m.

The clerk will state the bill by title.

The bill clerk read as follows:

A bill (H.R. 4939), making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

The Senate proceeded to consider the bill, which was reported by the Committee on Appropriations, with an amendment.

[Omit the part shown in black brackets and insert the part shown in italic.]

H.R. 4939

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

[That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, and for other purposes, namely:

## TITLE I—GLOBAL WAR ON TERROR SUPPLEMENTAL APPROPRIATIONS

### CHAPTER 1

#### DEPARTMENT OF AGRICULTURE

#### FOREIGN AGRICULTURAL SERVICE

##### PUBLIC LAW 480 TITLE II GRANTS

[For an additional expenses for "Public Law 480 Title II Grants", during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, \$350,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

### CHAPTER 2

#### DEPARTMENT OF DEFENSE

#### DEPARTMENT OF DEFENSE—MILITARY

##### MILITARY PERSONNEL

##### MILITARY PERSONNEL, ARMY

[For an additional amount for "Military Personnel, Army", \$6,506,223,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### MILITARY PERSONNEL, NAVY

[For an additional amount for "Military Personnel, Navy", \$1,061,724,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### MILITARY PERSONNEL, MARINE CORPS

[For an additional amount for "Military Personnel, Marine Corps", \$834,122,000: *Pro-*

*vided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### MILITARY PERSONNEL, AIR FORCE

[For an additional amount for "Military Personnel, Air Force", \$1,145,363,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### RESERVE PERSONNEL, ARMY

[For an additional amount for "Reserve Personnel, Army", \$166,070,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### RESERVE PERSONNEL, NAVY

[For an additional amount for "Reserve Personnel, Navy", \$110,412,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### RESERVE PERSONNEL, MARINE CORPS

[For an additional amount for "Reserve Personnel, Marine Corps", \$10,327,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### RESERVE PERSONNEL, AIR FORCE

[For an additional amount for "Reserve Personnel, Air Force", \$1,940,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### NATIONAL GUARD PERSONNEL, ARMY

[For an additional amount for "National Guard Personnel, Army", \$96,000,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### NATIONAL GUARD PERSONNEL, AIR FORCE

[For an additional amount for "National Guard Personnel, Air Force", \$1,200,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### OPERATION AND MAINTENANCE

##### OPERATION AND MAINTENANCE, ARMY

[For an additional amount for "Operation and Maintenance, Army", \$18,380,310,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### OPERATION AND MAINTENANCE, NAVY

##### (INCLUDING TRANSFER OF FUNDS)

[For an additional amount for "Operation and Maintenance, Navy", \$2,793,600,000: *Provided*, That up to \$75,020,000 shall be available for the Department of Homeland Security, "United States Coast Guard, Operating Expenses": *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### OPERATION AND MAINTENANCE, MARINE CORPS

[For an additional amount for "Operation and Maintenance, Marine Corps", \$1,722,911,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### OPERATION AND MAINTENANCE, AIR FORCE

[For an additional amount for "Operation and Maintenance, Air Force", \$5,328,869,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### OPERATION AND MAINTENANCE, DEFENSE-WIDE

[For an additional amount for "Operation and Maintenance, Defense-Wide", \$3,259,929,000, of which—

(1) not to exceed \$25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom;

(2) not to exceed \$10,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes;

(3) not to exceed \$1,200,000,000 to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: *Provided*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph; and

(4) not to exceed \$44,500,000 for Cooperative Threat Reduction:

[*Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### OPERATION AND MAINTENANCE, ARMY RESERVE

[For an additional amount for "Operation and Maintenance, Army Reserve", \$100,100,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### OPERATION AND MAINTENANCE, NAVY RESERVE

[For an additional amount for "Operation and Maintenance, Navy Reserve", \$236,509,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**[OPERATION AND MAINTENANCE, MARINE  
CORPS RESERVE]**

**[For an additional amount for "Operation and Maintenance, Marine Corps Reserve", \$55,675,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.**

**[OPERATION AND MAINTENANCE, AIR FORCE  
RESERVE]**

**[For an additional amount for "Operation and Maintenance, Air Force Reserve", \$18,563,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.**

**[OPERATION AND MAINTENANCE, ARMY  
NATIONAL GUARD]**

**[For an additional amount for "Operation and Maintenance, Army National Guard", \$178,600,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.**

**[OPERATION AND MAINTENANCE, AIR NATIONAL  
GUARD]**

**[For an additional amount for "Operation and Maintenance, Air National Guard", \$30,400,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.**

**[AFGHANISTAN SECURITY FORCES FUND]**

**[(INCLUDING TRANSFER OF FUNDS)]**

**[For the "Afghanistan Security Forces Fund", \$1,851,833,000, to remain available until September 30, 2007: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Office of Security Cooperation—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds**

received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**[IRAQ SECURITY FORCES FUND  
(INCLUDING TRANSFER OF FUNDS)]**

**[For the "Iraq Security Forces Fund", \$3,007,000,000, to remain available until September 30, 2007: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.**

**[PROCUREMENT]**

**[AIRCRAFT PROCUREMENT, ARMY]**

**[For an additional amount for "Aircraft Procurement, Army", \$533,200,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this head-**

ing is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**[MISSILE PROCUREMENT, ARMY]**

**[For an additional amount for "Missile Procurement, Army", \$203,300,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.**

**[PROCUREMENT OF WEAPONS AND TRACKED  
COMBAT VEHICLES, ARMY]**

**[For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", \$1,983,351,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.**

**[PROCUREMENT OF AMMUNITION, ARMY]**

**[For an additional amount for "Procurement of Ammunition, Army", \$829,679,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.**

**[OTHER PROCUREMENT, ARMY]**

**[For an additional amount for "Other Procurement, Army", \$7,528,657,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.**

**[AIRCRAFT PROCUREMENT, NAVY]**

**[For an additional amount for "Aircraft Procurement, Navy", \$293,980,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.**

**[WEAPONS PROCUREMENT, NAVY]**

**[For an additional amount for "Weapons Procurement, Navy", \$90,800,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.**

**[PROCUREMENT OF AMMUNITION, NAVY AND  
MARINE CORPS]**

**[For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$330,996,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.**

**[OTHER PROCUREMENT, NAVY]**

**[For an additional amount for "Other Procurement, Navy", \$111,719,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.**

**[PROCUREMENT, MARINE CORPS]**

**[For an additional amount for "Procurement, Marine Corps", \$3,260,582,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this**

heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### [AIRCRAFT PROCUREMENT, AIR FORCE]

[For an additional amount for "Aircraft Procurement, Air Force", \$663,595,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### [PROCUREMENT OF AMMUNITION, AIR FORCE]

[For an additional amount for "Procurement of Ammunition, Air Force", \$29,047,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### [OTHER PROCUREMENT, AIR FORCE]

[For an additional amount for "Other Procurement, Air Force", \$1,489,192,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### [PROCUREMENT, DEFENSE-WIDE]

[For an additional amount for "Procurement, Defense-Wide", \$331,353,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### [RESEARCH, DEVELOPMENT, TEST AND EVALUATION]

##### [RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY]

[For an additional amount for "Research, Development, Test and Evaluation, Army", \$424,177,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### [RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY]

[For an additional amount for "Research, Development, Test and Evaluation, Navy", \$126,845,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### [RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE]

[For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$305,110,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### [RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE]

[For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$145,921,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant

to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### [REVOLVING AND MANAGEMENT FUNDS]

##### [DEFENSE WORKING CAPITAL FUNDS]

[For an additional amount for "Defense Working Capital Funds", \$502,700,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### [OTHER DEPARTMENT OF DEFENSE PROGRAMS]

##### [DEFENSE HEALTH PROGRAM]

[For an additional amount for "Defense Health Program", \$1,153,562,000 (reduced by \$20,000,000) (increased by \$20,000,000) for operation and maintenance: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### [DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE]

##### [INCLUDING TRANSFER OF FUNDS]

[For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", \$156,800,000, to remain available until expended: *Provided*, That these funds may be used only for such activities related to Afghanistan and the Central Asia area: *Provided further*, That the Secretary of Defense may transfer such funds only to appropriations for military personnel; operation and maintenance; procurement; and research, development, test and evaluation: *Provided further*, That the funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### [OFFICE OF THE INSPECTOR GENERAL]

[For an additional amount for "Office of the Inspector General", \$6,120,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### [RELATED AGENCIES]

##### [INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT]

[For an additional amount for the "Intelligence Community Management Account", \$158,875,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### [GENERAL PROVISIONS—THIS CHAPTER]

##### [TRANSFER OF FUNDS]

[SEC. 1201. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to \$2,000,000,000 of the funds made available to the Department

of Defense in this chapter: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2006, except for the fourth proviso.

[SEC. 1202. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this Act under the heading "Drug Interdiction and Counter-Drug Activities, Defense", not to exceed \$40,000,000 may be made available for support for counter-drug activities of the Governments of Afghanistan and Pakistan: *Provided*, That such support shall be in addition to support provided for the counter-drug activities of such Governments under any other provision of the law.

[(b) TYPES OF SUPPORT.—(1) Except as specified in subsections (b)(2) and (b)(3) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85, as amended by Public Law 106-398 and Public Law 108-136), and conditions on the provision of support as contained in such section 1033 shall apply for fiscal year 2006.

[(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to such Governments for counter-drug activities.

[(3) For the Government of Afghanistan, the Secretary of Defense may also provide individual and crew-served weapons, and ammunition for counter-drug security forces.

[SEC. 1203. Notwithstanding 10 U.S.C. 2208(1), the total amount of advance billings rendered or imposed for all working capital funds of the Department of Defense in fiscal year 2006 shall not exceed \$1,500,000,000: *Provided*, That the amounts made available pursuant to this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

[SEC. 1204. In addition to amounts authorized in section 1202(a) of Public Law 109-163, from funds made available in this chapter to the Department of Defense, not to exceed \$423,000,000 may be used to fund the Commander's Emergency Response Program and for a similar program to assist the people of Afghanistan, to remain available until December 31, 2007.

[SEC. 1205. Supervision and administration costs associated with a construction project funded with "Afghanistan Security Forces Fund" or "Iraq Security Forces Fund" appropriations may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

[SEC. 1206. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 and 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

## [CHAPTER 3]

## [BILATERAL ECONOMIC ASSISTANCE]

## [FUNDS APPROPRIATED TO THE PRESIDENT]

## [UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT]

## [CHILD SURVIVAL AND HEALTH PROGRAMS FUND]

[For an additional amount for "Child Survival and Health Programs Fund", \$5,300,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## [DEVELOPMENT ASSISTANCE]

[For an additional amount for "Development Assistance", \$10,500,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## [INTERNATIONAL DISASTER FAMINE ASSISTANCE]

[For an additional amount for "International Disaster and Famine Assistance", \$136,290,000, to remain until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## [OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT]

[For an additional amount for "Operating Expenses of the United States Agency for International Development", \$61,600,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## [OTHER BILATERAL ECONOMIC ASSISTANCE]

## [ECONOMIC SUPPORT FUND]

[For an additional amount for "Economic Support Fund", \$1,584,500,000 (reduced by \$10,000,000) (increased by \$10,000,000), to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## [DEPARTMENT OF STATE]

## [DEMOCRACY FUND]

[For an additional amount for "Democracy Fund", \$10,000,000 for the advancement of democracy in Iran, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## [INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT]

[For an additional amount for "International Narcotics Control and Law Enforcement", \$107,700,000 (reduced by \$26,300,000) (increased by \$26,300,000), to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## [MIGRATION AND REFUGEE ASSISTANCE]

[For an additional amount for "Migration and Refugee Assistance", \$51,200,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this

heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## [DEPARTMENT OF THE TREASURY]

## [INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE]

[For an additional amount for "International Affairs Technical Assistance", \$13,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## [MILITARY ASSISTANCE]

## [FUNDS APPROPRIATED TO THE PRESIDENT]

## [PEACEKEEPING OPERATIONS]

[For an additional amount for "Peacekeeping Operations", \$123,000,000 (increased by \$50,000,000), to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## [GENERAL PROVISIONS—THIS CHAPTER]

## [INCLUDING TRANSFER AND RESCISSION OF FUNDS]

[SEC. 1301. Funds appropriated or made available by transfer in this chapter may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236).

[SEC. 1302. Of the funds made available under the heading "Iraq Relief and Reconstruction Fund" in chapter 2 of title II of Public Law 108-106, \$185,500,000 is hereby transferred to and merged with the appropriation for "Economic Support Fund" contained in this Act: *Provided*, That the amount transferred by this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## [RESCISSION OF FUNDS]

[SEC. 1303. Of the funds made available for Coalition Solidarity Initiative under the heading "Peacekeeping Operations" in chapter 2 of title II of division A of Public Law 109-13, \$17,000,000 is rescinded.

[SEC. 1304. Notwithstanding any other provision of law, amounts under the heading "Iraq Relief and Reconstruction Fund" in title II of Public Law 108-106 shall remain available for one additional year from the date on which the availability of funds would otherwise have expired, if such funds are initially obligated before the expiration of the period of availability provided herein: *Provided*, That, notwithstanding section 2207(d) of Public Law 108-106, requirements of section 2207 of Public Law 108-106 shall expire on October 1, 2008.

## [CHAPTER 4]

## [DEPARTMENT OF HOMELAND SECURITY]

## [UNITED STATES COAST GUARD]

## [OPERATING EXPENSES]

[For an additional amount for "Operating Expenses", \$26,692,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## [CHAPTER 5]

## [DEPARTMENT OF DEFENSE]

## [MILITARY CONSTRUCTION]

## [MILITARY CONSTRUCTION, ARMY]

[For an additional amount for "Military Construction, Army", \$287,100,000, to remain

available until September 30, 2007: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: *Provided further*, That none of the funds provided under this heading may be obligated or expended until after that date on which the Secretary of Defense submits an updated master plan for overseas military infrastructure to the Committees on Appropriations of the House of Representatives and Senate: *Provided further*, That, subject to the preceding proviso, \$60,000,000 of the funds provided under this heading may not be obligated or expended until after that date on which the Secretary of Defense submits a detailed plan for Counter IED/Urban Bypass Roads, Iraq, to the Committees on Appropriations of the House of Representatives and Senate.

## [MILITARY CONSTRUCTION, AIR FORCE]

[For an additional amount for "Military Construction, Air Force", \$35,600,000, to remain available until September 30, 2007: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: *Provided further*, That none of the funds provided under this heading may be obligated or expended until after that date on which the Secretary of Defense submits an updated master plan for overseas military infrastructure to the Committees on Appropriations of the House of Representatives and Senate.

## [GENERAL PROVISION—THIS CHAPTER]

[SEC. 1501. The matter under the heading "Veterans Health Administration—Medical Services" in chapter 7 of title I of division B of Public Law 109-148 is amended by inserting after "calendar year 2005" the following: "and for unanticipated costs related to the Global War on Terror": *Provided*, That the provisions of this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## [CHAPTER 6]

## [DEPARTMENT OF JUSTICE]

## [LEGAL ACTIVITIES]

## [SALARIES AND EXPENSES, UNITED STATES ATTORNEYS]

[For an additional amount for "Salaries and Expenses, United States Attorneys", \$3,000,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## [FEDERAL BUREAU OF INVESTIGATION]

## [SALARIES AND EXPENSES]

[For an additional amount for "Salaries and Expenses", \$99,000,000, to remain available until September 30, 2007: *Provided*, That no funding provided in this Act shall be available for obligation for a new or enhanced information technology program unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate

program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice and Federal Bureau of Investigation: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### 【DRUG ENFORCEMENT ADMINISTRATION

##### 【SALARIES AND EXPENSES

【For an additional amount for “Salaries and Expenses”, \$5,000,000 (increased by \$9,200,000), to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### 【BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

##### 【SALARIES AND EXPENSES

【For an additional amount for “Salaries and Expenses”, \$4,100,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### 【DEPARTMENT OF STATE AND RELATED AGENCY

##### 【DEPARTMENT OF STATE

##### 【ADMINISTRATION OF FOREIGN AFFAIRS

##### 【DIPLOMATIC AND CONSULAR PROGRAMS

##### 【(INCLUDING TRANSFER OF FUNDS)

【For an additional amount for “Diplomatic and Consular Programs”, \$1,380,500,000, to remain available until September 30, 2007: *Provided*, That of the amount made available under this heading, \$1,326,000 shall be available for transfer to the United States Institute of Peace: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### 【OFFICE OF INSPECTOR GENERAL

##### 【(INCLUDING TRANSFER OF FUNDS)

【For an additional amount for “Office of Inspector General”, \$25,300,000, to remain available until September 2007, of which \$24,000,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### 【EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

【For an additional amount for “Educational and Cultural Exchange Programs”, \$5,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### 【INTERNATIONAL ORGANIZATIONS

##### 【CONTRIBUTIONS TO INTERNATIONAL PEACEKEEPING ACTIVITIES

【For an additional amount for “Contributions for International Peacekeeping Activities”, \$129,800,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Con-

gress), the concurrent resolution on the budget for fiscal year 2006.

#### 【RELATED AGENCY

##### 【BROADCASTING BOARD OF GOVERNORS

##### 【INTERNATIONAL BROADCASTING OPERATIONS

【For an additional amount for “International Broadcasting Operations”, \$7,600,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### 【BROADCASTING CAPITAL IMPROVEMENTS

【For an additional amount for “Broadcasting Capital Improvements”, \$28,500,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### 【GENERAL PROVISION—THIS CHAPTER

【SEC. 1601. Funds appropriated by this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), and section 504(a)(1) of the National Security Act of 1947.

#### 【CHAPTER 7

##### 【DEPARTMENT OF THE TREASURY

##### 【DEPARTMENTAL OFFICES

##### 【SALARIES AND EXPENSES

【For an additional amount for “Salaries and Expenses”, \$1,800,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### 【TITLE II—FURTHER HURRICANE DISASTER RELIEF AND RECOVERY

#### 【CHAPTER 1

##### 【DEPARTMENT OF AGRICULTURE

##### 【EXECUTIVE OPERATIONS

##### 【WORKING CAPITAL FUND

【For an additional amount for “Working Capital Fund” for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$25,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### 【AGRICULTURAL RESEARCH SERVICE

##### 【BUILDINGS AND FACILITIES

【For an additional amount for “Agricultural Research Service, Buildings and Facilities” for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$20,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### 【NATURAL RESOURCES CONSERVATION SERVICE

##### 【EMERGENCY WATERSHED PROTECTION PROGRAM

【For an additional amount for “Emergency Watershed Protection Program” \$10,000,000, to remain available until September 30, 2008, for the purchase of easements on floodplain

lands in disaster areas affected by Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### 【CHAPTER 2

##### 【DEPARTMENT OF DEFENSE

##### 【DEPARTMENT OF DEFENSE—MILITARY

##### 【MILITARY PERSONNEL

##### 【MILITARY PERSONNEL, ARMY

【For an additional amount for “Military Personnel, Army”, \$2,125,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### 【MILITARY PERSONNEL, NAVY

【For an additional amount for “Military Personnel, Navy”, \$22,002,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### 【MILITARY PERSONNEL, MARINE CORPS

【For an additional amount for “Military Personnel, Marine Corps”, \$3,992,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### 【MILITARY PERSONNEL, AIR FORCE

【For an additional amount for “Military Personnel, Air Force”, \$21,610,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### 【RESERVE PERSONNEL, ARMY

【For an additional amount for “Reserve Personnel, Army”, \$4,071,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### 【RESERVE PERSONNEL, NAVY

【For an additional amount for “Reserve Personnel, Navy”, \$10,200,000 for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### 【RESERVE PERSONNEL, MARINE CORPS

【For an additional amount for “Reserve Personnel, Marine Corps”, \$2,176,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of



the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### [RESERVE PERSONNEL, AIR FORCE

[For an additional amount for "Reserve Personnel, Air Force", \$94,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### [NATIONAL GUARD PERSONNEL, ARMY

[For an additional amount for "National Guard Personnel, Army", \$1,304,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### [NATIONAL GUARD PERSONNEL, AIR FORCE

[For an additional amount for "National Guard Personnel, Air Force", \$1,408,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### [OPERATION AND MAINTENANCE

##### [OPERATION AND MAINTENANCE, NAVY

[For an additional amount for "Operation and Maintenance, Navy", \$29,913,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### [OPERATION AND MAINTENANCE, AIR FORCE

[For an additional amount for "Operation and Maintenance, Air Force", \$37,359,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### [OPERATION AND MAINTENANCE, NAVY RESERVE

[For an additional amount for "Operation and Maintenance, Navy Reserve", \$12,755,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### [OPERATION AND MAINTENANCE, AIR FORCE RESERVE

[For an additional amount for "Operation and Maintenance, Air Force Reserve", \$1,277,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane

Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### [OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

[For an additional amount for "Operation and Maintenance, Army National Guard", \$42,307,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### [PROCUREMENT

##### [PROCUREMENT OF AMMUNITION, ARMY

[For an additional amount for "Procurement of Ammunition, Army", \$700,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### [OTHER PROCUREMENT, ARMY

[For an additional amount for "Other Procurement, Army", \$9,136,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### [AIRCRAFT PROCUREMENT, NAVY

[For an additional amount for "Aircraft Procurement, Navy", \$579,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### [PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

[For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$899,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### [SHIPBUILDING AND CONVERSION, NAVY

###### [(INCLUDING TRANSFER OF FUNDS)

[For an additional amount for "Shipbuilding and Conversion, Navy", \$775,236,000 to remain available until September 30, 2010, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, which shall be available for transfer within this account to replace destroyed or damaged equipment; prepare and recover naval vessels under contract; and provide for cost adjustments for

naval vessels for which funds have been previously appropriated: *Provided*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers within this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### [OTHER PROCUREMENT, NAVY

[For an additional amount for "Other Procurement, Navy", \$85,040,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### [AIRCRAFT PROCUREMENT, AIR FORCE

[For an additional amount for "Aircraft Procurement, Air Force", \$13,000,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### [PROCUREMENT, DEFENSE-WIDE

[For an additional amount for "Procurement, Defense-Wide", \$2,797,000 (increased by \$2,000,000), to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### [RESEARCH, DEVELOPMENT, TEST AND EVALUATION

###### [RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

[For an additional amount for "Research, Development, Test and Evaluation, Navy", \$12,000,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

###### [RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

[For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$6,250,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

###### [RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

[For an additional amount for "Research, Development, Test and Evaluation, Defense-

Wide'', \$730,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### 【REVOLVING AND MANAGEMENT FUNDS】

##### 【DEFENSE WORKING CAPITAL FUNDS】

【For an additional amount for "Defense Working Capital Funds", \$1,222,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### 【NATIONAL DEFENSE SEALIFT FUND】

【For an additional amount for "National Defense Sealift Fund", \$10,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### 【TRUST FUNDS】

#### 【GENERAL FUND PAYMENT, SURCHARGE COLLECTIONS, SALES OF COMMISSARY STORES, DEFENSE】

【For an additional amount for "General Fund Payment, Surcharge Collections, Sales of Commissary Stores, Defense", \$10,530,000, to remain available until September 30, 2010, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### 【OTHER DEPARTMENT OF DEFENSE PROGRAMS】

##### 【DEFENSE HEALTH PROGRAM】

【For an additional amount for "Defense Health Program", \$33,881,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### 【GENERAL PROVISION—THIS CHAPTER】

【SEC. 2201. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 and 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

#### 【CHAPTER 3】

#### 【DEPARTMENT OF DEFENSE—CIVIL】

##### 【DEPARTMENT OF THE ARMY】

##### 【CORPS OF ENGINEERS—CIVIL】

##### 【CONSTRUCTION】

【For additional amounts for "Construction" to reduce the risk of storm damage to the greater New Orleans metropolitan area by restoring the surrounding wetlands,

\$100,000,000, to remain available until expended: *Provided*, That such sums shall be subject to authorization: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide, at a minimum, a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than July 30, 2006: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### 【FLOOD CONTROL AND COASTAL EMERGENCIES】

【For additional amounts for "Flood Control and Coastal Emergencies", as authorized by section of the Flood Control Act of August 18, 1941, as amended (33 U.S.C. 701n), for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$1,360,000,000, to remain available until expended: *Provided*, That such sums shall be subject to authorization: *Provided further*, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide, at a minimum, a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than July 30, 2006: *Provided further*, That none of the funds provided herein shall be available until the non-federal interests have entered into binding agreements with the Secretary of the Army to pay 100 percent of the operation, maintenance, repair, replacement and rehabilitation costs of the projects: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### 【CHAPTER 4】

#### 【DEPARTMENT OF HOMELAND SECURITY】

##### 【OFFICE OF INSPECTOR GENERAL】

##### 【(INCLUDING TRANSFERS OF FUNDS)】

【For an additional amount for "Salaries and Expenses" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$13,500,000, to remain available until September 30, 2007: *Provided*, That these amounts shall be transferred to the Offices of Inspector General of the Departments of Agriculture, Defense, Education, Health and Human Services, Housing and Urban Development, Justice, Labor and Transportation, and the Environmental Protection Agency, the General Services Administration, and the Social Security Administration to carry out necessary audits and investigations of funding and programs undertaken by the respective agencies for response and recovery from the 2005 Gulf Coast hurricanes: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### 【CUSTOMS AND BORDER PROTECTION】

##### 【SALARIES AND EXPENSES】

【For an additional amount for "Salaries and Expenses" to provide for the relocation of personnel and equipment related to the New Orleans laboratory facility and for the repair and replacement of critical equipment and property damaged or caused by Hurricane Katrina and other hurricanes of the 2005 season, \$12,900,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### 【CONSTRUCTION】

【For an additional amount for "Construction" to rebuild and repair structures damaged by Hurricane Katrina and other hurricanes of the 2005 season, \$4,800,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### 【UNITED STATES COAST GUARD】

##### 【OPERATING EXPENSES】

##### 【(INCLUDING TRANSFER OF FUNDS)】

【For an additional amount for "Operating Expenses" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$14,300,000, to remain available until September 30, 2007, of which up to \$267,000 may be transferred to "Environmental Compliance and Restoration" to be used for environmental cleanup and restoration of Coast Guard facilities; and of which up to \$500,000 may be transferred to "Research, Development, Test, and Evaluation" to be used for salvage and repair of research and development equipment and facilities: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### 【ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS】

【For an additional amount for "Acquisition, Construction, and Improvements" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$80,755,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### 【FEDERAL EMERGENCY MANAGEMENT AGENCY】

##### 【ADMINISTRATIVE AND REGIONAL OPERATIONS】

【For an additional amount for "Administrative and Regional Operations" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$70,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### 【PREPAREDNESS, MITIGATION, RESPONSE AND RECOVERY】

【For an additional amount for "Preparedness, Mitigation, Response and Recovery" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$10,000,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### 【DISASTER RELIEF】

【For an additional amount for "Disaster Relief" for necessary expenses under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$9,550,000,000 (reduced by \$2,000,000), to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**[DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT**

**[(INCLUDING TRANSFER OF FUNDS)]**

**[For an additional amount for “Disaster Assistance Direct Loan Program Account” for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), \$151,000,000, to be used to assist local governments that were affected by Hurricane Katrina and other hurricanes of the 2005 season in providing essential services, of which \$1,000,000 is for administrative expenses to carry out the direct loan program: *Provided*, That such funds may be used to subsidize gross obligations for the principal amount of direct loans not to exceed \$200,000,000: *Provided further*, That notwithstanding section 417(b) of such Act, the amount of any such loan issued pursuant to this section may exceed \$5,000,000: *Provided further*, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): *Provided further*, That of the amount provided in this chapter under the heading “Disaster Relief”, up to \$150,000,000 may be transferred to and merged with the funds provided under this heading, to be used to subsidize gross obligations for the principal amount of direct loans not to exceed \$200,000,000: *Provided further*, That the amounts provided or transferred under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.**

**[GENERAL PROVISIONS—THIS CHAPTER]**

**[SEC. 2401.** The Federal Emergency Management Agency may provide funds to a State or local government or, as necessary, assume an existing agreement from such unit of government, to pay for utility costs resulting from the provision of temporary housing units to evacuees from Hurricanes Katrina and Rita if the State or local government has previously arranged to pay for such utilities on behalf of the evacuees for the term of any leases, not to exceed 12 months, contracted by or prior to February 7, 2006, notwithstanding section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174): *Provided*, That the Federal share of the costs eligible to be paid shall be 100 percent.

**[SEC. 2402.** (a) Title III of Public Law 109-90 is amended under the heading “National Flood Insurance Fund” by striking “\$30,000,000 for interest on Treasury borrowings” and inserting “such sums as necessary for interest on Treasury borrowings”.

**[(b) The provisions of this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.**

**[CHAPTER 5]**

**[DEPARTMENT OF THE INTERIOR]**

**[UNITED STATES FISH AND WILDLIFE SERVICE]**

**[CONSTRUCTION]**

**[For an additional amount for “Construction” for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, \$132,400,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.**

**[NATIONAL PARK SERVICE]**

**[HISTORIC PRESERVATION FUND]**

**[For an additional amount for the “Historic Preservation Fund” for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$3,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.**

**[CONSTRUCTION]**

**[For an additional amount for “Construction” for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$55,400,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.**

**[UNITED STATES GEOLOGICAL SURVEY]**

**[SURVEYS, INVESTIGATIONS, AND RESEARCH]**

**[For an additional amount for “Surveys, Investigations, and Research” for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, \$10,200,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.**

**[MINERALS MANAGEMENT SERVICE]**

**[ROYALTY AND OFFSHORE MINERALS MANAGEMENT]**

**[For an additional amount for “Royalty and Offshore Minerals Management” for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, \$15,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.**

**[ENVIRONMENTAL PROTECTION AGENCY]**

**[ENVIRONMENTAL PROGRAMS AND MANAGEMENT]**

**[For an additional amount for “Environmental Programs and Management” for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$6,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.**

**[LEAKING UNDERGROUND STORAGE TANK PROGRAM]**

**[For an additional amount for the “Leaking Underground Storage Tank Program” for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$7,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.**

**[DEPARTMENT OF AGRICULTURE]**

**[FOREST SERVICE]**

**[NATIONAL FOREST SYSTEM]**

**[For an additional amount for the “National Forest System” for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$20,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.**

**[CHAPTER 6]**

**[DEPARTMENT OF DEFENSE]**

**[MILITARY CONSTRUCTION]**

**[MILITARY CONSTRUCTION, NAVY AND MARINE CORPS]**

**[For an additional amount for “Military Construction, Navy and Marine Corps”, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$28,880,000 (increased by \$15,890,000), to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.**

**[MILITARY CONSTRUCTION, AIR FORCE]**

**[For an additional amount for “Military Construction, Air Force”, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$57,300,000 (increased by \$40,000,000), to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.**

**[MILITARY CONSTRUCTION, ARMY NATIONAL GUARD]**

**[For an additional amount for “Military Construction, Army National Guard”, for necessary expenses related to consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$67,800,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading in the chapter 7 of title I of division B of Public Law 109-148 (119 Stat. 2770) shall remain available until September 30, 2010: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.**

**[MILITARY CONSTRUCTION, AIR NATIONAL GUARD]**

**[For an additional amount for “Military Construction, Air National Guard”, for necessary expenses related to consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$5,800,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law,**

such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**[MILITARY CONSTRUCTION, NAVY RESERVE  
(INCLUDING RESCISSION OF FUNDS)]**

[For an additional amount for "Military Construction, Navy Reserve", for necessary expenses related to consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$24,270,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That the amount provided under the heading "Military Construction, Naval Reserve" in chapter 7 of title I of division B of Public Law 109-148 (119 Stat. 2771) shall remain available until September 30, 2010, except that, of such amount \$49,530,000 are rescinded: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**[DEPARTMENT OF VETERANS AFFAIRS  
[DEPARTMENTAL ADMINISTRATION  
[CONSTRUCTION, MAJOR PROJECTS  
(INCLUDING TRANSFER OF FUNDS)]**

[For an additional amount for "Construction, Major Projects", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$550,000,000, to remain available until expended: *Provided*, That the foregoing amount shall only be available upon enactment, by June 30, 2006, of authority under section 8104 of title 38, United States Code: *Provided further*, That up to \$275,000,000 of the amount provided under this heading may (at any time after the enactment of this Act and without regard to the preceding proviso) be transferred by the Secretary of Veterans Affairs to the "Medical Services" account, to be available only for unanticipated costs related to the Global War on Terror: *Provided further*, That the Secretary of Veterans Affairs shall, not fewer than 15 days prior to making a transfer under the authority in the preceding proviso, notify the Committees on Appropriations of the Senate and House of Representatives in writing of the transfer: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**[CHAPTER 7  
[DEPARTMENT OF JUSTICE  
[LEGAL ACTIVITIES**

**[SALARIES AND EXPENSES, GENERAL LEGAL  
ACTIVITIES**

[For an additional amount for "Salaries and Expenses, General Legal Activities", \$2,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**[SALARIES AND EXPENSES, UNITED STATES  
ATTORNEYS**

[For an additional amount for "Salaries and Expenses, United States Attorneys",

\$5,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**[DEPARTMENT OF COMMERCE  
[NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION**

**[PROCUREMENT, ACQUISITION AND  
CONSTRUCTION**

[For an additional amount for "Procurement, Acquisition and Construction", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$11,800,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**[SCIENCE  
[NATIONAL AERONAUTICS AND SPACE  
ADMINISTRATION**

**[EXPLORATION CAPABILITIES**

[For an additional amount for "Exploration Capabilities", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$30,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**[RELATED AGENCIES**

**[SMALL BUSINESS ADMINISTRATION**

**[DISASTER LOANS PROGRAM ACCOUNT**

**(INCLUDING TRANSFERS OF FUNDS)**

[For an additional amount for "Disaster Loans Program Account" for the cost of direct loans authorized by section 7(b) of the Small Business Act, \$1,254,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That, of the amount provided under this heading, up to \$190,000,000 may be transferred to and merged with appropriations for "Small Business Administration, Salaries and Expenses" for administrative expenses to carry out the disaster loan program: *Provided further*, That none of the funds provided under this heading may be used for indirect administrative expenses: *Provided further*, That, of the amount provided under this heading, \$712,000,000 is hereby transferred to "Federal Emergency Management Agency, Disaster Relief" to reimburse that account for funds transferred to this account by Public Law 109-174: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**[CHAPTER 8**

**[DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT**

**[COMMUNITY PLANNING AND DEVELOPMENT**

**[COMMUNITY DEVELOPMENT FUND**

**(INCLUDING TRANSFER OF FUNDS)**

[For an additional amount for the "Community development fund", for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in the most impacted and distressed areas related to the consequences of hurricanes in the Gulf of Mexico in 2005 in States for which

the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in conjunction with Hurricane Katrina, Rita, or Wilma, \$4,200,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93-383): *Provided*, That funds made available under this heading shall be distributed to address the most critical recovery requirements notwithstanding funding limitations under this heading in title I of division B of Public Law 109-148: *Provided further*, That funds provided under this heading shall be administered through an entity or entities designated by the Governor of each State: *Provided further*, That such funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State under this heading: *Provided further*, That each State may use up to five percent of its allocation for administrative costs: *Provided further*, That not less than \$1,000,000,000 from funds made available under this heading shall be used for repair, rehabilitation, and reconstruction (including demolition, site clearance and remediation) of the affordable rental housing stock (including public and other HUD-assisted housing) in the impacted areas: *Provided further*, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by the State that such waiver is required to facilitate the use of such funds or guarantees, and a finding by the Secretary that such waiver would not be inconsistent with the overall purpose of the statute, as modified: *Provided further*, That the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that at least 50 percent of the funds made available under this heading must benefit primarily persons of low and moderate income unless the Secretary otherwise makes a finding of compelling need: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: *Provided further*, That every waiver made by the Secretary must be reconsidered according to the three previous provisos on the two-year anniversary of the day the Secretary published the waiver in the Federal Register: *Provided further*, That prior to the obligation of funds each State shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: *Provided further*, That prior to the obligation of funds to each State, the Secretary shall ensure that such plan gives priority to infrastructure development and rehabilitation and the rehabilitation and reconstruction of the affordable rental housing stock including public and other HUD-assisted housing: *Provided further*, That each State will report quarterly to the Committees on Appropriations on all awards and uses of funds made available under this heading, including specifically identifying all awards of

sole-source contracts and the rationale for making the award on a sole-source basis: *Provided further*, That the Secretary shall notify the Committees on Appropriations on any proposed allocation of any funds and any related waivers made pursuant to these provisions under this heading no later than 5 days before such waiver is made: *Provided further*, That the Secretary shall establish procedures to prevent recipients from receiving any duplication of benefits and report quarterly to the Committees on Appropriations with regard to all steps taken to prevent fraud and abuse of funds made available under this heading including duplication of benefits: *Provided further*, That of the amounts made available under this heading, the Secretary may transfer a total of up to \$15,000,000 to the Office of Inspector General and "Management and Administration, Salaries and Expenses" for costs associated with administration and oversight: *Provided further*, That none of the funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: *Provided further*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### INDEPENDENT AGENCY

##### GENERAL SERVICES ADMINISTRATION

##### FEDERAL BUILDINGS FUND

For an additional amount for "Federal Buildings Fund" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$37,000,000, from the General Fund and to remain available until expended: *Provided*, That notwithstanding 40 U.S.C. 3307, the Administrator of General Services is authorized to proceed with repairs and alterations for affected buildings: *Provided further*, That he amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### TITLE III—GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

SEC. 3001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 3002. Notwithstanding subsection (b) of section 102 of title I of division B of Public Law 109-148 (119 Stat. 2748), the Secretary of Agriculture may provide financial and technical assistance in carrying out such section in an amount up to 100 percent Federal share, as provided in regulations implementing the emergency watershed protection program: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 3003. Funds appropriated pursuant to this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

##### (INCLUDING RESCISSION OF FUNDS)

SEC. 3004. (a) RESCISSION.—Of the unobligated balances available for "Immigration and Customs Enforcement—Automation Modernization", \$43,620,000 are rescinded.

(b) APPROPRIATION.—For an additional amount for "United States Secret Service—Salaries and Expenses" for critical investigative and protective operations,

\$43,620,000: *Provided*, That none of the funds appropriated in this section or under the heading United States Secret Service "Salaries and Expenses" in any other Act may be used to support the position of the Chief Financial Officer until the Committees on Appropriations receive: (1) a comprehensive workload re-balancing report that includes funding and position requirements for current investigative and protective operations; (2) a comprehensive analysis of the methodology used to estimate current workloads and develop annual operating budgets; and (3) a budget formulation model for National Special Security Events: *Provided further*, That none of the funds appropriated in this section may be obligated until the Committees on Appropriations receive a revised Program, Project and Activity schedule based on current investigative and protective workload requirements, including a comprehensive analysis of the methodology used to estimate those requirements.

SEC. 3005. (a) The matter under the heading "Tenant-Based Rental Assistance" in chapter 9 of title I of division B of Public Law 109-148 is amended—

(1) in the first proviso, by striking "or the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77)" and inserting "the McKinney-Vento Homeless Assistance Act, section 221(d)(3), 221(d)(5), or 236 of the National Housing Act, or section 101 of the Housing and Urban Development Act of 1965"; and

(2) in the second proviso, by inserting "except that paragraph (7)(A) of such section shall not apply" after "1937".

(b) The provisions of this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 3006. Notwithstanding 49 U.S.C. 5336, any funds remaining available under Federal Transit Administration grant numbers NY-03-345-00, NY-03-0325-00, NY-03-0405, NY-90-X398-00, NY-90-X373-00, NY-90-X418-00, NY-90-X465-00 together with an amount not to exceed \$19,200,000 in urbanized area formula funds that were allocated by the New York Metropolitan Transportation Council to the New York City Department of Transportation as a designated recipient under 49 U.S.C. 5307 may be made available to the New York Metropolitan Transportation Authority for eligible capital projects authorized under 49 U.S.C. 5307 and 5309.

SEC. 3007. The referenced statement of the managers under the heading "Community Development Fund" in title II of division I of Public Law 108-447 is deemed to be amended—

(1) with respect to item number 536, by striking "an economic development planning study" and inserting "the Main Street Revitalization Project"; and

(2) with respect to item number 444, by striking "City of St. Petersburg, Florida for facilities construction and renovation for the Mid-Pinellas Science Center" and inserting "St. Petersburg College, City of Seminole, Florida for the development of a Science and Nature Park at St. Petersburg College".

SEC. 3008. (a) The second paragraph under the heading "Community Development Fund" in title III of division A of Public Law 109-115 is amended by striking "statement of managers accompanying this Act" and inserting "statement of managers correction for H.R. 3058 relating to the Economic Development Initiative submitted to the House of Representatives by the Chairman of the Committee on Appropriations of the House on November 18, 2005, and printed in the House section of the Congressional Record on such date".

(b) Section 5023 of title V of division B of Public Law 109-148 is amended by striking

"in title III of Public Law 109-115 (as in effect pursuant to H. Con. Res. 308, 109th Congress)" and inserting "in title III of division A of Public Law 109-115".

(c) Each amendment made by this section shall apply as if included in the amended public law on the date of its enactment.

SEC. 3009. The statement of managers correction referenced in the second paragraph under the heading "Community Development Fund" in title III of division A of Public Law 109-115 is deemed to be amended—

(1) with respect to item number 714, by striking "construction of a senior center;" and inserting "renovation and buildout of a multipurpose center;";

(2) with respect to item number 850, by striking "City of Lancaster, Pennsylvania" and inserting "in Pennsylvania"; and

(3) with respect to item number 925, by striking "Greenwood Partnership Alliance, South Carolina for the renovation of Old Federal Courthouse;" and inserting "City of Greenwood, South Carolina for the Emerald Triangle Project;".

SEC. 3010. Section 9001 of the Deficit Reduction Act of 2005 is amended—

(1) in subsection (a), by striking "for a 1-time only obligation and expenditure";

(2) in subsection (a)(2)—

(A) by striking "for fiscal year 2007"; and

(B) by inserting before the period at the end the following: ", to remain available until September 30, 2007"; and

(3) by striking subsection (b) and inserting the following:

(b) EMERGENCY DESIGNATION.—The amount provided under subsection (a)(2) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 3011. (a) None of the funds made available in this Act or any other Act may be used to take any action under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) or any other provision of law to approve or otherwise allow the acquisition of any leases, contracts, rights, or other obligations of P&O Ports by Dubai Ports World or any other legal entity affiliated with or controlled by Dubai Ports World.

(b) Notwithstanding any other provision of law or any prior action or decision by or on behalf of the President under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170), the acquisition of any leases, contracts, rights, or other obligations of P&O Ports by Dubai Ports World or any other legal entity affiliated with or controlled by Dubai Ports World is hereby prohibited and shall have no effect.

(c) The limitation in subsection (a) and the prohibition in subsection (b) apply with respect to the acquisition of any leases, contracts, rights, or other obligations on or after January 1, 2006.

(d) In this section:

(1) The term "P&O Ports" means P&O Ports, North America, a United States subsidiary of the Peninsular and Oriental Steam Navigation Company, a company that is a national of the United Kingdom.

(2) The term "Dubai Ports World" means Dubai Ports World, a company that is partly owned and controlled by the Government of the United Arab Emirates.

SEC. 3012. (a) None of the funds appropriated in Public Law 109-102 or any prior Act making appropriations for foreign operations, export financing and related programs may be obligated or expended for assistance to the Palestinian Authority or a successor entity until the Secretary of State certifies to the Committees on Appropriations that such entity has demonstrated its commitment to the principles of non-violence, the recognition of Israel, and the

acceptance of previous agreements and obligations, including the Roadmap.

[(b) None of the funds appropriated under the heading "Economic Support Fund" in Public Law 109-102 or any prior Act making appropriations for foreign operations, export financing and related programs may be obligated or expended for assistance to the West Bank and Gaza until the Secretary of State reviews the current assistance program, consults with the Committees on Appropriations, and submits a revised plan for such assistance: *Provided*, That such plan shall be submitted not later than April 30, 2006, and shall contain specific and appropriate steps to ensure that United States assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity.

[SEC. 3013. None of the funds made available by this Act may be used to prohibit registered and legal, but displaced, residents of the Gulf Coast region from the right to legally vote in any officially designated election of the Gulf Coast region.

[SEC. 3014. None of the funds made available in this Act may be used by the Government of the United States to enter into a basing rights agreement between the United States and Iraq.

[This Act may be cited as the "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006".]

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, and for other purposes, namely:

#### TITLE I

### GLOBAL WAR ON TERROR SUPPLEMENTAL APPROPRIATIONS

#### CHAPTER 1

### DEPARTMENT OF AGRICULTURE

#### FOREIGN AGRICULTURAL SERVICE

##### PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for "Public Law 480 Title II Grants", during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, \$350,000,000, to remain available until expended: *Provided*, That from this amount, to the maximum extent possible, funding shall be used to support the previously approved fiscal year 2006 programs under section 204(a)(2) of the Agricultural Trade Development and Assistance Act of 1954: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### CHAPTER 2

### DEPARTMENT OF JUSTICE

#### LEGAL ACTIVITIES

##### SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses", \$3,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### UNITED STATES MARSHALS SERVICE

##### SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$1,500,000, to remain available until

September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### FEDERAL BUREAU OF INVESTIGATION

##### SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$82,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### DRUG ENFORCEMENT ADMINISTRATION

##### SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$5,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

##### SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$4,000,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### DEPARTMENT OF STATE AND RELATED AGENCY

#### DEPARTMENT OF STATE

##### ADMINISTRATION OF FOREIGN AFFAIRS

##### DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", \$1,452,600,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### OFFICE OF INSPECTOR GENERAL

##### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of Inspector General", \$25,300,000, to remain available until September 30, 2007, of which \$24,000,000 shall be transferred to the Special Inspector General for Iraq Reconstruction: *Provided*, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for "Educational and Cultural Exchange Programs", \$5,000,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### INTERNATIONAL ORGANIZATIONS

##### CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", \$69,800,000, to remain available until September 30, 2007: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### RELATED AGENCY

##### BROADCASTING BOARD OF GOVERNORS

##### INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations" for programs and activities promoting democracy in Iran, \$30,250,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### GENERAL PROVISION—THIS CHAPTER

##### AUTHORIZATION OF FUNDS

SEC. 1201. Funds appropriated or made available by transfer in this chapter may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 10 of Public Law 91-672 (22 U.S.C. 2412), section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)) and section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236).

#### CHAPTER 3

### DEPARTMENT OF DEFENSE—MILITARY

#### MILITARY PERSONNEL

##### MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$6,665,284,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$1,071,474,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$860,872,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$1,195,713,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", \$150,570,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", \$115,712,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", \$13,192,000: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.



## RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", \$3,440,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", \$121,550,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", \$6,200,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## OPERATION AND MAINTENANCE

## OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$17,594,410,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$2,826,693,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", \$1,589,911,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$6,057,408,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, DEFENSE-WIDE  
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Defense-Wide", \$2,879,899,000, of which—

(1) not to exceed \$25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom;

(2) not to exceed \$740,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate

congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph;

(3) not to exceed \$36,500,000 for Cooperative Threat Reduction; and

(4) \$75,000,000 shall be transferred to the Coast Guard "Operating Expenses" account: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", \$100,100,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", \$236,509,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, MARINE CORPS  
RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", \$87,875,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR FORCE  
RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", \$18,563,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, ARMY NATIONAL  
GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$178,600,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR NATIONAL  
GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", \$30,400,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AFGHANISTAN SECURITY FORCES FUND  
(INCLUDING TRANSFER OF FUNDS)

For the "Afghanistan Security Forces Fund", \$1,908,133,000, to remain available until September 30, 2007: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Office of Security Cooperation—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this section is in addition to any other

authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## IRAQ SECURITY FORCES FUND

## (INCLUDING TRANSFER OF FUNDS)

For the "Iraq Security Forces Fund", \$3,703,000,000, to remain available until September 30, 2007: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than five days prior to making transfers

from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### IRAQ FREEDOM FUND

##### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Freedom Fund", \$25,000,000, to remain available for transfer until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

##### (INCLUDING TRANSFER OF FUNDS)

For the "Joint Improvised Explosive Device Defeat Fund", \$1,958,089,000, to remain available until September 30, 2008: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist U.S. forces in the defeat of improvised explosive devices: Provided further, That within 90 days of the enactment of this Act, a plan for the intended management and use of the Fund is provided to the congressional defense committees: Provided further, That the Secretary of Defense shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, and details on the execution of this Fund: Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon determination that all or part of the funds so transferred from this appropriation are not necessary for the purpose provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### PROCUREMENT

##### AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", \$533,200,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", \$203,300,000, to remain available until September 30, 2008: Provided, That the

amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", \$1,592,451,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$829,679,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$6,286,145,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$412,169,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", \$63,351,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$327,126,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$140,144,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$2,576,467,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$679,515,000, to remain

available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", \$29,047,000 to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$1,452,651,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$331,353,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", \$54,700,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", \$124,845,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$382,630,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$148,551,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### REVOLVING AND MANAGEMENT FUNDS

##### DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", \$516,700,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## OTHER DEPARTMENT OF DEFENSE PROGRAMS

## DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", \$1,153,562,000 for operation and maintenance: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

## (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities", \$154,596,000, to remain available until expended: Provided, That these funds may be used only for such activities related to Afghanistan and the Central Asia area: Provided further, That the Secretary of Defense may transfer such funds only to appropriations for military personnel; operation and maintenance; procurement; and research, development, test and evaluation: Provided further, That the funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", \$1,815,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## OTHER INDEPENDENT AGENCY

## INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for the "Intelligence Community Management Account", \$158,875,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## GENERAL PROVISIONS—THIS CHAPTER

## SPECIAL TRANSFER AUTHORITY

## (TRANSFER OF FUNDS)

SEC. 1301. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to \$2,000,000,000 of the funds made available to the Department of Defense in this chapter: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2006, except for the fourth proviso: Provided further, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## GENERAL TRANSFER AUTHORITY (TRANSFER OF FUNDS)

SEC. 1302. Section 8005 of the Department of Defense Appropriations Act, 2006, (Public Law 109-148; 119 Stat. 2680), is amended by striking "\$3,750,000,000" and inserting "\$4,350,000,000": Provided, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## DEFENSE COOPERATION ACCOUNT (TRANSFER OF FUNDS)

SEC. 1303. During fiscal year 2006 and from funds in the Defense Cooperation Account, the Secretary of Defense may transfer not to exceed \$5,800,000 to such appropriations or funds of the Department of Defense as he shall determine for use consistent with the purposes for which such funds were contributed and accepted: Provided, That such amounts shall be available for the same time period as the appropriation to which transferred: Provided further, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## U.S. CONTRIBUTIONS TO NATO

SEC. 1304. Section 1005(c)(2) of the National Defense Authorization Act, Fiscal Year 2006 (Public Law 109-163) is amended by striking "\$289,447,000" and inserting "\$345,547,000".

## COUNTER-DRUG ACTIVITIES

SEC. 1305. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this Act under the heading, "Drug Interdiction and Counter-Drug Activities, Defense", not to exceed \$23,100,000 may be made available for support for counter-drug activities of the Governments of Afghanistan, Pakistan, and Kyrgyzstan: Provided, That such support shall be in addition to support provided for the counter-drug activities of such Governments under any other provision of the law.

## (b) TYPES OF SUPPORT.—

(1) Except as specified in subsections (b)(2) and (b)(3) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85, as amended by Public Law 106-398 and Public Law 108-136), and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2006.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

(3) For the Government of Afghanistan, the Secretary of Defense may also provide individual and crew-served weapons, and ammunition for counter-drug security forces.

## ADVANCE BILLING

SEC. 1306. Notwithstanding 10 U.S.C. 2208(i), the total amount of advance billings rendered or imposed for all working capital funds of the Department of Defense in fiscal year 2006 shall not exceed \$1,200,000,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## COMMANDER'S EMERGENCY RESPONSE PROGRAM

SEC. 1307. In addition to amounts authorized in section 1202(a) of Public Law 109-163, from funds made available in this chapter to the Department of Defense, not to exceed \$423,000,000 may be used to fund the Commander's Emergency Response Program and for a similar program to assist the people of Afghanistan, to remain available until December 31, 2007.

## SUPERVISION AND ADMINISTRATION COSTS OF CONSTRUCTION PROJECTS

SEC. 1308. Supervision and administration costs associated with a construction project funded with Afghan Security Forces Fund or Iraq Security Forces Fund appropriations may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

## PROHIBITION OF NEW START PROGRAMS

SEC. 1309. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 and 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

## RETROACTIVE PAYMENT OF ADDITIONAL DEATH GRATUITY

SEC. 1310. (a) Effective as of January 6, 2006, and as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), subsection (d)(2) of section 1478 of title 10, United States Code, as added by section 664(b) of such Act (119 Stat. 3316), is amended by striking "May 11, 2005" and inserting "August 31, 2005".

(b) AVAILABILITY OF FUNDS.—Of the amounts appropriated or otherwise made available by this chapter for military personnel, an aggregate of \$48,750,000 shall be available for the retroactive payment of death gratuity with respect to members of the Armed Forces as a result of the amendment made by subsection (a).

## VOTING ASSISTANCE

SEC. 1311. (a) Congress recognizes the importance of ensuring that absent uniformed services voters, Department of Defense personnel, and their dependents have the opportunity to exercise their right to vote.

## (b) IVAS BALLOT REQUEST PROGRAM.—

(1) The Interim Voting Assistance System (IVAS) Ballot Request Program shall be continued with respect to all Department of Defense personnel, and their families, covered by the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the status of the program.

(c) FUNDING.—Of the amounts provided by this Act, \$5,820,000 shall be available for the program referred to in subsection (b).

## CHAPTER 4

## BILATERAL ECONOMIC ASSISTANCE

## FUNDS APPROPRIATED TO THE PRESIDENT

## UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

## CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for "Child Survival and Health Programs Fund", \$10,300,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## DEVELOPMENT ASSISTANCE

For an additional amount for "Development Assistance", \$10,500,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

## (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "International Disaster and Famine Assistance", \$136,290,000,

to remain available until expended, of which up to \$80,000 may be transferred to and merged with "Operating Expenses of the United States Agency for International Development", for associated administrative costs: Provided, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT**

For an additional amount for "Operating Expenses of the United States Agency for International Development", \$141,600,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**OTHER BILATERAL ECONOMIC ASSISTANCE**

**ECONOMIC SUPPORT FUND**

**(INCLUDING TRANSFER OF FUNDS)**

For an additional amount for "Economic Support Fund", \$1,757,500,000, to remain available until September 30, 2007, of which up to \$11,000,000 may be used for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Afghanistan or otherwise of reducing any amounts owed to the United States or any agency of the United States by Afghanistan: Provided, That such amounts for the costs of modifying direct loans and guarantees shall not be considered "assistance" for the purposes of any provision of law limiting assistance to a country: Provided further, That the last proviso under the heading "Economic Support Fund" in title II of Public Law 109-102 and comparable provisions in prior Acts making appropriations for foreign operations, export financing, and related programs shall no longer be applicable to funds appropriated under such heading in this Act or any prior Act: Provided further, That of the funds available under this heading for assistance for Afghanistan, \$5,000,000 shall be made available for agriculture and rural development programs in Afghanistan to be administered through a national consortium of agriculture colleges and land-grant universities: Provided further, That of the funds available under this heading for assistance for Iraq, not less than \$75,000,000 shall be made available to the United States Agency for International Development for continued support for its Community Action Program in Iraq, of which not less than \$10,000,000 shall be transferred to and merged with funds appropriated under the heading "Iraq Relief and Reconstruction Fund" in chapter 2 of title II of Public Law 108-106 and shall be made available for the Marla Ruzicka Iraqi War Victims Fund: Provided further, That funds made available under the previous proviso shall be in addition to funds appropriated by this Act that are available to the United States Agency for International Development for Iraq: Provided further, That funds appropriated under this heading that are made available for police and judicial reform in Haiti shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**DEPARTMENT OF STATE  
DEMOCRACY FUND**

For an additional amount for "Democracy Fund", \$39,750,000, for programs and activities promoting democracy in Iran, to remain available until September 30, 2007: Provided, That funds appropriated under this heading shall be made available notwithstanding any other pro-

vision of law and shall be administered by the Middle East Partnership Initiative: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT**

For an additional amount for "International Narcotics Control and Law Enforcement", \$107,700,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**MIGRATION AND REFUGEE ASSISTANCE**

For an additional amount for "Migration and Refugee Assistance", \$110,200,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND**

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", \$20,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**DEPARTMENT OF THE TREASURY**

**INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE**

For an additional amount for "International Affairs Technical Assistance", \$13,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**MILITARY ASSISTANCE**

**FUNDS APPROPRIATED TO THE PRESIDENT**

**PEACEKEEPING OPERATIONS**

For an additional amount for "Peacekeeping Operations", \$181,200,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**GENERAL PROVISIONS—THIS CHAPTER**

**IRAQ RELIEF AND RECONSTRUCTION FUND**

SEC. 1401. Chapter 2 of title II of Public Law 108-106 (117 Stat. 1225-1226), as amended by Public Law 108-309 (118 Stat. 1142-1143), is further amended under the heading "Iraq Relief and Reconstruction Fund" by—

(1)(A) striking "\$5,090,000,000" and inserting "\$5,036,000,000" for security and law enforcement;

(B) striking "\$1,960,000,000" and inserting "\$2,349,800,000" for justice, public safety infrastructure, and civil society;

(C) striking "\$4,455,000,000" and inserting "\$4,220,000,000" for the electric sector;

(D) striking "\$1,723,000,000" and inserting "\$1,735,600,000" for oil infrastructure;

(E) striking "\$2,361,000,000" and inserting "\$2,131,100,000" for water resources and sanitation;

(F) striking "\$500,000,000" and inserting "\$465,500,000" for transportation and telecommunications;

(G) striking "\$370,000,000" and inserting "\$333,700,000" for roads, bridges, and construction;

(H) striking "\$793,000,000" and inserting "\$739,000,000" for health care;

(I) striking "\$845,000,000" and inserting "\$805,300,000" for private sector development; and

(J) striking "\$342,000,000" and inserting "\$410,000,000" for education, refugees, human rights, and governance; and

(2) inserting before the period the following: "Provided further, That amounts provided under this heading shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of the period of availability provided herein, except that after such initial obligation any subsequent obligation may be made without regard to the sectoral limitations set forth under this heading, as amended".

**ADMINISTRATIVE COSTS**

SEC. 1402. To the extent not otherwise authorized, supervision and administrative costs of the Department of Defense associated with a construction project funded with the Iraq Relief and Reconstruction Fund may be obligated at the time a construction contract is awarded or, for pre-existing contracts, by September 30, 2006: Provided, That for the purposes of this section, supervision and administration costs include all in-house Government costs.

**AUTHORIZATION OF FUNDS**

SEC. 1403. Funds appropriated or made available by transfer in this chapter may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 10 of Public Law 91-672 (22 U.S.C. 2412), section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)) and section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236).

**PALESTINIAN AUTHORITY**

SEC. 1404. Section 550 of Public Law 109-102 (119 Stat. 2217) is amended to read as follows:

**"PROHIBITION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY**

"SEC. 550. PROHIBITION ON ASSISTANCE.—None of the funds appropriated by this Act or any prior Act making appropriations for foreign operations, export financing, and related programs, may be obligated or expended for assistance for the Palestinian Authority unless the Secretary of State determines, and so reports to the Committees on Appropriations, that the Palestinian Authority has—

"(1) publicly acknowledged Israel's right to exist as a Jewish state;

"(2) renounced violence; and

"(3) accepted and is adhering to all previous diplomatic Agreements and understandings with the United States Government, the Government of Israel, and the international community.".

**(RESCISSION)**

SEC. 1405. Of the funds appropriated under the heading "Subsidy Appropriation" for the Export-Import Bank of the United States that are available for tied-aid grants in title I of Public Law 107-115 and under such heading in prior Acts making appropriations for foreign operations, export financing, and related programs, \$13,200,000 are rescinded.

**CHAPTER 5**

**DEPARTMENT OF HOMELAND SECURITY**

**UNITED STATES COAST GUARD**

**OPERATING EXPENSES**

For an additional amount for "Operating Expenses", \$26,692,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## CHAPTER 6

DEPARTMENT OF DEFENSE  
MILITARY CONSTRUCTION  
MILITARY CONSTRUCTION, ARMY

For an additional amount for “Military Construction, Army”, \$214,344,000, to remain available until September 30, 2010: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for “Military Construction, Air Force”, \$28,200,000, to remain available until September 30, 2010: Provided, That such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for “Military Construction, Defense-Wide”, \$35,200,000, to remain available until September 30, 2010: Provided, That such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## CHAPTER 7

DEPARTMENT OF THE TREASURY  
DEPARTMENTAL OFFICES  
SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$1,800,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## TITLE II

FURTHER HURRICANE DISASTER RELIEF  
AND RECOVERYCHAPTER 1  
DEPARTMENT OF AGRICULTURE  
EXECUTIVE OPERATIONS

## WORKING CAPITAL FUND

For an additional amount for “Working Capital Fund”, \$25,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## OFFICE OF THE INSPECTOR GENERAL

For an additional amount for “Office of the Inspector General”, \$445,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## AGRICULTURAL RESEARCH SERVICE

## SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$15,600,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## BUILDINGS AND FACILITIES

For an additional amount for “Buildings and Facilities”, \$20,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## FARM SERVICE AGENCY

## SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$5,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## EMERGENCY CONSERVATION PROGRAM

For an additional amount for the “Emergency Conservation Program”, \$32,547,000, to remain available until expended, to provide assistance under the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## NATURAL RESOURCES CONSERVATION SERVICE

## EMERGENCY WATERSHED PROTECTION PROGRAM

For an additional amount for “Emergency Watershed Protection Program”, \$165,000,000, to remain available until expended, for emergency measures in disaster areas affected by Hurricane Katrina and other hurricanes of the 2005 season: Provided, That notwithstanding any other provision of law, the Secretary, acting through the Natural Resources Conservation Service, using funds made available under this heading may provide financial and technical assistance to remove and dispose of debris and animal carcasses that could adversely affect health and safety on non-Federal land in a hurricane-affected county: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## RURAL DEVELOPMENT

## SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$1,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season for State Rural Development offices located in Mississippi and Louisiana: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional amount for community facilities grants authorized under section 381E(d)(1) of the Consolidated Farm and Rural Development Act, \$150,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## GENERAL PROVISIONS—THIS CHAPTER

NATURAL RESOURCES CONSERVATION SERVICE—  
COST SHARE REQUIREMENT

SEC. 2101. Notwithstanding any other provision of law, in carrying out the provisions of section 102 of chapter 1 of title I of division B of Public Law 109-148 (119 Stat. 2748-2749), the Secretary may provide financial and technical assistance up to 100 percent Federal share: Provided, That the amount provided under this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATURAL RESOURCES CONSERVATION SERVICE—  
VEHICLE DISPOSITION

SEC. 2102. Notwithstanding any other provision of law, the Chief of the Natural Resources Conservation Service (NRCS) may enter into agreements with organizations or State or local units of government affected by Hurricane Katrina and other hurricanes of the 2005 season, that provide for NRCS to donate used vehicles to the organization or to the State or local unit of government.

## RURAL DEVELOPMENT—EMERGENCY AUTHORITIES

SEC. 2103. The Secretary of Agriculture may continue to use any of the authorities provided in section 105 of chapter 1 of title I of division B of Public Law 109-148 (119 Stat. 2749-2750), for a period not to exceed 24 additional months: Provided, That the amount provided under this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## FARM SERVICE AGENCY

## (TRANSFER OF FUNDS)

SEC. 2104. Of the funds appropriated in section 101(a) of chapter 1 of title I of division B of Public Law 109-148 (119 Stat. 2747), to provide assistance under the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), \$38,000,000 are transferred to the National Oceanic and Atmospheric Administration in the Department of Commerce for activities involving oysters: Provided, That the amount transferred under this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FARM SERVICE AGENCY—EMERGENCY  
CONSERVATION PROGRAM

SEC. 2105. Section 101(b) of chapter 1 of title I of division B of Public Law 109-148 (119 Stat. 2747) is amended—

- (1) in the heading, by striking “, Oyster,”;
- (2) in the matter preceding paragraph (1)—
  - (A) by striking “, oyster,”; and
  - (B) by striking “public and private oyster reefs or”;
- (3) in paragraph (3), by adding “and” at the end;
- (4) by striking paragraph (4); and
- (5) by redesignating paragraph (5) as paragraph (4).

## RURAL DEVELOPMENT—RURAL HOUSING

SEC. 2106. There is hereby appropriated, \$35,408,000, to remain available until expended, for housing needs in the most impacted and distressed areas related to the consequences of

Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the Secretary of Agriculture shall allocate funds provided under this section between the "Rural Housing Insurance Fund Program Account" and "Rural Housing Assistance Grants" program: Provided further, That the Secretary make this allocation and prioritizes the funding of projects with such funds within a State based on the priorities identified by the Governor of each State: Provided further, That the amount provided under this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### CHAPTER 2

#### DEPARTMENT OF JUSTICE

##### OFFICE OF THE INSPECTOR GENERAL

##### SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$500,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### LEGAL ACTIVITIES

##### SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and Expenses" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$3,200,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$6,500,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### OFFICE OF JUSTICE PROGRAMS

##### STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for "State and Local Law Enforcement Assistance" for necessary expenses, related to the direct or indirect consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$10,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the Attorney General shall consult with the House and Senate Committees on Appropriations on the allocation of funds prior to obligation.

#### DEPARTMENT OF COMMERCE

##### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

##### OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$1,135,000,000, to remain available until September 30, 2007, pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act, section 308(d) of the Interjurisdictional Fisheries Act, and other authorities: Provided, That the amount provided

under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That of the total amount appropriated, \$100,000,000 shall be for the National Marine Fisheries Service to provide technical assistance to States and industry for oyster bed and shrimp ground rehabilitation, debris removal and cleaning, and to prepare for spat fall by planting sufficient amounts of culch: Provided further, That of the total amount appropriated, \$20,000,000 shall be provided to utilize the National Oceanic and Atmospheric Administration's expertise to assist in rebuilding coastal communities, especially focusing on fisheries infrastructure, zoning to mitigate against future catastrophes and natural disasters, and building standards for coastal structures: Provided further, That of the total amount appropriated, \$10,000,000 shall be provided to coordinate and help implement planning efforts that will lead to capacity and effort reductions in Federal and State waters: Provided further, That of the total amount appropriated, \$15,000,000 shall be provided to develop and implement a seafood promotion strategy for Gulf of Mexico fisheries: Provided further, That of the total amount appropriated, \$15,000,000 shall be provided to institute job retraining programs for displaced fisheries workers into alternative occupations: Provided further, That of the total amount appropriated, \$200,000,000 shall be provided to replace fishing gear damaged or lost in the hurricanes, and deploy advanced versions of turtle exclusion devices and by-catch reduction devices: Provided further, That of the total amount appropriated, \$50,000,000 shall be provided to develop temporary marine services centers to cluster docking facilities, fuel, ice and provisions, offloading, processing and distribution and marine repair facilities for seafood industries: Provided further, That of the total amount appropriated, \$300,000,000 shall be provided for re-development of marinas, piers, docks, wharves and warehouses to support commercial and recreational fishing, and especially investments in public facilities supporting working waterfronts: Provided further, That of the total amount appropriated, \$50,000,000 shall be provided for planning and support for fishing-related marine industrial parks to cluster processing and marine support businesses in ways that increase access to key facilities and services, and enhance intermodal transportation of fishery products: Provided further, That of the total amount appropriated, \$90,000,000 shall be provided for replacement of private fisheries infrastructure other than vessels: Provided further, That of the total amount appropriated, \$10,000,000 shall be provided to implement rules where appropriate, and purchase and provide one year of associated fees to equip the offshore shrimp and reef fish fishery with electronic vessel monitoring systems: Provided further, That of the total amount appropriated, \$10,000,000 shall be provided to equip federally permitted fishing vessels with electronic logbooks to record haul-by-haul catch data: Provided further, That of the total amount appropriated, \$20,000,000 shall be provided for one percent coverage of the shrimp and reef fish fisheries with at-sea observer coverage to document catch, by-catch and profitability of these fisheries, for three years: Provided further, That of the total amount appropriated, \$50,000,000 shall be provided to develop and fund a cooperative research program to test various gears and to monitor the recovery of Gulf of Mexico fishery resources and fisheries: Provided further, That of the total amount appropriated, \$100,000,000 shall be provided for direct assistance to fishers and seafood workers to undertake cleanup activities and begin repairing damaged facilities: Provided further, That of the total amount appropriated, \$20,000,000 shall be provided to assist shellfishermen in New England's coastal communities who suffered severe economic impact

from last year's toxic red tide outbreak: Provided further, That of the total amount appropriated, \$25,000,000 shall be provided to employ fishers and vessel owners in marine debris and living marine resource assessment activities.

#### PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for "Procurement, Acquisition and Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$32,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### SCIENCE

##### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

##### EXPLORATION CAPABILITIES

For an additional amount for "Exploration Capabilities" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$35,000,000 shall be for the Stennis Space Center, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### RELATED AGENCY

##### SMALL BUSINESS ADMINISTRATION

##### DISASTER LOANS PROGRAM ACCOUNT (INCLUDING TRANSFERS OF FUNDS)

For an additional amount for the "Disaster Loans Program Account" for the cost of direct loans authorized by section 7(b) of the Small Business Act, \$1,254,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That up to \$190,000,000 may be transferred to and merged with "Salaries and Expenses" for administrative expenses to carry out the disaster loan program: Provided further, That none of the funds provided under this heading may be used for indirect administrative expenses: Provided further, That of the amount provided under this heading, up to \$712,000,000 may be transferred to "Federal Emergency Management Agency, Disaster Relief" to reimburse in whole, or in part, that account for funds transferred to this account by Public Law 109-174: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### CHAPTER 3

#### DEPARTMENT OF DEFENSE—MILITARY

##### MILITARY PERSONNEL

##### MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$2,125,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$22,002,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.



## MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$3,992,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$21,610,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", \$4,071,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", \$10,200,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", \$2,176,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", \$94,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", \$1,304,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", \$1,408,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## OPERATION AND MAINTENANCE

## OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$29,913,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$37,359,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", \$12,755,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", \$1,277,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$42,307,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## PROCUREMENT

## PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$700,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$9,136,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$579,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$899,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## SHIPBUILDING AND CONVERSION, NAVY

For an additional amount for "Shipbuilding and Conversion, Navy", \$1,025,236,000, to remain available until September 30, 2010, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, which shall be available for transfer within this account to replace destroyed or damaged equipment, prepare and recover naval vessels under contract; and provide for cost adjustments for naval vessels for which funds have been previously appropriated: Provided, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers within this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$85,040,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$13,000,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$2,797,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", \$12,000,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$6,250,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$730,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## REVOLVING AND MANAGEMENT FUNDS

## DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", \$1,222,000, to remain available until September 30, 2006, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", \$10,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## TRUST FUNDS

## GENERAL FUND PAYMENT, SURCHARGE COLLECTIONS, SALES OF COMMISSARY STORES, DEFENSE

For an additional amount for "General Fund Payment, Surcharge Collections, Sales of Commissary Stores, Defense", \$10,530,000, to remain available until September 30, 2010, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## OTHER DEPARTMENT OF DEFENSE PROGRAMS

## DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", \$33,881,000, to remain avail-

able until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", \$326,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## GENERAL PROVISIONS—THIS CHAPTER

## SPECIAL TRANSFER AUTHORITY

## (TRANSFER OF FUNDS)

SEC. 2301. Upon his determination that such action is necessary to ensure the appropriate allocation of funds provided to the Department of Defense in this chapter, the Secretary of Defense may transfer up to \$75,000,000, of such funds between such appropriations: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## PROHIBITION OF NEW START PROGRAMS

SEC. 2302. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 and 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

## NAVY SHIPBUILDING COST ADJUSTMENTS

SEC. 2303. (a) Amounts appropriated or otherwise made available by this Act, or by chapter 2 of title I of the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (division B of Public Law 109-148; 119 Stat. 2757), under the heading "Shipbuilding and Conversion, Navy" may be obligated and expended to pay the costs of any business disruption incurred by a ship construction contractor with respect to facilities or businesses located in the Hurricane Katrina Disaster Area by reason of Hurricane Katrina.

(b) Amounts received by a ship construction contractor under subsection (a) with respect to the costs of business disruption described in that subsection may not be treated as collateral insurance coverage or otherwise treated as payments which would reduce amounts otherwise payable to the contractor for such costs under any insurance or similar payer plan.

(c) The Secretary of the Navy shall adjust any shipbuilding contract with a ship construction contractor described in subsection (a) in order to take into account the business disruption incurred by the contractor as described in that subsection.

(d)(1) In the event a shipbuilding contractor receives payment (whether through insurance or similar payer plan) for costs described in subsection (a) for which the contractor has been paid amounts under that subsection, the contractor shall reimburse the United States for amounts paid under that subsection in the amount of the payment so received by the contractor.

(2) Amounts received by the United States as reimbursement under paragraph (1) shall be credited to the account from which payment for the amounts reimbursed were made. Amounts credited to such account shall be merged with amounts in such account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(e) In this section, the term "Hurricane Katrina Disaster Area" has the meaning given that term in section 1400M(2) of the Internal Revenue Code of 1986.

## CHAPTER 4

## DEPARTMENT OF DEFENSE—CIVIL

## DEPARTMENT OF THE ARMY

## CORPS OF ENGINEERS—CIVIL

## INVESTIGATIONS

For an additional amount for "Investigations" for flood hazard analyses and technical studies related to the consequences of Hurricane Katrina and other disasters, \$3,750,000, to remain available until expended: Provided, That \$3,750,000 of the amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## CONSTRUCTION

For an additional amount for "Construction" to reduce the risk of storm damage to the greater New Orleans metropolitan area by restoring the surrounding wetlands through measures to begin to reverse wetland losses in areas affected by navigation, oil and gas, and other channels and through modification of the Caernarvon Freshwater Diversion structure or its operations, \$122,850,000, to remain available until expended: Provided, That these funds shall not be subject to any non-Federal cost-sharing requirement: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That \$22,850,000 of the amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress: Provided further, That \$2,000,000 of the amount provided in the previous proviso shall be provided at full Federal expense for the Hawaii water systems technical assistance program.

## OPERATIONS AND MAINTENANCE

For an additional amount for "Operations and Maintenance" to dredge navigation channels and repair other Corps projects related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$4,700,000, to remain available until expended: Provided, That \$4,700,000 shall be available only to the extent an official budget request, that includes designation of the \$4,700,000 as an emergency requirement is transmitted by the President to the Congress: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Flood Control Act of August 18, 1941, as amended (33 U.S.C. 701n), for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005

season, \$2,001,500,000, to remain available until expended: Provided, That the Secretary of the Army is directed to use the funds appropriated herein to modify, at full Federal expense, authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in greater New Orleans and surrounding areas, of which \$530,000,000 shall be used to modify the 17th Street, Orleans Avenue and London Avenue drainage canals, and install pumps and closure structures at or near the lakefront; \$250,000,000 shall be used for storm-proofing interior pump stations to ensure their operability during hurricanes, storms and high water events; \$170,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; \$350,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; and \$60,000,000 shall be used for incorporation of certain non-Federal levees in Plaquemines Parish into the existing Federal levee system: Provided further, That any project using funds appropriated herein shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary to pay 100 percent of the operation, maintenance, repair, replacement and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: Provided further, That \$641,500,000 of the amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, is transmitted by the President to the Congress: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## CHAPTER 5

## DEPARTMENT OF HOMELAND SECURITY

## CUSTOMS AND BORDER PROTECTION

## SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$12,900,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$4,800,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## UNITED STATES COAST GUARD

## OPERATING EXPENSES

## (INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Operating Expenses" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$90,570,900, to remain available until September 30, 2007, of which up to \$267,000 may be transferred to "Environmental Compliance and Restoration" to be used for environmental cleanup and restoration of Coast Guard facilities in the Gulf of Mexico region; and of which up to \$470,000 may be transferred to "Research, Development, Test and Evaluation" to be used for salvage and repair of research and development equipment and facilities: Provided, That the amounts pro-

vided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$191,844,000, to remain available until expended: Provided, That such amounts shall be available for major repair and reconstruction projects for facilities that were damaged and for damage to vessels currently under construction, for the replacement of damaged equipment, and for the reimbursement of delay, loss of efficiency, disruption, and related costs: Provided further, That amounts provided are also for equitable adjustments and provisional payments to contracts for Coast Guard vessels for which funds have been previously appropriated: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## FEDERAL EMERGENCY MANAGEMENT AGENCY

## ADMINISTRATIVE AND REGIONAL OPERATIONS

For an additional amount for "Administrative and Regional Operations" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$71,800,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

For an additional amount for "Preparedness, Mitigation, Response, and Recovery" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$10,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## DISASTER RELIEF

For an additional amount for "Disaster Relief" for necessary expenses under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$10,600,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## DISASTER ASSISTANCE DIRECT LOAN PROGRAM

## ACCOUNT

For an additional amount for "Disaster Assistance Direct Loan Program Account" for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), \$301,000,000, to be used to assist local governments affected by Hurricane Katrina and other hurricanes of the 2005 season in providing essential services, of which \$1,000,000 is for administrative expenses to carry out the direct loan program: Provided, That such funds may be made to subsidize gross obligations for the principal amount of direct loans not to exceed \$400,000,000: Provided further, That notwithstanding section 417(b) of such Act, the amount of any such loan issued pursuant to this section may exceed \$5,000,000: Provided further, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congress-

sional Budget Act of 1974 (2 U.S.C. 661a): Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## GENERAL PROVISIONS—THIS CHAPTER

## FEDERAL EMERGENCY MANAGEMENT AGENCY

SEC. 2501. The Federal Emergency Management Agency may provide funds to a State or local government or, as necessary, assume an existing agreement from such unit of government, to pay for utility costs resulting from the provision of temporary housing units to evacuees from Hurricane Katrina and other hurricanes of the 2005 season if the State or local government has previously arranged to pay for such utilities on behalf of the evacuees for the term of any leases, not to exceed 12 months, contracted by or prior to February 7, 2006, notwithstanding section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174): Provided, That the Federal share of the costs eligible to be paid shall be 100 percent.

## NATIONAL FLOOD INSURANCE FUND

SEC. 2502. (a) Title III of Public Law 109-90 (119 Stat. 2079) is amended under the heading "National Flood Insurance Fund" by striking in the proviso "\$30,000,000" and inserting "such sums as necessary, not to exceed \$1,000,000,000,".

(b) The provisions of this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## HOUSING PILOT PROGRAM

SEC. 2503. Notwithstanding any other provision of law, the Secretary of Homeland Security shall consider eligible under the Federal Emergency Management Agency Individual Assistance Program the costs sufficient for alternative housing pilot programs in the areas hardest hit by Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the Secretary of Homeland Security shall submit for approval a proposal and an expenditure plan for the alternative housing pilot program to the Committees on Appropriations of the Senate and House of Representatives within forty-five days from the date of enactment of this Act: Provided further, That no State shall host more than one alternative housing pilot program.

## CHAPTER 6

## DEPARTMENT OF THE INTERIOR

## UNITED STATES FISH AND WILDLIFE SERVICE

## CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$132,400,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## NATIONAL PARK SERVICE

## HISTORIC PRESERVATION FUND

For an additional amount for "Historic Preservation Fund" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$83,000,000, to remain available until expended: Provided, That of the funds provided under this heading, \$80,000,000 shall be provided to State historical preservation officers for grants for disaster relief in areas of Louisiana, Mississippi, and Alabama impacted by Hurricanes Katrina or Rita: Provided further, That grants shall be for the preservation, stabilization, rehabilitation, and repair of historic houses and designated "Main Street" commercial properties listed in or eligible for the National Register of Historic Places, for

planning and technical assistance: Provided further, That grants shall only be available for areas that the President determines to be a major disaster under section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) due to Hurricanes Katrina or Rita: Provided further, That individual grants shall not be subject to a non-Federal matching requirement: Provided further, That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses: Provided further, That of the amount provided under this heading for disaster relief grants, \$37,500,000 shall be for the State of Louisiana, \$37,500,000 shall be for the State of Mississippi, and \$5,000,000 shall be for the State of Alabama: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$55,400,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### UNITED STATES GEOLOGICAL SURVEY

##### SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, \$10,200,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### MINERALS MANAGEMENT SERVICE

##### ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For an additional amount for "Royalty and Offshore Minerals Management" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, \$15,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### ENVIRONMENTAL PROTECTION AGENCY

##### ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount for "Environmental Programs and Management" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$6,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### LEAKING UNDERGROUND STORAGE TANK PROGRAM

For an additional amount for "Leaking Underground Storage Tank Program" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$7,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an

emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### DEPARTMENT OF AGRICULTURE

##### FOREST SERVICE

##### NATIONAL FOREST SYSTEM

For an additional amount for the "National Forest System" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$20,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### CHAPTER 7

#### DEPARTMENT OF LABOR

##### EMPLOYMENT AND TRAINING ADMINISTRATION

##### TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services", \$32,500,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, for construction, rehabilitation, and acquisition of Job Corps centers as authorized by the Workforce Investment Act of 1998: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### DEPARTMENTAL MANAGEMENT

##### OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$2,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### HEALTH RESOURCES AND SERVICES ADMINISTRATION

For an additional amount for "Community Health Centers", \$6,000,000, to establish and purchase communication equipment including satellite phones for a communications network among departments of health, community health centers and major medical centers in States affected by Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### CENTERS FOR DISEASE CONTROL AND PREVENTION

##### DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for "Disease Control, Research, and Training", \$20,000,000, to remain available until expended, for mosquito and other pest abatement activities in States affected by Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### OFFICE OF THE SECRETARY

##### OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$2,669,846,

to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### DEPARTMENT OF EDUCATION

##### DEPARTMENTAL MANAGEMENT

##### OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", \$1,500,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### HURRICANE EDUCATION RECOVERY

For an additional amount under the heading "Department of Education" in Public Law 109-148 for carrying out section 107 of title IV, division B of that Act, \$300,000,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That an additional \$350,000,000 shall be available to the Department of Education, until expended, for carrying out the purposes of section 107 of title IV, division B of Public Law 109-148, for displaced students, as defined in section 107(b)(1) of that Act, enrolled prior to October 1, 2006: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

For the principal amount of direct loans, as authorized under section 2701 of title II of this Act, made not later than 60 days after the enactment of this Act for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$300,000,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, \$200,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Hereafter, the loan level established under this heading shall be considered an estimate, not a limitation.

For an additional amount under part B of title VII of the Higher Education Act of 1965 for institutions of higher education (as defined in section 102 of that Act) that are located in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act related to hurricanes in the Gulf of Mexico in calendar year 2005, \$30,000,000 for hurricane related costs: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### RELATED AGENCIES

##### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

##### NATIONAL AND COMMUNITY SERVICE PROGRAMS, OPERATING EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for the Corporation for National and Community Service (the "Corporation") for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$20,000,000, to remain available until September 30, 2007: Provided, That the funds made available under this

heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the National and Community Service Act of 1990 (the "Act") (42 U.S.C. 12611 et seq.): Provided further, That the Corporation may transfer funds from the amount provided under the first proviso to the National Service Trust authorized under subtitle D of title I of the Act (42 U.S.C. 12601) upon determination that such transfer is necessary to support the activities of Civilian Community Corps participants and after notice is transmitted to Congress: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### SOCIAL SECURITY ADMINISTRATION

##### OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", \$277,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### GENERAL PROVISIONS—THIS CHAPTER

##### DEPARTMENT OF EDUCATION—HURRICANE EDUCATION RECOVERY

SEC. 2701. (a) **AUTHORIZATION OF PROGRAM.**—The Secretary of Education shall establish an Education Relief Loan Program that includes amounts appropriated under chapter 7 of title II of this Act and provides from such amounts funds for long-term, low-interest direct loans to eligible postsecondary educational institutions for direct or indirect losses incurred on or after August 28, 2005, resulting from the impact of Hurricanes Katrina and Rita, and recovery initiatives of such institutions.

(b) **ELIGIBILITY.**—In this section, the term "eligible postsecondary educational institution" means—

(1) a public postsecondary educational institution that was forced to suspend operations due to the impact of Hurricanes Katrina and Rita and has not been able to reopen in existing facilities or fully reopen to the levels that existed before the impact of such hurricanes;

(2) a private, nonprofit postsecondary educational institution that was forced to suspend operations due to the impact of such hurricanes and has not been able to reopen in existing facilities or fully reopen to the levels that existed before the impact of such hurricanes; or

(3) a public or private school of medicine that was forced to suspend operations due to the impact of such hurricanes and has not been able to reopen in existing facilities or fully reopen to the levels that existed before the impact of such hurricanes.

(c) **REQUIREMENTS FOR ASSISTANCE DUE TO LOSSES.**—

(1) **IN GENERAL.**—An eligible postsecondary educational institution that desires to receive assistance under this section shall—

(A) submit a sworn financial statement and other appropriate data, documentation, or other evidence requested by the Secretary of Education that indicates that the institution incurred losses resulting from the impact of Hurricanes Katrina and Rita and the monetary amount of such losses;

(B) demonstrate that the institution attempted to minimize the cost of any losses by pursuing collateral source compensation from the Federal Emergency Management Agency, the Small Business Administration, and insurance prior to seeking assistance under this section; and

(C) demonstrate that the institution has not been able to reopen in existing facilities or fully reopen to the levels that existed before the impact of such hurricanes.

(2) **NO REQUIREMENT THAT INSTITUTION RECEIVE COLLATERAL SOURCE COMPENSATION.**—An eligible postsecondary educational institution shall be eligible for a loan under this section regardless of whether or not such institution received collateral source compensation from the Federal Emergency Management Agency, the Small Business Administration, or insurance.

(d) **USE OF ASSISTANCE.**—Assistance received by an eligible postsecondary educational institution pursuant to this section may be used for—

(1) direct and indirect construction cost and clean-up resulting from Hurricanes Katrina and Rita;

(2) faculty salaries and incentives for retaining faculty; and

(3) costs of lost tuition, revenue, and enrollment.

(e) **AUDIT.**—The Secretary of Education and the Comptroller General of the United States may audit a statement submitted under subsection (c)(1)(A) and may request any information that the Secretary of Education and Comptroller General determine necessary to conduct such an audit.

(f) **REDUCTION IN ASSISTANCE.**—In calculating assistance to eligible postsecondary educational institutions under this section, the Secretary of Education shall calculate a figure that reduces from the monetary amount of losses incurred by such institution, only the amount of collateral source compensation the institution has already received from insurance, the Federal Emergency Management Agency, and the Small Business Administration.

(g) **REGULATIONS.**—Not later than 30 days after the date of enactment of this section, the Secretary of Education shall establish terms for the long-term, low-interest direct loan program and procedures for an application for assistance under this section and minimum requirements for the program and for receiving assistance under this section, including the following:

(1) Forms to be used in submitting request for assistance.

(2) Procedures to assist in filing and pursuing assistance.

(3) Loan repayment and interest rate procedures and requirements, as specified by the Secretary of Education and in accordance with the published rule of October 18, 2005 (44 C.F.R. 206.370–377), implementing the Community Disaster Loan Act of 2005 (Public Law 109–88).

##### HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM

SEC. 2702. (a) In this section:

(1) The term "affected institution" means an institution of higher education that is—

(A) a part B institution, as such term is defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061); and

(B) located in an area affected by a Gulf hurricane disaster.

(2) The terms "area affected by a Gulf hurricane disaster" and "Gulf hurricane disaster" have the meanings given such terms in section 209 of the Higher Education Hurricane Relief Act of 2005 (Public Law 109–148, 119 Stat. 2809).

(b) Notwithstanding any other provision of law (unless enacted with specific reference to this section), the Secretary of Education is authorized to waive or modify, as the Secretary determines is necessary, any statutory or regulatory provision related to historically Black college and university capital financing under part D of title III of the Higher Education Act of 1965 (20 U.S.C. 1066 et seq.), in connection with a Gulf hurricane disaster, to ensure that—

(1) the calculation of financing need under section 343 of such Act (20 U.S.C. 1066b) for an affected institution is modified to reflect any changes in the financial condition of the institution as a result of the Gulf hurricane disaster; and

(2) an affected institution that was not receiving assistance under such part before the Gulf hurricane disaster is eligible to apply for capital

financing to assist in institutional recovery from the Gulf hurricane disaster.

(c)(1) Notwithstanding section 343(b)(1) or any other provision of title III of the Higher Education Act of 1965 (20 U.S.C. 1066b(b)(1), 1051 et seq.), in carrying out section 343 of such Act, a designated bonding authority shall withhold not more than 1 percent for the cost of issuance from the proceeds of qualified bonds that are loaned to an affected institution.

(2) Notwithstanding section 343(b)(3) or any other provision of title III of the Higher Education Act of 1965 (20 U.S.C. 1066b(b)(3), 1051 et seq.), the interest rate charged for a loan issued under part D of title III of such Act, after the date of enactment of this Act and with respect to an affected institution, shall be a rate of 1 percent for the period of the loan.

(3) Notwithstanding any other provision of title III of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.), the requirements of section 343(b)(8) and 343(c)(2) of such Act (20 U.S.C. 1066b(b)(8)) shall not apply with respect to an affected institution receiving a loan under part D of title III of such Act (20 U.S.C. 1066 et seq.).

(d) Notwithstanding any provision of title III of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.), or any regulation promulgated under such title, the Secretary of Education shall grant a deferment, for a period of not more than 3 years, to an affected institution who has received a loan under part D of title III of such Act (20 U.S.C. 1066 et seq.). During the deferment period granted under this subsection, the affected institution shall not be required to pay any periodic installment of principal required under the loan agreement for such loan, and interest on such loan shall not accrue for the period of the deferment.

(e)(1) Except as provided in paragraph (2), the authority provided under this section to enter into, or modify or waive the terms of, a loan agreement or insurance agreement under part D of title III of the Higher Education Act of 1965 (20 U.S.C. 1066 et seq.), or to grant a loan deferment under subsection (d), shall terminate 1 year after the date of enactment of this Act.

(2) Any provision of a loan agreement or insurance agreement modified or waived by the authority under this section shall remain so modified or waived for the duration of the period covered by the loan agreement or insurance agreement.

(f) The amount provided in this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### USE OF SUPPLEMENTAL HIGHER EDUCATION ACT FUNDS

SEC. 2703. Funds available to the Mississippi Institutes of Higher Learning under the heading "Department of Education" in Public Law 109–148 may be used to support activities authorized by part B of title VII of the Higher Education Act of 1965, as determined necessary by the Mississippi Institutes of Higher Learning: Provided, That the amount provided under this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### CHAPTER 8

##### DEPARTMENT OF DEFENSE MILITARY CONSTRUCTION MILITARY CONSTRUCTION, NAVY

For an additional amount for "Military Construction, Navy" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$44,770,000, to remain available until September 30, 2010: Provided, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an

emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$103,500,000, to remain available until September 30, 2010: Provided, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for "Military Construction, Army National Guard" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$210,071,000, to remain available until September 30, 2010: Provided, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the amount appropriated under this heading in the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (division B, Public Law 109-148) shall remain available until September 30, 2010.

#### MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For an additional amount for "Military Construction, Air National Guard" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$5,800,000, to remain available until September 30, 2010: Provided, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### MILITARY CONSTRUCTION, NAVAL RESERVE (INCLUDING RESCISSION OF FUNDS)

For an additional amount for "Military Construction, Naval Reserve" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$24,270,000, to remain available until September 30, 2010: Provided, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the amount appropriated under this heading in the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (division B, Public Law 109-148) shall remain available until September 30, 2010, except that, of such amount \$49,530,000 are rescinded.

#### DEPARTMENT OF VETERANS AFFAIRS

##### DEPARTMENTAL ADMINISTRATION

##### CONSTRUCTION, MAJOR PROJECTS

For an additional amount for "Construction, Major Projects" for necessary expenses related to the consequences of Hurricane Katrina and

other hurricanes of the 2005 season, \$623,000,000, to remain available until expended: Provided, That of that amount, \$62,000,000 shall be for the disposal, environmental cleanup and debris removal of the Department of Veterans Affairs' land in Gulfport, Mississippi: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### RELATED AGENCY

##### ARMED FORCES RETIREMENT HOME

##### MAJOR CONSTRUCTION

For an additional amount for "Major Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$176,000,000, to remain available until expended: Provided, That such funds may be obligated or expended for planning and design and construction projects not otherwise authorized by law: Provided further, That these funds shall be used for the planning and design and construction of a new Armed Forces Retirement Home in Gulfport, Mississippi: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### GENERAL PROVISIONS—THIS CHAPTER

##### MILITARY CONSTRUCTION

##### (WAIVER OF LIMITATION)

SEC. 2801. The limitation of Federal contribution established under section 18236(b) of title 10 is hereby waived for projects appropriated in this chapter.

#### DEPARTMENT OF VETERANS AFFAIRS

##### (INCLUDING RESCISSION AND TRANSFER OF FUNDS)

SEC. 2802. (a) Of the amounts made available in chapter 7 of the title I of division B of Public Law 109-148, "Department of Veterans Affairs", "Veterans Health Administration", "Medical Services", \$198,265,000 are hereby rescinded.

(b) For an additional amount for "Department of Veterans Affairs", "Veterans Health Administration", "Medical Services", \$198,265,000, to remain available until expended, for necessary expenses related to the consequences of hurricanes in the Gulf of Mexico in calendar year 2005.

(c) The funds made available in subsection (b) may be transferred to the "Department of Veterans Affairs", "Veterans Health Administration", "Medical Services", "Medical Administration", "Medical Facilities", "Departmental Administration", "Construction, Minor Projects", and "Information Technology Systems" accounts as required.

(d) Not less than 15 days prior to making any such transfer as authorized under subsection (c), the Department shall notify the Committees on Appropriations of both Houses of Congress.

(e) This section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### DEPARTMENT OF VETERANS AFFAIRS

##### LAND TRANSFER

SEC. 2803. Notwithstanding any other provision of law, within six months of enactment of this Act, the Secretary of Veterans Affairs is authorized and directed to cleanup and transfer all land parcels of the Department's land in Gulfport, Mississippi to the city of Gulfport, Mississippi.

#### DEPARTMENT OF VETERANS AFFAIRS

##### NEW ORLEANS AND BILOXI MEDICAL FACILITIES

SEC. 2804. Notwithstanding any other provision of law, and within the amounts appropriated for this purpose, the Secretary of Veterans Affairs may obligate and expend funds from the "Construction, Major Projects" appro-

priation to purchase a site for and the new construction, restoration or replacement of the Department of Veterans Affairs Medical Centers, New Orleans, Louisiana; and Biloxi, Mississippi.

#### ARMED FORCES RETIREMENT HOME

##### (TRANSFER OF FUNDS)

SEC. 2805. The following unobligated balances shall be transferred to the Armed Forces Retirement Home "Major Construction" account, to remain available until expended, for the planning and design and construction of a new Armed Forces Retirement Home in Gulfport, Mississippi from amounts appropriated under the heading "Armed Forces Retirement Home" in chapter 7 of division B of Public Law 109-148 (119 Stat. 2769), \$45,000,000 provided for Armed Forces Retirement Home-Gulfport; and unobligated balances of funds provided in fiscal years 1998 through 2004 for construction and renovation of the physical plants at the United States Naval Home/Armed Forces Retirement Home-Gulfport: Provided, That the amount provided or otherwise made available under this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### CHAPTER 9

#### DEPARTMENT OF TRANSPORTATION

##### FEDERAL HIGHWAY ADMINISTRATION

##### FEDERAL-AID HIGHWAYS

##### EMERGENCY RELIEF PROGRAM

For an additional amount for "Emergency relief program" as authorized under 23 U.S.C. 125, \$594,000,000, to remain available until expended, to be made available to carry out projects eligible for reimbursement under 23 U.S.C. 125 not otherwise funded in other Appropriations Acts and identified under "Total Backlog" in the Federal Highway Administration table entitled "Emergency Relief Program Fund Requests—updated 03/28/06" as well as projects eligible for reimbursement resulting from 2006 flooding in the State of Hawaii: Provided, That notwithstanding 23 U.S.C. 120(e), the Federal share for all projects for repairs or reconstruction of highways, roads, bridges, and trails to respond to damage caused by Hurricanes Katrina, Rita, and Wilma shall be 100 percent: Provided further, That notwithstanding 23 U.S.C. 125(d)(1), the Secretary of Transportation may obligate more than \$100,000,000 for such projects in a State in a fiscal year, to respond to damage caused by Hurricanes Dennis, Katrina, Rita, or Wilma and by the 2004-2005 winter storms in the State of California: Provided further, That any amounts in excess of those necessary for emergency expenses relating to the eligible projects cited in the first sentence of this paragraph may be used for other projects authorized under 23 U.S.C. 125: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### FEDERAL TRANSIT ADMINISTRATION

##### EMERGENCY ASSISTANCE FOR PUBLIC TRANSPORTATION

For grants to State or local governmental entities directly affected by Hurricane Katrina for expenses related to emergency response and recovery of public transportation equipment, facilities and services, as determined by the Secretary of Transportation, \$200,000,000, to remain available until expended: Provided, That for recipients of assistance under chapter 53 of title 49, United States Code, directly affected by Hurricane Katrina, the Secretary may waive the Federal matching share requirements for Federal transit assistance programs under such chapter, including the Federal matching share requirements contained in existing Federal assistance grant agreements: Provided further,



That the Secretary may allow such recipients to use such assistance for operating assistance, notwithstanding the terms and conditions contained in existing Federal assistance grant agreements: Provided further, That the Secretary may waive any other Federal transit assistance grant requirements under such chapter or sections 3037 and 3038 of the Federal Transit Act of 1998, including those requirements contained in existing Federal assistance grant agreements to facilitate emergency response and recovery of public transportation equipment, facilities and services by such recipients: Provided further, That the authority of the Secretary hereunder shall expire two years after the date of enactment of this section, unless determined otherwise by the Secretary for a compelling need: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL RAILROAD ADMINISTRATION  
CAPITAL GRANTS FOR RAIL LINE RELOCATION  
PROJECTS

Notwithstanding any other provision of law, to enable the Secretary of Transportation to make a grant under 49 U.S.C. 20154, for the purpose of facilitating the relocation of a rail line that was destroyed or received significant damage as the result of Hurricane Katrina and other hurricanes of the 2005 season, \$700,000,000, to remain available until expended: Provided, That relocating a significant portion of the rail traffic from a rail line destroyed or damaged to an existing rail corridor or corridors inland, and thus less vulnerable to damage by future hurricanes, and which permits the abandonment and alternative use of significant portions of the right-of-way of the rail line destroyed or damaged in 2005, shall be a permissible relocation of said rail line pursuant to 49 U.S.C. 20154: Provided further, That paragraphs (2), (3), and (4) of subsection (c) of section 20154 and subsection (d) of section 20154 shall not apply in the consideration of an application or award of a grant under this provision: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT  
PUBLIC AND INDIAN HOUSING  
TENANT-BASED RENTAL ASSISTANCE

For an additional amount for "Tenant-Based Rental Assistance" for tenant-based and project-based assistance for households within the area declared a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$202,000,000, to remain available until September 30, 2007, of which not to exceed \$5,000,000 is for the administrative and related information technology costs of the Department of Housing and Urban Development: Provided, That such households shall be limited to those identified under this heading in division B, Public Law 109-148 and to those which, prior to Hurricane Katrina or Rita, received assistance under section 236 or under section 221(d)(3) pursuant to section 221(d)(5) of the National Housing Act, or section 101 of the Housing and Urban Development Act of 1965: Provided further, That, except as otherwise provided, such funds shall be subject to the terms and conditions of amounts provided under this heading in division B, Public Law 109-148, except that section 8(o)(7)(A) of the United States Housing Act of 1937 shall not apply to funds under such heading and under this heading: Provided further, That no less than \$100,000,000 shall be made available as

project-based assistance used to support the reconstruction, rebuilding and repair of assisted housing that suffered the consequences of Hurricane Katrina and other hurricanes of the 2005 season, and may include new structures supported under the low income tax credit program: Provided further, That all previously assisted HUD project-based housing shall be accorded a preference in the use of this project-based assistance: Provided further, That, notwithstanding any other provision of law, after providing a first right of return to all households in the St. Bernard, Orleans, Plaquemines, Jefferson, and St. Tammany Parishes eligible for project-based housing assistance under this heading and under this heading in division B, Public Law 109-148, owners may then offer remaining available dwelling units to city and parish employees from those parishes for a period of not to exceed 12 months: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

COMMUNITY PLANNING AND DEVELOPMENT  
COMMUNITY DEVELOPMENT FUND  
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Community development fund", for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in the most impacted and distressed areas related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in conjunction with Hurricane Katrina and other hurricanes of the 2005 season, \$5,200,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93-383): Provided, That funds provided under this heading shall be administered through an entity or entities designated by the Governor of each State: Provided further, That such funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency, the Small Business Administration, or the Army Corps of Engineers: Provided further, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State under this heading: Provided further, That each State may use up to five percent of its allocation for administrative costs: Provided further, That not less than \$1,000,000,000 from funds made available on a pro-rata basis according to the allocation made to each State under this heading shall be used for repair, rehabilitation, and reconstruction (including demolition, site clearance and remediation) of the affordable rental housing stock (including public and other HUD-assisted housing) in the impacted areas: Provided further, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by the State that such waiver is required to facilitate the use of such funds or guarantees, and a finding by the Secretary that such waiver would not be inconsistent with the overall purpose of the statute: Provided further, That the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that at least 50 percent of the funds made available under this heading must benefit primarily persons of low and moderate income unless the Secretary otherwise makes a

finding of compelling need: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: Provided further, That every waiver made by the Secretary must be reconsidered according to the three previous provisions on the two-year anniversary of the day the Secretary published the waiver in the Federal Register: Provided further, That prior to the obligation of funds each State shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: Provided further, That prior to the obligation of funds to each State, the Secretary shall ensure that such plan gives priority to infrastructure development and rehabilitation and the rehabilitation and reconstruction of the affordable rental housing stock including public and other HUD-assisted housing: Provided further, That each State will report quarterly to the Committees on Appropriations on all awards and uses of funds made available under this heading, including specifically identifying all awards of sole-source contracts and the rationale for making the award on a sole-source basis: Provided further, That the Secretary shall notify the Committees on Appropriations on any proposed allocation of any funds and any related waivers made pursuant to these provisions under this heading no later than 5 days before such waiver is made: Provided further, That the Secretary shall establish procedures to prevent recipients from receiving any duplication of benefits and report quarterly to the Committees on Appropriations with regard to all steps taken to prevent fraud and abuse of funds made available under this heading including duplication of benefits: Provided further, That of the amounts made available under this heading, the Secretary shall transfer \$12,000,000 to the Office of Inspector General for costs associated with oversight: Provided further, That none of the funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INDEPENDENT AGENCY  
GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND  
For an additional amount for the "Federal Buildings Fund" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$37,000,000, from the General Fund and to remain available until expended: Provided, That notwithstanding 40 U.S.C. 3307, the Administrator of General Services is authorized to proceed with repairs and alterations for affected buildings: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE III  
EMERGENCY AGRICULTURAL DISASTER  
ASSISTANCE

SEC. 3001. SHORT TITLE.

This title may be cited as the "Emergency Agricultural Disaster Assistance Act of 2006".

SEC. 3002. DEFINITIONS.

In this title:

(1) ADDITIONAL COVERAGE.—The term "additional coverage" has the meaning given the term in section 502(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)(1)).

(2) DISASTER COUNTY.—The term "disaster county" means—

(A) a county included in the geographic area covered by a natural disaster declaration; and

(B) each county contiguous to a county described in subparagraph (A).

(3) **HURRICANE-AFFECTED COUNTY.**—The term “hurricane-affected county” means—

(A) a county included in the geographic area covered by a natural disaster declaration related to Hurricane Katrina, Hurricane Rita, Hurricane Wilma, or a related condition; and

(B) each county contiguous to a county described in subparagraph (A).

(4) **INSURABLE COMMODITY.**—The term “insurable commodity” means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(5) **LIVESTOCK.**—The term “livestock” includes—

(A) cattle (including dairy cattle);

(B) bison;

(C) sheep;

(D) swine; and

(E) other livestock, as determined by the Secretary.

(6) **NATURAL DISASTER DECLARATION.**—The term “natural disaster declaration” means—

(A) a natural disaster declared by the Secretary—

(i) during calendar year 2005 under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

(ii) during calendar year 2006 under that section, but for which a request was pending as of the date of enactment of this Act; or

(B) a major disaster or emergency designated by the President—

(i) during calendar year 2005 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(ii) during calendar year 2006 under that Act, but for which a request was pending as of the date of enactment of this Act.

(7) **NONINSURABLE COMMODITY.**—The term “noninsurable commodity” means a crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(8) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

#### **Subtitle A—Agricultural Production Losses**

##### **SEC. 3011. CROP DISASTER ASSISTANCE.**

(a) **IN GENERAL.**—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying losses described in subsection (c).

(b) **ADMINISTRATION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-55), including using the same loss thresholds for quantity and economic losses as were used in administering that section, except that the payment rate shall be 50 percent of the established price, instead of 65 percent.

(2) **LOSS THRESHOLDS FOR QUALITY LOSSES.**—In the case of a payment for quality loss for a crop under subsection (c)(2), the loss thresholds for quality loss for the crop shall be determined under subsection (d).

(c) **QUALIFYING LOSSES.**—Assistance under this section shall be made available to producers on farms, other than producers of sugar cane and sugar beets, that incurred qualifying quantity or quality losses for—

(1) the 2005 crop due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed harvest), as determined by the Secretary; and

(2) the 2006 crop due to flooding in California and Hawaii that occurred prior to the date of enactment of this Act and for which a petition for a disaster designation has been filed with the Secretary not later than that date.

(d) **QUALITY LOSSES.**—

(1) **IN GENERAL.**—Subject to paragraph (3), the amount of a payment made to producers on a farm for a quality loss for a crop under subsection (c)(2) shall be equal to the amount obtained by multiplying—

(A) 65 percent of the payment quantity determined under paragraph (2); by

(B) 50 percent of the payment rate determined under paragraph (3).

(2) **PAYMENT QUANTITY.**—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B) the quantity of expected production of the crop affected by a quality loss of the commodity on the farm, using the formula used by the Secretary to determine quantity losses for the crop of the commodity under subsection (c)(1).

(3) **PAYMENT RATE.**—For the purpose of paragraph (1)(B) and in accordance with paragraphs (5) and (6), the payment rate for quality losses for a crop of a commodity on a farm shall be equal to the difference between—

(A) the per unit market value that the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(B) the per unit market value of the units of the crop affected by the quality loss.

(4) **ELIGIBILITY.**—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under subsection (c)(2), the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be at least 25 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(5) **MARKETING CONTRACTS.**—In the case of any production of a commodity that is sold pursuant to 1 or more marketing contracts (regardless of whether the contract is entered into by the producers on the farm before or after harvest) and for which appropriate documentation exists, the quantity designated in the contracts shall be eligible for quality loss assistance based on the 1 or more prices specified in the contracts.

(6) **OTHER PRODUCTION.**—For any additional production of a commodity for which a marketing contract does not exist or for which production continues to be owned by the producer, quality losses shall be based on the average local market discounts for reduced quality, as determined by the appropriate State committee of the Farm Service Agency.

(7) **QUALITY ADJUSTMENTS AND DISCOUNTS.**—The appropriate State committee of the Farm Service Agency shall identify the appropriate quality adjustment and discount factors to be considered in carrying out this subsection, including—

(A) the average local discounts actually applied to a crop; and

(B) the discount schedules applied to loans made by the Farm Service Agency or crop insurance coverage under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(8) **ELIGIBLE PRODUCTION.**—The Secretary shall carry out this subsection in a fair and equitable manner for all eligible production, including the production of fruits and vegetables, other specialty crops, and field crops.

(e) **ELIGIBILITY FOR ASSISTANCE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(A) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses;

(B) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses;

(C) had average adjusted gross income (as defined by section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(a)), of greater than \$2,500,000 in 2004; or

(D) were not in compliance with highly erodible land conservation and wetland conservation provisions.

(2) **CONTRACT WAIVER.**—The Secretary may waive paragraph (1) with respect to the producers on a farm if the producers enter into a contract with the Secretary under which the producers agree—

(A) in the case of an insurable commodity, to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) providing additional coverage for the insurable commodity for each of the next 2 crops, at a coverage level that provides—

(i) not less than 65 percent of the actual production history for the crop produced on the farm; and

(ii) 100 percent of the expected market price or a comparable coverage (as determined by the Federal Crop Insurance Corporation); and

(B) in the case of a noninsurable commodity, to file the required paperwork and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity for each of the next 2 crops under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(3) **EFFECT OF VIOLATION.**—In the event of the violation of a contract under paragraph (2) by a producer, the producer shall reimburse the Secretary for the full amount of the assistance provided to the producer under this section.

(f) **TIMING.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary shall make payments to producers on a farm for a crop under this section not later than 60 days after the date the producers on the farm submit to the Secretary a completed application for the payments.

(2) **INTEREST.**—If the Secretary does not make payments to the producers on a farm by the date described in paragraph (1), the Secretary shall pay to the producers on a farm interest on the payments at a rate equal to the current (as of the sign-up deadline established by the Secretary) market yield on outstanding, marketable obligations of the United States with maturities of 30 years.

##### **SEC. 3012. LIVESTOCK ASSISTANCE.**

(a) **LIVESTOCK COMPENSATION PROGRAM.**—

(1) **USE OF COMMODITY CREDIT CORPORATION FUNDS.**—Effective beginning on the date of enactment of this Act, the Secretary shall use funds of the Commodity Credit Corporation to carry out the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070), to provide compensation for livestock losses during calendar years 2005 and 2006 for losses that occurred prior to the date of enactment of this Act (including wildfire disaster losses in the State of Texas and other States) due to a disaster, as determined by the Secretary, except that the payment rate shall be 75 percent of the payment rate established for the 2002 Livestock Compensation Program.

(2) **ELIGIBLE APPLICANTS.**—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant that—

(A)(i) conducts a livestock operation that is located in a disaster county, including any applicant conducting a livestock operation with eligible livestock (within the meaning of the livestock assistance program under section 101(b) of division B of Public Law 108-324 (118 Stat. 1234)); or

(ii) produces an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)); and

(B) meets all other eligibility requirements established by the Secretary for the program.

(3) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock compensation program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(4) LIMITATION.—The Secretary shall ensure, to the maximum extent practicable, that no producer on a farm receives duplicative payments under this subsection and another Federal program with respect to any loss.

**(b) LIVESTOCK INDEMNITY PAYMENTS.—**

(1) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make livestock indemnity payments to producers on farms that have incurred livestock losses during calendar years 2005 and 2006 for losses that occurred prior to the date of enactment of this Act (including wildfire disaster losses in the State of Texas and other States) due to a disaster, as determined by the Secretary, including losses due to hurricanes, floods, anthrax, and wildfires.

(2) PAYMENT RATES.—Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 30 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

**(c) LIVESTOCK INDEMNITY PROGRAM FOR CONTRACT GROWERS.—**

(1) IN GENERAL.—Subject to subsection (d), the Secretary shall use funds of the Commodity Credit Corporation to establish a program to assist poultry producers in hurricane-affected counties that suffered income losses.

(2) TERMS AND CONDITIONS.—The program established under paragraph (1) shall contain similar terms and conditions as the terms and conditions used for the livestock indemnity program for contract growers described in subpart E of chapter XIV of title 7, Code of Federal Regulations (as in effect on January 1, 2002).

**(d) EWE LAMB REPLACEMENT AND RETENTION.—**

(1) IN GENERAL.—The Secretary shall use \$15,000,000 of funds of the Commodity Credit Corporation to make payments under the Ewe Lamb Replacement and Retention Payment Program under part 784 of title 7, Code of Federal Regulations (or a successor regulation) for each qualifying ewe lamb retained or purchased during the period beginning on January 1, 2006, and ending on December 31, 2006.

(2) INELIGIBILITY FOR OTHER ASSISTANCE.—A producer that receives assistance under this subsection shall not be eligible to receive assistance under subsection (a).

(e) LIMIT ON AMOUNT OF ASSISTANCE.—The Secretary shall ensure, to the maximum extent practicable, that no producer on a farm receives duplicative payments under this section and any other Federal program for the same loss.

**SEC. 3013. FLOODED CROP AND GRAZING LAND.**

(a) IN GENERAL.—The Secretary shall compensate eligible owners of flooded crop and grazing land in—

(1) the Devils Lake basin; and

(2) the McHugh, Lake Laretta, and Rose Lake closed drainage areas of the State of North Dakota.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive compensation under this section, an owner shall own land described in subsection (a) that, during the 2 crop years preceding receipt of compensation, was rendered incapable of use for the production of an agricultural commodity or for grazing purposes (in a manner consistent with the historical use of the land) as the result of flooding, as determined by the Secretary.

(2) INCLUSIONS.—Land described in paragraph (1) shall include—

(A) land that has been flooded;

(B) land that has been rendered inaccessible due to flooding; and

(C) a reasonable buffer strip adjoining the flooded land, as determined by the Secretary.

(3) ADMINISTRATION.—The Secretary may establish—

(A) reasonable minimum acreage levels for individual parcels of land for which owners may receive compensation under this section; and

(B) the location and area of adjoining flooded land for which owners may receive compensation under this section.

(c) SIGN-UP.—The Secretary shall establish a sign-up program for eligible owners to apply for compensation from the Secretary under this section.

**(d) COMPENSATION PAYMENTS.—**

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the rate of an annual compensation payment under this section shall be equal to 90 percent of the average annual per acre rental payment rate (at the time of entry into the contract) for comparable crop or grazing land that has not been flooded and remains in production in the county where the flooded land is located, as determined by the Secretary.

(2) REDUCTION.—An annual compensation payment under this section shall be reduced by the amount of any conservation program rental payments or Federal agricultural commodity program payments received by the owner for the land during any crop year for which compensation is received under this section.

(3) EXCLUSION.—During any year in which an owner receives compensation for flooded land under this section, the owner shall not be eligible to participate in or receive benefits for the flooded land under—

(A) the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(B) the noninsured crop assistance program established under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); or

(C) any Federal agricultural crop disaster assistance program.

(e) RELATIONSHIP TO AGRICULTURAL COMMODITY PROGRAMS.—The Secretary, by regulation, shall provide for the preservation of cropland base, allotment history, and payment yields applicable to land described in subsection (a) that was rendered incapable of use for the production of an agricultural commodity or for grazing purposes as the result of flooding.

**(f) USE OF LAND.—**

(1) IN GENERAL.—An owner that receives compensation under this section for flooded land shall take such actions as are necessary to not degrade any wildlife habitat on the land that has naturally developed as a result of the flooding.

(2) RECREATIONAL ACTIVITIES.—To encourage owners that receive compensation for flooded land to allow public access to and use of the land for recreational activities, as determined by the Secretary, the Secretary may—

(A) offer an eligible owner additional compensation; and

(B) provide compensation for additional acreage under this section.

**(g) FUNDING.—**

(1) IN GENERAL.—The Secretary shall use \$6,000,000 of funds of the Commodity Credit Corporation to carry out this section.

(2) PRO-RATED PAYMENTS.—In a case in which the amount made available under paragraph (1)

for a fiscal year is insufficient to compensate all eligible owners under this section, the Secretary shall pro-rate payments for that fiscal year on a per acre basis.

**SEC. 3014. SUGARCANE AND SUGAR BEET DISASTER ASSISTANCE.**

(a) FLORIDA.—The Secretary of Agriculture shall use \$120,000,000 of funds of the Commodity Credit Corporation to make payments to processors in Florida that are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)) to compensate first processors and producers for crop and other losses in hurricane-affected counties that are related to hurricanes, tropical storms, excessive rains, floods, and wind in Florida during calendar year 2005, by an agreement on the same terms and conditions, to the maximum extent practicable, as the payments made under section 102 of the Emergency Supplemental Appropriations for Hurricane Disasters Assistance Act of 2005 (Public Law 108-324; 118 Stat. 1235), including that the 2005 base production of each harvesting unit shall be determined using the same base year crop production history that was used pursuant to the agreement under that section.

**(b) LOUISIANA.—**

(1) COMPENSATION FOR LOSSES.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to make \$120,000,000 in payments to first processors of sugarcane that operate in a disaster county in Louisiana, or obtain sugarcane from a disaster county in Louisiana, and that are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)), to compensate the producers and first processors for crop and other losses due to Hurricane Katrina, Hurricane Rita, or related conditions.

(2) ADMINISTRATION.—Assistance under this subsection shall be—

(A) shared by an affected first processor with affected producers that provide commodities to the processor in a manner that reflects contracts entered into between the processor and the producers, except with respect to a portion of the amount of total assistance described under paragraph (1) necessary to compensate affected producers for individual losses experienced by the producers, including losses due to saltwater intrusion, flooding, wind damage, or increased planting, replanting, or harvesting costs, which shall be transferred by the first processor to the affected producers without regard to contractual share arrangements; and

(B) made available under such terms and conditions as the Secretary determines are necessary to carry out this subsection.

(3) LOSS DETERMINATION.—In carrying out this subsection, the Secretary shall use the same base year to determine crop loss that was elected by a producer to determine crop loss in carrying out the hurricane assistance program under section 207 of the Agricultural Assistance Act of 2003 (Public Law 108-7; 117 Stat. 543).

(c) FUNDING.—The Secretary shall use \$40,000,000 of funds of the Commodity Credit Corporation to provide assistance to sugar beet producers that suffered production losses (including quality losses) for the 2005 crop year.

(d) REQUIREMENT.—The Secretary shall make payments under subsection (c) in the same manner as payments were made under section 208 of the Agricultural Assistance Act of 2003 (Public Law 108-7; 117 Stat. 544), including using the same indemnity benefits as were used in carrying out that section.

(e) TEXAS.—The Secretary shall use \$400,000 of funds of the Commodity Credit Corporation to assist sugarcane growers in Texas by making a payment in that amount to the Rio Grande Valley Sugar Growers, a farmer-owned cooperative sugarcane processor in that State, for additional demurrage costs at the Port of Baton Rouge and additional storage and transportation costs of

raw sugar resulting from hurricanes during calendar year 2005, excessive rains, floods, wind, and other related conditions.

(f) HAWAII.—The Secretary shall use \$6,000,000 of funds of the Commodity Credit Corporation to assist sugarcane growers in Hawaii by making a payment in that amount to an agricultural transportation cooperative in Hawaii, the members of which are eligible to receive marketing assistance loans and loan deficiency payments made available under subtitle B of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.).

(g) LIMIT ON AMOUNT OF ASSISTANCE.—The Secretary shall ensure, to the maximum extent practicable, that no producer on a farm receives duplicative payments under this section and any other Federal program for the same loss.

#### SEC. 3015. SPECIALTY CROPS AND NURSERY CROPS.

(a) IN GENERAL.—The Secretary shall use funds of the Commodity Credit Corporation to provide assistance to producers of specialty crops and nursery crops in hurricane-affected counties.

(b) ADMINISTRATION.—

(1) IN GENERAL.—Assistance required by subsection (a) shall be carried out by the Secretary under the same terms and conditions as the special disaster relief programs carried out for producers that suffered from crop damage and tree losses, and carried out related cleanup, in certain areas of Florida due to Hurricanes Charley, Frances, and Jeanne during August and September 2004, as described in the notice of program implementation relating to Florida citrus, fruit, vegetable, and nursery crop disaster programs (69 Fed. Reg. 63134 (October 29, 2004)).

(2) LOSS OF RECORDS.—Due to the complete destruction of the business records of many producers, the Secretary shall use the best available information in determining eligibility, determining losses, and calculating payment amounts under this section.

(c) LIMIT ON AMOUNT OF ASSISTANCE.—The Secretary shall ensure, to the maximum extent practicable, that no producer on a farm receives duplicative payments under this section and any other Federal program for the same loss.

#### SEC. 3016. DAIRY ASSISTANCE.

The Secretary shall use \$25,000,000 of the funds of the Commodity Credit Corporation to make payments to dairy producers for dairy production losses and dairy spoilage losses in hurricane-affected counties.

#### SEC. 3017. COTTONSEED.

(a) DISTRIBUTION OF FUNDS.—The Secretary shall provide disaster assistance under subsection (c) under the same terms and conditions as assistance provided under section 206 of the Agricultural Assistance Act of 2003 (Public Law 108-7; 117 Stat. 543), except that assistance shall be—

(1) distributed to producers and first handlers of cottonseed; and

(2) based on cottonseed production during the most recent year for which a disaster payment specifically for cottonseed was not authorized.

(b) COTTONSEED ASSISTANCE.—The Secretary shall use \$15,000,000 of the funds of the Commodity Credit Corporation to provide assistance to producers and first-handlers of the 2005 crop of cottonseed in hurricane-affected counties.

#### SEC. 3018. REDUCTION IN PAYMENTS.

The amount of any payment for which a producer is eligible under this subtitle shall be reduced by any amount received by the producer for the same loss or any similar loss under—

(1) the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148; 119 Stat. 2680); or

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006.

### Subtitle B—Supplemental Nutrition and Agricultural Economic Disaster Assistance

#### SEC. 3021. REPLENISHMENT OF SECTION 32.

(a) DEFINITION OF SPECIALTY CROP.—In this section:

(1) IN GENERAL.—The term “specialty crop” means any agricultural crop.

(2) EXCEPTION.—The term “specialty crop” does not include—

- (A) wheat;
- (B) feed grains;
- (C) oilseeds;
- (D) cotton;
- (E) rice; or
- (F) peanuts.

(b) BASE STATE GRANTS.—

(1) IN GENERAL.—The Secretary shall use \$25,500,000 of funds of the Commodity Credit Corporation to make grants to the several States, the District of Columbia, and the Commonwealth of Puerto Rico to be used to support activities that promote agriculture.

(2) AMOUNTS.—The amount of the grants shall be—

- (A) \$500,000 to each of the several States; and
- (B) \$250,000 to each of the Commonwealth of Puerto Rico and the District of Columbia.

(c) GRANTS FOR VALUE OF PRODUCTION.—The Secretary shall use \$74,500,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States in an amount equal to the product obtained by multiplying—

(1) the share of the State of the total value of specialty crop, livestock, and dairy production of the United States for the 2004 crop year, as determined by the Secretary; by

(2) \$74,500,000.

(d) SPECIAL CROP AND LIVESTOCK PRIORITY.—As a condition on the receipt of a grant under this section, a State shall agree to give priority to the support of specialty crops and livestock in the use of the grant funds.

(e) USE OF FUNDS.—A State may use funds from a grant awarded under this section—

- (1) to supplement State food bank programs or other nutrition assistance programs;
- (2) to promote the purchase, sale, or consumption of agricultural products;
- (3) to provide economic assistance to agricultural producers, giving a priority to the support of specialty crops and livestock; or
- (4) for other purposes as determined by the Secretary.

#### SEC. 3022. SUPPLEMENTAL ECONOMIC LOSS PAYMENTS.

The Secretary shall make a supplemental economic loss payment to any producer on a farm that received a direct payment for crop year 2005 under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.) at a rate equal to the product obtained by multiplying—

- (1) 30 percent of the direct payment rate in effect for the program crop of the farmer;
- (2) 85 percent of the program crop base of the farmer; and
- (3) the program payment yield for each program crop of the farmer.

#### SEC. 3023. REDUCTION IN PAYMENTS.

The amount of any payment for which a producer is eligible under this subtitle shall be reduced by any amount received by the producer for the same loss or any similar loss under—

- (1) the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148; 119 Stat. 2680); or
- (2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006.

### Subtitle C—Forestry

#### SEC. 3031. TREE ASSISTANCE PROGRAM.

(a) DEFINITION OF TREE.—In this section, the term “tree” includes a tree (including a Christmas tree, ornamental tree, nursery tree, and potted tree), bush (including a shrub), and vine.

(b) PROGRAM.—Except as otherwise provided in this section, the Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to provide assistance under the tree assistance program established under sections 10201 through 10203 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8201 et seq.) to—

(1) producers who suffered tree losses in hurricane-affected counties; and

(2) fruit and tree nut producers in hurricane-affected counties for site preparation, replacement, rehabilitation, and pruning.

(c) COSTS.—Funds made available under this section shall also be made available to cover costs associated with tree pruning, tree rehabilitation, and other appropriate tree-related activities as determined by the Secretary.

(d) LIMIT ON AMOUNT OF ASSISTANCE.—The Secretary shall ensure, to the maximum extent practicable, that no producer on a farm receives duplicative payments under this section and any other Federal program for the same loss.

### Subtitle D—Conservation

#### SEC. 3041. NATURAL RESOURCES CONSERVATION SERVICE.

(a) AUTHORITY TO CLEAR DEBRIS AND ANIMAL CARCASSES.—Notwithstanding any other provision of law, the Secretary, acting through the Natural Resources Conservation Service, using funds made available for the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203), may provide financial and technical assistance to remove and dispose of debris and animal carcasses that could adversely affect health and safety on non-Federal land in a hurricane-affected county.

(b) AUTHORITY TO USE CERTAIN PRACTICES.—Notwithstanding any other provision of law, the Secretary, acting through the Natural Resources Conservation Service, may use direct check-writing practices and electronic transfers to provide financial and technical assistance under the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) in a hurricane-affected county.

#### SEC. 3042. EMERGENCY WATERSHED PROTECTION PROGRAM.

The Secretary shall use an additional \$108,500,000 of funds of the Commodity Credit Corporation to carry out emergency measures identified by the Chief of the Natural Resources Conservation Service as of the date of enactment of this Act through the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203).

#### SEC. 3043. EMERGENCY CONSERVATION PROGRAM.

The Secretary shall use an additional \$17,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures identified by the Administrator of the Farm Service Agency as of the date of enactment of this Act through the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.).

### Subtitle E—Farm Service Agency

#### SEC. 3051. FUNDING FOR ADDITIONAL PERSONNEL.

The Secretary shall use \$23,000,000 of funds of the Commodity Credit Corporation to hire additional County Farm Service Agency personnel—

(1) to expedite the implementation of, and delivery under, the agricultural disaster and economic assistance programs under this title; and

(2) as the Secretary determines to be necessary to carry out other agriculture and disaster assistance programs.

**Subtitle F—Miscellaneous****SEC. 3061. AUTHORITY TO PROVIDE IMMUNIZATIONS.**

Notwithstanding any other provision of law, the Secretary of Defense may provide immunizations to employees of the Department of Agriculture involved in direct recovery work in a hurricane-affected county.

**SEC. 3062. WAIVER OF CERTAIN PROVISIONS.**

Notwithstanding any other provision of law, the Secretary may provide assistance in a hurricane-affected county under the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.) without regard to subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.).

**SEC. 3063. FUNDING.**

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title, to remain available until expended.

**SEC. 3064. REGULATIONS.**

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

**Subtitle G—Emergency Designation****SEC. 3071. EMERGENCY DESIGNATION.**

The amounts provided under this title are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**TITLE IV****DROUGHT EMERGENCY ASSISTANCE****SEC. 4001. CORPS OF ENGINEERS.**

In addition to any other funds made available by this Act, there is appropriated for “Department of Defense-Civil, Department of the Army, Corps of Engineer-Civil, Flood Control and Coastal Emergencies”, as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), \$5,000,000, to remain available until expended, to be used by the Secretary of the Army, acting through the Chief of Engineers, for emergency drought assistance.

**SEC. 4002. BUREAU OF RECLAMATION.**

In addition to any other funds made available by this Act, there is appropriated for “Department of the Interior, Bureau of Reclamation, Water and Related Resources”, \$7,500,000, to remain available until expended, for drought emergency assistance.

**SEC. 4003. EMERGENCY DESIGNATION.**

The amounts provided under this title are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**TITLE V****PORT SECURITY ENHANCEMENTS  
CUSTOMS AND BORDER PROTECTION  
SALARIES AND EXPENSES**

For an additional amount for “Salaries and Expenses”, \$266,050,000, to remain available until expended.

**UNITED STATES COAST GUARD****OPERATING EXPENSES**

For an additional amount for “Operating Expenses”, \$23,000,000, to remain available until expended.

**OFFICE FOR DOMESTIC PREPAREDNESS****STATE AND LOCAL PROGRAMS**

For an additional amount for “State and Local Programs”, \$227,000,000: Provided, That the entire amount shall be for port security grants pursuant to the purposes of 46 United States Code 70107 (a) through (h), which shall be awarded based on risk and threat notwithstanding subsection (a), for eligible costs as defined in subsections (b)(2)–(4).

**SCIENCE AND TECHNOLOGY****RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS**

For an additional amount for “Research, Development, Acquisition, and Operations” for the Domestic Nuclear Detection Office, \$132,000,000, to remain available until expended for the purchase and deployment of radiation portal monitors for United States seaports.

**TITLE VI****PANDEMIC FLU****DEPARTMENT OF HEALTH AND HUMAN SERVICES****OFFICE OF THE SECRETARY****PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND**

For an additional amount for “Public Health and Social Services Emergency Fund” to prepare for and respond to an influenza pandemic, including international activities and activities in foreign countries, preparedness planning, enhancing the pandemic influenza regulatory science base, accelerating pandemic influenza disease surveillance, developing registries to monitor influenza vaccine distribution and use, supporting pandemic influenza research, clinical trials and clinical trials infrastructure, and the development and purchase of vaccines, antivirals, and necessary medical supplies, \$2,300,000,000, to remain available until expended: Provided, That \$300,000,000 shall be for upgrading State and local capacity, \$50,000,000 shall be for laboratory capacity and research at the Centers for Disease Control and Prevention, and at least \$200,000,000 shall be for the Centers for Disease Control and Prevention to carry out global and domestic disease surveillance, laboratory capacity and research, laboratory diagnostics, risk communication, rapid response and quarantine: Provided further, That products purchased with these funds may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile: Provided further, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: Provided further, That the Secretary may negotiate a contract with a vendor under which a State may place an order with the vendor for antivirals; may reimburse a State for a portion of the price paid by the State pursuant to such an order; and may use amounts made available herein for such reimbursement: Provided further, That funds appropriated herein and not specifically designated under this heading may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**TITLE VII****GENERAL PROVISIONS AND TECHNICAL CORRECTIONS****AVAILABILITY OF FUNDS**

SEC. 7001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

**OFFICE OF JUSTICE PROGRAMS****STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE****ADMINISTRATIVE PROVISION**

SEC. 7002. Of the amount made available by the Department of Justice Appropriations Act, 2006 under the heading “Community Oriented Policing Services” (Public Law 109–108, 199 Stat. 2302), for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797 et seq.), \$1,500,000 shall be available to the Attorney General, without regard to such part BB, for the study on forensic science described in House Report 109–272 to accompany Public Law 109–108.

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION****SCIENCE, AERONAUTICS AND EXPLORATION****ADMINISTRATIVE PROVISION**

SEC. 7003. The referenced statement of the managers in House Report 109–272, Making Appropriations for Science, the Departments of State, Justice, and Commerce, and Related Agencies for the Fiscal Year Ending September 30, 2006, and for other purposes, under this heading is deemed to be amended with respect to amounts made available under the heading “Science, Aeronautics and Exploration” for the Mitchell Institute by striking “educational purposes” and inserting “the science and engineering education endowment”.

**SMALL BUSINESS ADMINISTRATION****ADMINISTRATIVE PROVISION**

SEC. 7004. Section 613 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109–108; 119 Stat. 2338) is amended by striking “Clark County Department of Aviation, Las Vegas,” and inserting “University of Nevada Las Vegas,”.

**INTELLIGENCE ACTIVITIES**

SEC. 7005. Funds appropriated in this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

**OFFICE OF ECONOMIC ADJUSTMENT—DEFENSE**

SEC. 7006. Sec. 8044 of Public Law 109–148 (119 Stat. 2708) is amended as follows: After “Defense,” and before “acting” insert, “notwithstanding any other provision of law,”.

**INVESTIGATIONS, LOUISIANA HURRICANE STUDY COST SHARING**

SEC. 7007. The \$12,000,000 provided in division B, chapter 3 of title I, Investigations, of Public Law 109–148 (119 Stat. 2761) for the Louisiana hurricane protection study shall be at full Federal expense.

**MISSISSIPPI RIVERS AND TRIBUTARIES**

SEC. 7008. Chapter 3, under division B of title I of Public Law 109–148 (119 Stat. 2762) under the heading “Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee” is modified by inserting the following before the period: “: Provided further, That the Corps is directed to expedite and accelerate completion of any study or any unconstructed portion of the Mississippi River and Tributaries project for the flood and storm damage reduction projects in the south Louisiana area”: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## MISSISSIPPI RIVER-GULF OUTLET

SEC. 7009. Chapter 3, under division B of title I of Public Law 109-148 (119 Stat. 2762) under the heading "Operations and Maintenance" is modified by inserting the following before the last proviso: "Provided further, That \$75,000,000 of the funds provided herein shall be used for the repair, construction or provision of measures or structures necessary to protect, restore or increase wetlands, to prevent saltwater intrusion or storm surge": Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## SHORE PROTECTION

SEC. 7010. Section 227 of Public Law 104-303 is modified as follows:

(1) Section 5(a) is amended by striking "6", and inserting "7" in lieu thereof.

(2) Section 5(e)(2) is amended by striking "\$21,000,000", and inserting "\$25,000,000" in lieu thereof.

## RECLAMATION STATES EMERGENCY DROUGHT RELIEF ACT OF 1991

SEC. 7011. (a) Section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) is amended by striking "September 30, 2005" and inserting "September 30, 2010" in lieu thereof.

(b) Section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2241) is amended by striking "fiscal years 1992, 1993, 1994, 1995, 1996, 1999, 2000, 2001, 2002, 2003, and 2004" and inserting "the period of fiscal years 2006 through 2010" in lieu thereof.

## REPROGRAMMING OF FUNDS

SEC. 7012. None of the funds made available before, on, or after the date of enactment of this Act in an appropriations Act may be expended to prevent or limit any reprogramming of funds for a project to be carried out by the Corps of Engineers using funds appropriated in any Act making appropriations for energy and water development, based on whether the project was included by the President in the budget transmitted under section 1105(a) of title 31, United States Code, or is otherwise proposed by the President or considered part of the budget by the Office of Management and Budget, if the project received funds in an Act making appropriations for energy and water development or any other appropriations Act making additional funds available for energy and water development.

## BONNEVILLE POWER AUTHORITY

SEC. 7013. None of the funds made available under this or any other Act shall be used during fiscal year 2006 or previous to April 1, 2007 to make, or plan or prepare to make, any payment on bonds issued by the Administrator of the Bonneville Power Administration (referred in this section as the "Administrator") or for an appropriated Federal Columbia River Power System investment, if the payment is both—

(1) greater, during any fiscal year, than the payments calculated in the rate hearing of the Administrator to be made during that fiscal year using the repayment method used to establish the rates of the Administrator as in effect on February 6, 2006; and

(2) based or conditioned on the actual or expected net secondary power sales receipts of the Administrator.

## DEPARTMENT OF HOMELAND SECURITY

## (INCLUDING RESCISSION OF FUNDS)

SEC. 7014. (a) RESCISSION.—Of the funds available for "Screening Coordination and Operations", \$3,960,000 are rescinded.

(b) SUPPLEMENTAL APPROPRIATIONS.—For an additional amount for the "Office of the Secretary and Executive Management", \$3,960,000.

## DEPARTMENT OF THE INTERIOR—U.S. GEOLOGICAL SURVEY

SEC. 7015. For an additional amount for "Department of the Interior, United States Geologi-

cal Survey, Surveys, Investigations, and Research", \$500,000, to remain available until expended, for assistance with assessments of critical reservoirs and dams, including the monitoring of dam structures: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## SURFACE MINING CONTROL AND RECLAMATION ACT

SEC. 7016. Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is amended by striking "June 30, 2006" and inserting "September 30, 2007".

## DEPARTMENT OF LABOR—OFFICE OF JOB CORPS

SEC. 7017. Notwithstanding section 102 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006 (Public Law 109-149), none of the funds made available under this Act or under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006, shall be expended for any activity that—

(1) is related to carrying out Order 09-2006 of the Secretary of Labor; or

(2) transfers the Office of Job Corps but does not establish the Office of Job Corps as a single office within the Office of the Secretary that retains all staff, functions and authorities related to carrying out subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et seq.).

## DEPARTMENT OF LABOR—MINE SAFETY

SEC. 7018. For an additional amount for "Department of Labor, Mine Safety and Health Administration, Salaries and Expenses", \$25,600,000 for the inspection of coal mines: Provided, That progress reports on hiring shall be submitted to the House and Senate Committees on Appropriations on a quarterly basis, with the first report due June 15, 2006: Provided further, That the amounts provided under this heading shall remain available until September 30, 2007: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## CENTERS FOR DISEASE CONTROL—MINE SAFETY

SEC. 7019. For an additional amount for "Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research and Training", to carry out section 501 of the Federal Mine Safety and Health Act of 1977, \$10,000,000 for research to develop mine safety technology including grants and contracts: Provided, That progress reports on technology development shall be submitted to the House and Senate Committees on Appropriations on a quarterly basis, with the first report due June 15, 2006: Provided further, That the amounts provided under this heading shall remain available until September 30, 2007: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

## RAILROAD RETIREMENT BOARD

SEC. 7020. Public Law 109-149 (119 Stat. 2876) under the heading "Railroad Retirement Board, Dual Benefits Payments Account" is amended by striking "proportional to the amount by which the product of recipients and the average benefit received exceeds \$97,000,000" and inserting "to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits" in lieu thereof.

## HEAD START REGULATIONS EFFECTIVE DATE

SEC. 7021. Section 224 of Public Law 109-149 (119 Stat. 2862) is amended by striking "June" and inserting "December" in lieu thereof.

## MILITARY CONSTRUCTION

## AUTHORIZATION

SEC. 7022. Section 2401 of the Military Construction Authorization Act for Fiscal Year 2006 (Public Law 109-163) is amended by striking after "Augusta", "\$61,466,000" and inserting in lieu thereof "\$340,854,000". This project may be incrementally funded. Funds appropriated in Public Law 109-114 for this project shall be available to fund the first increment.

## MILITARY CONSTRUCTION

## AUTHORIZATION

SEC. 7023. Section 2401 of the Military Construction Authorization Act for Fiscal Year 2006 (Public Law 109-163) is amended by striking after "Kunia", "\$305,000,000" and inserting in lieu thereof "\$350,490,000". The project may be incrementally funded. Funds appropriated in Public Laws 108-7, 108-87, and 109-114 for this project shall be available to fund the first increment.

## MILITARY CONSTRUCTION

## AUTHORIZATION

SEC. 7024. Section 2846 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107; 115 Stat. 1320), as amended by section 2865 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2149) is further amended by striking "840 acres" and inserting "1,540 acres".

## DETAIL AUTHORITY FOR DOT

SEC. 7025. Section 171 of Public Law 109-115 (119 Stat. 2426) is amended by inserting before the period at the end of the following "": Provided, That the Department's Office of Intelligence, Security, and Emergency Response may assess and enter into reimbursable agreements with the modal administrations for services necessary to carry out emergency preparedness or emergency response activities, as determined by the Secretary of Transportation: Provided further, That notwithstanding any other provision of law, the Secretary is authorized to detail modal administration employees to the Office of Intelligence, Security, and Emergency Response without reimbursement and for fixed periods of time, as determined by the Secretary, only insofar as necessary to carry out emergency preparedness or emergency response activities: Provided further, That the Department shall transmit to the Committees on Appropriations of the Senate and of the House of Representatives a quarterly report that provides information describing any reimbursable agreements or personnel details carried out in accordance with this section".

## EMERGENCY HIGHWAY FUNDS

SEC. 7026. Under the heading "Department of Transportation, Federal Highway Administration, Emergency Relief Program" in Public Law 109-148 (119 Stat. 2778), strike "\$629,000,000" and insert "\$803,000,000".

## LIMITATION ON CERTAIN TRANSPORTATION ACTIONS

SEC. 7027. None of the funds made available by this or any other Act may be used to issue or implement a decision on the Notice of Proposed Rulemaking (70 Fed. Reg. 67389) that proposes to change the Department's long-standing interpretation of "actual control" of an airline for purposes of section 40102(a)(15) of title 49, United States Code, issue any final rule, or make any fitness determination under section 41102 of that title that would change the Department of Transportation's long-standing interpretation concerning what constitutes "actual control" of an airline for purposes of section 40102(a)(15) of such title, or to submit a final rule to the Congress under chapter 8 of title 5, United States Code, that would change that interpretation.

## DOJ AND TREASURY FUNDING FOR INTELLIGENCE ACTIVITIES

SEC. 7028. (a) Funds appropriated for intelligence activities, or made available by the



transfer of funds, by this Act, by Public Law 109-108 for the Department of Justice, or by Public Law 109-115 for the Department of the Treasury, are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947, as amended, (50 U.S.C. 414) during fiscal year 2006 until the enactment of the Intelligence Authorization Act for Fiscal Year 2006.

(b) Subsection (a) shall be effective:

(1) with respect to funds appropriated, or made available by the transfer of funds, by this Act, upon the enactment of this Act;

(2) with respect to funds appropriated, or made available by the transfer of funds, by Public Law 109-108 for the Department of Justice, as if enacted on the date of enactment of Public Law 109-108; and

(3) with respect to funds appropriated, or made available by the transfer of funds, by Public Law 109-115 for the Department of the Treasury, as if enacted on the date of enactment of Public Law 109-115.

#### FUNDING FOR TREASURY TRAVEL

SEC. 7029. The first sentence under the heading "Department of the Treasury, Departmental Offices, Salaries and Expenses" in title II of division A of Public Law 109-115 (119 Stat. 2432) is amended by inserting after "travel expenses" the words "(except for travel performed by officials in the Office of Terrorism and Financial Intelligence and the Office of International Affairs)".

#### ECONOMIC DEVELOPMENT INITIATIVES CORRECTIONS

SEC. 7030. (a) The referenced statement of the managers under the heading "Community Development Fund" in Public Law 108-199 is amended with respect to item number 380 by striking "for construction of a new facility" and inserting "to upgrade an existing facility".

(b) The referenced statement of the managers under the heading "Community Development Fund" in Public Law 108-199 is amended with respect to item number 188 by striking "for the renovation of the historic Coca-Cola building" and inserting "for the construction or development of a driver's license facility".

(c) The referenced statement of the managers under the heading "Community Development Fund" in Public Law 109-115 is amended with respect to item number 532 by striking "Mark Twain Neighborhood Association" and inserting "Mark Twain Community Alliance".

#### GSA TRANSFER OF PROPERTY

SEC. 7031. Notwithstanding any other provision of law, the Administrator of General Services may convey, without consideration ownership and jurisdiction (custody, accountability and control) to the City of Crosby, North Dakota real property as described: Lots 9, 10, 11, 12, 13, and 14, Eastlawn Addition to Crosby, Divide County, North Dakota.

This Act may be cited as the "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006".

Mr. GREGG. Mr. President, 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. COCHRAN. 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. COCHRAN. Mr. President, it is my pleasure and honor to describe for the Senate the supplemental appropriations bill that has been reported by our committee. The President has requested supplemental appropriations for this fiscal year, which the com-

mittee has reviewed. The House has passed a bill reporting and referring to the Senate this bill that is described as an emergency. The funds are needed primarily for the global war on terror, which is included in title I of the bill.

The total committee substitute would provide \$106,474,107,000 in supplemental appropriations for this fiscal year, 2006. It is above the President's request by \$14,253,522,000. It is also above the House-passed bill, and we have broken this down and presented it to the Senate in titles.

The first title provides money primarily for defense-related activities, as I said, to carry out the global war on terror. It provides funding for ongoing operations and reconstruction efforts in Iraq and Afghanistan.

In title II, we have included funds above the President's request for recovery from the damages caused by the hurricanes in the Gulf of Mexico in 2005. The President requested \$19.7 billion for this purpose. The committee, in consideration of amendments offered by Senators during the markup session, approved an additional \$7.4 billion for this purpose. So the total of title II is \$27,126,662,000.

Title III reflects the provision of an amendment that was offered in committee by Senators DORGAN of North Dakota and BURNS of Montana relating to agricultural disaster assistance for farmers and ranchers in States that are affected either by the hurricanes of 2005 or drought, flood, wildfires, and other natural disasters that have occurred. That amendment provides exactly \$3,944 million for emergency agricultural disaster assistance.

Title IV reflects an amendment that was approved by the committee for emergency drought assistance, more broadly defined, and is an amendment offered by the Senator from New Mexico, Mr. DOMENICI, and agreed to by the committee, with \$12,500,000 for that purpose.

Title V is an appropriation of \$648,050,000 for port security enhancements. This was requested by—and the committee approved the request—the distinguished Senator from West Virginia, Mr. BYRD.

Title VI includes funds for influenza pandemic preparation and response activities. The administration asked for this amendment. It was included by the committee. It provides \$2,300 million for that purpose.

Title VII is the part of the bill that has general provisions and technical provisions.

Overall, the bill can be described as having two major points of focus. First, it provides needed funding for our military to continue to carry out operations overseas. It also includes the commitment to rebuild the gulf coast to permit inhabitants there to recover from the devastation caused by Hurricanes Katrina and Rita.

It is my opinion—and I think this reflects the action taken by our committee—that it is critical that these

funds be provided expeditiously, and we need the cooperation and support of all Senators to accomplish this goal. The committee recommendation has been available to Senators for several weeks. I hope we can consider amendments in an orderly fashion, that they can be brought up as early as possible so they can be considered without prolonged and unnecessary delay.

I have to say that the individual subcommittee chairmen worked hard to identify the needs in the areas under their jurisdiction. Those who serve as ranking minority members of the subcommittees have had opportunities to participate. It has been a bipartisan effort made by our committee to bring to the bill a recommended appropriation amount that would serve our national security interests as well as our economic interests and other problems that were caused by natural disasters.

At the appropriate time, I will move that the committee substitute be adopted and be treated as original text for the purpose of further amendments. I have to say at this point that the work of this committee reflects bipartisan cooperation and mutual respect between the Members on both sides of the aisle. It carries out a tradition that I believe has been one of the hallmarks of the activity of the Senate. It has reflected credit, therefore, on the Senate.

I hope Members will understand that we are not addressing issues on the basis of partisanship but on the basis of need to address problems that confront our country and those which were unanticipated when the President submitted his initial budget request for this fiscal year. We have had other events that have caused us to have to proceed to adopt emergency appropriations bills, and here again that is something we have to deal with. We are presenting this bill as a good-faith effort to meet the needs of the country as we see them and as requested by the President.

I am happy to yield to my friend, the distinguished Senator from West Virginia, Mr. BYRD, who has provided very important assistance to me personally and, through his service in the Senate, to the work of this committee for a long time. We appreciate his valuable assistance. All members of the committee have worked to be sure that this is a good bill and deserves the support of the Senate. I think it does.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the truly distinguished and able chairman of the Senate Appropriations Committee, Mr. COCHRAN, for all of his hard work on this bill. He is so diligent, so fair, so honorable. I am proud to serve with him. Mississippi is so well represented in the Senate by this man. As a matter of great pride, I call him my friend, my colleague, my chairman.

The President has asked the Congress to approve over \$92 billion of emergency spending, including \$72.5 billion

for the wars in Iraq and Afghanistan and \$19.8 billion for the Federal response to the terrible hurricanes that struck the Gulf States in August and September of 2005.

When the committee opened its hearings on the supplemental on March 7, I stated my belief that it is our duty to scrutinize the President's request not only for what is in the bill but also for what is not in the bill. I said to the distinguished chairman and to Senator LANDRIEU and others that I would help them in every way I could in responding to the terrible storms that hit their States.

My State of West Virginia is often hit by floods and other damaging disasters, such as the recent accidents in West Virginia's coal mines. I am very sensitive to the ability of our Federal Government to prepare for and respond to disasters promptly and with competence, which is what our citizens need and what our citizens deserve. Sadly, many of our Federal agencies are no longer up to these fundamental tasks.

Mr. President, the chairman of the committee has taken the bull by the horns. Under his leadership, the recommendations of the committee fill in some of the gaps in the administration's request for funds required to respond to the hurricanes.

The committee added approximately \$7.4 billion to the President's budget request—that is not chickenfeed—\$7.4 billion added to the President's budget request for Federal programs to respond to these disasters.

I have to also note that the chairman of the committee included at my request—he would probably have done it, anyhow; perhaps I made it a little easier—and the request of others an amount of \$35.6 million for improved mine safety and health programs. In the wake of 18 coal mining deaths in the State of West Virginia this year and another 16 mining deaths in other States this year, it is imperative that the Congress act immediately to ensure that an adequate number of safety inspectors will be provided for our Nation's mines and to expedite the introduction of critical safety equipment.

It is simply, absolutely, positively inexcusable that our miners have oxygen canisters that last only 1 hour—1 hour—when miners may be trapped underground for several days, or that the miners may not have emergency communications equipment. Think of that. Miners may not have emergency communications equipment that can reach the surface in the event of an extended rescue effort. I tell you, this is something to talk about.

The chairman has my genuine appreciation for including these funds in the committee-reported bill. I also thank Senator SPECTER, Senator HARKIN, and Senator ROCKEFELLER for their support of the initiative.

By the way, Senator ROCKEFELLER is recuperating from a very serious operation. He may not get back in the har-

ness here until June. I was talking with him a couple of days ago. He probably won't get back until June. JOHN D. ROCKEFELLER, my colleague from West Virginia.

The bill before the Senate also includes a provision to extend the abandoned mine land authority through fiscal year 2007. The AML program and combined benefits fund are very important programs that are needed by retired coal miners, by their families, and by coalfields communities throughout the country. I thank Chairman COCHRAN. I thank Senator SPECTER and Senator DOMENICI for supporting this effort.

The supplemental appropriations bill includes \$67.8 billion for the Department of Defense to prosecute the wars in Iraq and Afghanistan. Upon passage of this legislation, the total amount appropriated for the war in Iraq, including the cost of reconstruction, will be \$320 billion. Mr. President, that is \$320 for every minute since Jesus Christ was born 2,000 years ago. That is a lot of money. Man, think of that.

That is a staggering figure, but what is even more unbelievable is that the monthly cost of the war in Iraq has been steadily, steadily, steadily escalating. In May 2004, the Defense Department reported to the Armed Services Committee that the cost of operations in Iraq was averaging \$4 billion per month. The Congressional Research Service reported this month that during fiscal year 2005, the cost of the war in Iraq had escalated to \$5.6 billion per month. The Congressional Research Service estimates that the cost of operations in Iraq during the current fiscal year will grow to \$6.8 billion per month.

I ask the Chair, can you comprehend how much money that is, \$6.8 billion? That is \$6.80 for every minute since Jesus Christ was born. Contemplate that.

The American people ought to be asking how on Earth has the monthly cost of the war in Iraq grown by 70 percent just in 2 years. Isn't there any way to control the cost of the war while making sure that our troops continue to get the support they need?

The truth is that the administration is out of control when it comes to asking for emergency spending. According to a Congressional Budget Office report, the White House has requested \$515 billion in emergency spending between 2001 and 2006. That is more than 3½ times the combined total of all—all, a-1-1—all of the emergency spending bills in the previous 10 years.

Say that again. Did you hear me? More than 3½ times the combined total of all of the emergency spending bills in the previous 10 years.

The President refuses to include in his annual budget request a realistic estimate of the cost of the wars. As a result, there is virtually no debate about how our country is going to pay for these massive bills. And what is more, these emergency spending re-

quests mean that Congress has only a limited opportunity to scrutinize the administration's spending proposals. As a result, nobody—nobody—seems to be minding the store when it comes to controlling the escalating cost of the wars in Iraq and Afghanistan.

I tell you, I was in favor of fighting the war in Afghanistan, but I was not in favor of going into Iraq. No, man. No.

The failure of the President to heed the repeated calls by the Senate—by the Senate, that is this body—to budget for the wars in Iraq and Afghanistan has resulted in more unnecessary spending that is hidden—hidden—from public view.

For example, the President requested \$8.3 billion in military procurement to replace wornout or battle-damaged equipment, but this is essentially forward funding of replacement equipment that should be bought using funds in the regular appropriations bill. Since we do not need to buy the same equipment twice, future Defense spending bills need not appropriate procurement funds that have already been approved in previously enacted emergency appropriations bills.

This forward funding of military procurement accounts should then mean savings in the regular Defense appropriations bill. But when will these savings appear?

With the approval of this bill, the Department of Defense budget for fiscal year 2006 is \$534 billion, an increase of 74 percent over fiscal year 2001. Congress has rubberstamped much of this increase without indepth budget justification.

Until the President begins to include a real estimate of the cost of the wars in his annual budget, American taxpayers will continue to see billions more dollars spent without any true measure of accountability. That is why I will again offer an amendment to the supplemental appropriations bill that calls for the President to budget for the cost of the wars in Iraq and Afghanistan.

The Senate has given its strong support to this amendment four times—four times—and the President continues to look the other way, continues to disregard this direction by the Senate. The Senate must insist on a long overdue and responsible step of budgeting for the cost of the war.

I am also very disappointed that the White House limited the supplemental request to the cost of the wars in Iraq and Afghanistan and in response to Hurricanes Katrina, Rita, and Wilma. As the Senate debates immigration and border security, it is rather astonishing, wouldn't you think, that no funding was included for border security. Nor were any funds included for port security. Dubai Ports World is now operating terminals at six of our major ports.

The "layered defense"—if I may put quotation marks around those two words—the "layered defense" that the

administration claims is protecting our ports is, in fact, paper thin—paper thin. It is just that thin.

Nor did the President seek any supplemental funding for preparing for or preventing the outbreak of the avian flu or to help our farmers who have been devastated by drought and by the hurricanes.

The Appropriations Committee, under the chairmanship of Senator COCHRAN, has wisely approved funding for port security, wisely approved funding for the avian flu, wisely approved funding for drought relief, and I hope that border security funding will be approved this week on the floor.

I challenge the White House—it is easy to be brave from a distance; I am quite a ways up the avenue from the White House—I challenge the White House—come on—I challenge the White House to get serious about these issues. These are also emergencies. The White House should be leading rather than opposing efforts to improve border security and port security, and it should be preparing for the avian flu and helping our farmers.

The administration has a huge credibility gap when it comes to homeland security. There is a continuing drumbeat that another terrorist attack may occur or is even likely. The President, in his State of the Union Address, told the American people:

The enemy has not lost the desire or capability to attack us.

That is true. One look at the budget reveals an odd complacency. The administration's speech writers and his policy writers seem to be living in different worlds.

In response to the administration's decision to allow Dubai Ports World to operate terminals in six major U.S. ports, it is asserted by the administration that it has a robust, layered security system for our ports. And yet for the second straight year, the White House proposes to eliminate the Port Security Grant Program. Of the \$816 million the Congress has appropriated since September 11 for port security, only \$46 million was requested by the President. There is nothing "robust" about that.

How serious are we about port security, when the President, the Vice President, the Secretary of Defense, and the Secretary of Homeland Security don't even know about the decision to sell the operation of six U.S. ports to a State-owned foreign company?

How serious are we about port security when Customs and Border Protection inspects only 5 percent of the 11 million containers that come into the country each year?

How serious are we when the Coast Guard Deepwater budget for replacing its ships, planes, and helicopters will not be completed until 2026?

The administration has not requested one thin dime for port security in this \$92 billion supplemental.

The committee-reported bill includes my amendment to provide \$648 million

to fill critical gaps in our paper-thin port security program. The bill now provides resources for more radiation portal monitors, more container inspections, more port inspections, and would fund port security grants at the levels anticipated in the Collins-Lieberman and Stevens-Inouye port security authorization bills.

The American people—our people, your people—yes, our people, the American people—expect more than just a paper-thin—you can almost see through that—the American people expect more than just a paper-thin security plan for our ports. The bill, as reported by the Senate Appropriations Committee, begins—and Senator COCHRAN, the chairman of that committee, can take a lot of credit—begins to address this paper-thin port security program by including a total of \$648 million to fill critical gaps in our port security program. I thank Senators DAN INOUE, HERB KOHL, and TOM HARKIN for their support of my initiative in committee. Whose initiative? Mine, my initiative. Dizzy Dean says it is all right to brag if you have done it. Well, I have done it.

The White House should step to the plate and support this effort.

While the committee-reported bill has made some progress to address the gaps in the Nation's port security defenses, it virtually ignores border security. The Senate has recently been debating immigration and border security legislation to authorize a whole host of items intended to secure our borders. The legislation would authorize the hiring of additional Border Patrol agents. It would authorize the hiring of additional immigration enforcement agents and detention officers. It would authorize border surveillance, technology, and unmanned aerial vehicles, and fences.

I am very concerned—very concerned—about lax border security. In fact, together with our colleague, Senator LARRY CRAIG, and with the support of my Homeland Security Subcommittee chairman, Senator JUDD GREGG, I led the effort in the Senate last year to appropriate hard dollars to begin to put real teeth—see these teeth? These are real teeth. They are just 88 years old. These are real teeth. Well, that is what we did. We put real teeth in our border security agenda. We did not merely authorize the hiring of more Border Patrol agents; we appropriated hard dollars to hire 500 more Border Patrol agents, as well as more immigration enforcement agents and detention officers. Don't you feel better about that? I do. I can sleep a little better. I will bet Senator HARKIN sleeps better at night because of it. Those 500 Border Patrol agents have been hired and trained and are deployed on our borders. They are out there defending our borders while we are sleeping. Think about that.

As we hire more Border Patrol agents and other immigration enforcement officials, they must have the tools they

need to do their job. We need to start paying for those tools now so that they will be available as more and more Border Patrol and immigration enforcement officials are hired and trained.

I will be talking again about this matter as the Senate proceeds to consider this supplemental appropriations bill. Securing our borders requires more than just hot air. Hot air is cheap. We must put real dollars to work for border security.

Mr. President, I am pleased to report to the Senate that the committee-reported bill, under the strong leadership of Chairman COCHRAN—hey, you people down there in Mississippi better hold on to this man. He does a terrific job on this committee. This bill includes several other initiatives to deal with gaps in funding in the budget request.

I would suggest that principal among these gaps is an amount of \$2.3 billion required to prepare for and to respond to a potential influenza pandemic such as the avian flu. My mother died during the great influenza epidemic of 1917 and 1918; the great influenza epidemic. So there is money here to prepare for and to respond to a potential influenza pandemic. The World Health Organization recommends that countries stockpile enough antiviral medications to cover 25 percent of the population or 80 million Americans.

According to the Department of Health and Human Services, there is a shortfall of 30 million courses. HHS will not receive the antivirals it has ordered until the end of this year.

We are also well short of the 20 million goal that has been set by HHS for purchasing prepandemic vaccine. Experts have said that a vaccine is the only effective way to stop the spread of a pandemic.

The availability of the vaccine and medicine is limited. The availability is limited. We should not wait to place our orders. The White House should support this effort.

The committee-reported bill also includes approximately \$3.9 billion for emergency agricultural disaster assistance for farmers and ranchers in States affected by recent hurricanes in the gulf, drought in the southern plains and throughout the western corn belt, and excessive rainfall in North Dakota—North Dakota: Do you know where that is? That is north of South Dakota. North Dakota—and the upper Midwest flood. Nearly 80 percent of all U.S. counties were designated as primary or contiguous disaster areas by the Secretary of Agriculture or the President in 2005.

So, Mr. President, the chairman and I look forward to a good debate on this supplemental appropriations bill. It is a good bill, and it is truly responsive—truly responsive—to the needs of the American people.

Mr. President, I yield the floor.

Mr. COCHRAN. Mr. President, I want to express my genuine heartfelt appreciation for the remarks of the distinguished Senator from West Virginia

about me and about the work of our committee. He has been a very valuable tutor, friend, and companion during the work of our Committee on Appropriations since I have been on the committee, since January of 1981. I have learned a lot from him. I have learned to respect him in terms of the conscientious way he goes about carrying out his responsibilities to the people of West Virginia and also to the people of the United States as a U.S. Senator. We can all study his career and his dedication to public service with great profit for our own interests. We can be guided by his example and be very proud of our work product if we do.

Mr. President, at the appropriate time, I will ask unanimous consent that the committee amendment be agreed to and the bill as thus amended be considered as original text for the purpose of further amendment, and that no points of order be waived by the request. I give the Senate notice that I will make that unanimous consent request in due course, and it probably will occur immediately after our break for the policy luncheons of the respective parties of the Senate. I am happy to yield to any other Senator who wishes to make any comments. I understand the Senator from Minnesota would like to speak as if in morning business, and I yield the floor.

Mr. COLEMAN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

(The remarks of Mr. COLEMAN pertaining to the submission of S. Res. 442 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. COLEMAN. I yield the floor.

#### RECESS

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

Thereupon, the Senate, at 12:34 p.m., recessed until 2:17 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

#### MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006—Continued

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

AMENDMENT NO. 3594

Mr. GREGG. Mr. President, we are now on the supplemental appropriations bill. One of the issues raised in the supplemental appropriations bill, of course, is national defense. The purpose of this bill is primarily to fund efforts to fight terrorism and especially to make sure that our troops in Iraq and in Afghanistan have what they

need in order to effectively fight terrorism. A big part, however, of national defense is clearly border security—being sure that we know who comes into this country, know what their purposes are when they come into this country, and whether they are coming into this country for the purpose of visiting us or maybe participating in our economy or for the purpose of doing us harm.

Unfortunately, we have for a number of years experienced borders which are very porous. That is a function of our history—where we have always believed in open borders, especially with our neighbors to the north and to the south.

That has been one of our great attitudes as a nation—that we are an inviting nation, and we have always felt strongly that we should have reasonably open borders. But in the post-9/11 world—and especially in light of the dramatic number of people who have been coming into our country illegally—we can no longer tolerate that approach, unfortunately. We need to put more aggressive effort into making sure that we know who is coming over the borders and limiting those folks coming over our borders to people who want to come in here legally and who do not want to do us harm.

As a result of that, we have undertaken for the last couple of years an aggressive effort to significantly increase the number and the effort of our Border Patrol agencies—Customs, Border Patrol, Coast Guard, and ICE. In fact, over the last 1½ years we have dramatically increased funding for all of these different agencies. This chart lists those types of increases in those prior supplementals and in the last appropriations bill relative to border security. We increased Border Patrol agents by 1,500. That is a lot. That is an increase of over 10 percent in agents, an increase in detention officers by 650 officers, investigators, and detention beds—again, by almost 10 percent.

This is a significant ramping up of the number of, for lack of a better word, boots on the ground on our border—especially on our southern border. That is exactly what we needed to do. In fact, as we move into the outyears, the administration—the President specifically—has made a strong commitment to try to continue this increase in our border security.

This chart reflects how many agents we intend to add every year so that we can make sure we have the necessary personnel on the border in order to make sure that we can limit dramatically—in fact, basically stop—illegal immigration into this country, especially along the southern border.

The reason we have added 1,500 agents so far—and we intend to add another 1,500 or 2,000—and the reason we are not adding more every year is because the infrastructure can't handle any more, to be honest with you. We can't train more, and we actually can't

find more agents. In many instances, people who qualify—I have forgotten the numbers. I think it is something like 30,000 or 40,000 applications that we have to go through in order to get down to 1,500 agents.

It is actually hard to become a Border Patrol agent from a percentage standpoint of the number of people applying for the job versus the number of people who actually end up getting the job. It is harder to become a Border Patrol agent than it is to get into Harvard. That is because Border Patrol agents require special skills. They are talented people. And the type of folks we want to draw into this responsibility are people who have to have a tremendous amount of ability and expertise, and they are very hard to find. But they are good people, and we are adding to them dramatically.

We intend to get the Border Patrol up to 20,000 agents and an increase of detention beds of another 10,000. We will be literally able to control the southern border. We will no longer have this issue of people coming cross the southern border in waves illegally. Literally, we can stop that. We can do it, and we intend to do it. There is no issue about this. We intend to do this. However, we have found in ramping up the number of Border Patrol agents they have run into a fairly significant problem.

As an aside, I note that the only reason we have been able to increase these Border Patrol agents so dramatically is because Senator COCHRAN, as chairman of the full Appropriations Committee, has allowed the subcommittee, which I chair—the Homeland Security Subcommittee—to get special allocations in order to fund those.

It has really been out of his courtesy, his energy, and the support of Senator FRIST in this effort that we have been successful in basically increasing these numbers. We are on this path of basically being able to have enough boots on the ground in the Border Patrol area and Customs area and ICE area in order to adequately control the border.

What we found going through this process of expanding dramatically Border Patrol agents and Customs and ICE agents is that the infrastructure to support these people isn't there. They are driving old cars. For the most part they are flying helicopters which are 20 years over their useful life. Customs is actually flying airplanes that are 20, 30, or 40 years over their useful life. In fact, just recently the Customs agency was forced to basically ground all its Customs planes for a brief period of time, and the P-3 fleet, which is 40 years old, because these types of cracks developed in their wings. They obviously couldn't fly them. So they had to repair all of them—or not all but those that had this potential type of stress.

We have a very old fleet of aircraft. They are not able to do the job.

Equally important, in the technology area where we really should be more aggressive and where we really have

the capability of having a huge impact along the border through surveillance capabilities—not necessarily require people, but it can be done by electronics such as unmanned aerial vehicles—we only have one flying the border. Regrettably, that one crashed today. It is ironic that we have this amendment on the floor. The one UAV we have actually crashed. So we don't really have unmanned aerial surveillance. This is in the Arizona area.

We think actually we should not only have one but that we should have a fair number of UAVs on the border. The situation with the purchase and buildup of UAVs is that if we are to stay with the present budget projections, we wouldn't have the full compliment that we would need for 4 or 5 years.

The amendment I offer today is an amendment to try to address the capital needs of border security in the Customs account, in the Coast Guard account, in the Border Patrol account, and in the ICE account—the capital operational needs, not the people on the ground but the capital needs which are deemed to be in an emergency distress situation.

Why is this justifiable on this bill? Because this bill is about defense, especially relative to terrorism. Yet fighting the war in Iraq is critical to this war on terrorism, and fighting the war in Afghanistan is critical to the war on terrorism, but I think equally important is making sure that our borders are secure.

That is as big an issue as we have today in the area of fighting the war on terrorism. We can't be effective on that issue unless we have the resources and the people in order to take care of securing the border. We are moving toward getting the people, and we are bringing them on line as fast as we can in the context of our capability to hire new people. But what we do not have is the resources to be able to support these folks.

This amendment will essentially accomplish that. It will add money for airplanes, and specifically to try to address the issue of flying all of these P-3s that are so old. The vast majority of this money will be for aircraft—over \$700 million of it. It will add money for purchasing more UAVs so we can get these UAVs in the air sooner rather than later.

It cost about \$30 million to put one of these up, to put the electronics behind it and the command center behind it. It will add money for purposes of construction so that as we add these new Border Patrol agents and these other new agents in these other departments, they will have the physical facilities to be able to handle their day-to-day operational needs.

It will add cars and SUVs, which are so critical, especially in some of these harsh frontier-type environments which they face along the border. It adds helicopters. Almost all the helicopters they are flying today are 20 years over their useful life. We replace those.

In the area of the Coast Guard, it will put in the water the type of boats they need in order to chase down the boats that are basically being used for illegal transportation of people into this country. And it will also assist the Coast Guard in advancing their aircraft capability in that area.

All of this is critical to putting in place the infrastructure to make sure that as we put the people on the ground, they have the assets necessary in order to effectively control the borders.

It is an emergency. These facilities are either not there today, such as in the case of UAVs, or they are not working well today, such as in the case of the P-3s, or they simply have not been upgraded to the point of being effective as we move forward with this larger basically human commitment on the ground, such as in the case of headquarters and facilities for these folks to work out of, helicopters to move them around, and automobiles to move them around, or fast craft for the Coast Guard to use to get out there and do their job.

It needs to be stressed that this amendment is completely paid for. It is paid for within the context of the President's initial presentation. The President sent up here initially a \$92 billion proposal for emergency spending for the purposes of fighting the war on terror and addressing the issue of Katrina. Of that \$92 billion, approximately \$69 billion was specifically for fighting the war.

We have basically reallocated within that \$69 billion money to pay for this initiative. I feel very strongly, as do the cosponsors of this bill—and I will get to who the cosponsors are of this bill because it is important—that this issue be addressed sooner rather than later; that we give our Border Patrol agents the tools they need, Customs the tools they need, the Coast Guard the tools they need, in order to secure the border.

This will be a major step forward in making sure we accomplish this goal. The goal is to make sure, at least on the southern border, that we know who is coming across the border, that we can control that border, and we do it in the near term rather than waiting for the long term.

It is a fully paid-for amendment, keeping the proposal the President sent up here, keeping the integrity of that proposal, relative to the top line number which was about \$92.5 billion. So this amendment is done in that context. It does not take money from the additions that came out of committee. I happen to believe those additions were inappropriate. I am hopeful they will all fall by the wayside except for the avian flu one which is a legitimate emergency, and that when this bill is completed, either in the Senate or in the conference, it will be back to the original number prepared by the President.

I suppose I could have gone into the additional funding and taken it right

out of that, but that would not be a legitimate approach. I am trying to make sure this offset is legitimate to the initial number which was \$92 billion.

This amendment is cosponsored by myself, by the majority leader, Senator FRIST, who has been a tremendous advocate for this type of initiative, and by the senior Senator on the Democratic side, Senator BYRD, who also happens to be the ranking member of the Committee on Appropriations and the ranking member of the Subcommittee on Homeland Security. I very much appreciate Senator BYRD's cosponsorship and obviously greatly appreciate Senator FRIST's cosponsorship.

Again, I stress none of this would be able to be accomplished had it not been for the efforts which were well beyond what one might have expected from the Senator from Mississippi who a year and a half ago—after the administration regrettably sent up a budget which was woefully short because they allocated incorrectly for homeland security—he came forward and gave us an allocation which allowed us to put in place the people on the ground, the extra 1,500 border people, the extra beds which we are now trying to give to the backup facilities with what I would call a capital funding initiative for emergency capital needs of the Border Patrol. It was the Senator from Mississippi, the chairman of the Committee on Appropriations, who was able to get us on this path to a constructive and appropriate approach for addressing the border issue.

I believe the amendment is at the desk and I ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself, Mr. FRIST, and Mr. BYRD, proposes an amendment numbered 3594.

Mr. GREGG. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide, with an offset, emergency funding for border security efforts)

At the appropriate place, insert the following:

TITLE —BORDER SECURITY  
EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR BORDER SECURITY

DEPARTMENT OF HOMELAND SECURITY  
OFFICE OF THE SECRETARY AND EXECUTIVE  
MANAGEMENT

For an additional amount for the "Office of the Secretary and Executive Management" to provide funds for the Office of Policy, \$2,000,000: *Provided*, That the entire amount is solely for a contract with an independent non-Federal entity to conduct a needs assessment for comprehensive border security: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95

(109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### OFFICE OF THE CHIEF INFORMATION OFFICER

For an additional amount for the "Office of the Chief Information Officer" to replace and upgrade law enforcement communications, \$50,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### UNITED STATES VISITOR AND IMMIGRATION STATUS INDICATOR TECHNOLOGY

For an additional amount for "United States Visitor and Immigration Status Indicator Technology" to accelerate biometric database integration and conversion to 10-print enrollment, \$60,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for the expenditure of such funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### CUSTOMS AND BORDER PROTECTION

##### SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$180,000,000, of which \$80,000,000 is for border patrol vehicle replacement and \$100,000,000 is for sensor and surveillance technology: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure of these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement" to replace air assets and upgrade air operations facilities, \$790,000,000, to remain available until expended, of which \$40,000,000 is for helicopter replacement and \$750,000,000 is for recapitalization of air assets: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an expenditure plan for the complete recapitalization of Customs and Border Protection air assets and facilities: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### CONSTRUCTION

For an additional amount for "Construction", \$120,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### IMMIGRATION AND CUSTOMS ENFORCEMENT SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to replace vehicles, \$80,000,000: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### UNITED STATES COAST GUARD ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for acquisition, construction, renovation, and improvement of vessels, aircraft, and equipment, \$600,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### FEDERAL LAW ENFORCEMENT TRAINING CENTER

##### ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For an additional amount for "Acquisition, Construction, Improvements, and Related Expenses" for construction of the language training facility referenced in the Master Plan and information technology infrastructure improvements, \$18,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### GENERAL PROVISIONS—THIS TITLE

##### REDUCTION IN FUNDING

SEC. \_\_\_\_ (a) REDUCTION.—Except as provided in subsection (b), the aggregate amount provided by chapter 3 of title I of this Act and chapter 3 of title II of this Act may not exceed \$68,962,188,000.

(b) INAPPLICABILITY TO AMOUNTS FOR MILITARY CONSTRUCTION.—Subsection (a) does not apply to amounts provided by chapter 3 of title I of this Act and chapter 3 of title II of this Act for military construction.

Mr. GREGG. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the Senator from Georgia has indicated he wishes to speak on the amendment and I defer to him.

Mr. ISAKSON. I commend the distinguished Senator from New Hampshire, the chairman of the Committee on the Budget, on the offering of this amendment for the emergency supplemental. This is so important.

We went through 2 weeks of debate prior to the Easter recess where we ended up doing nothing on the issue of immigration and illegal immigration. We did nothing because there was a fear in this country and there is a fear in this Senate that no matter what we do, if we do not fix the borders first, secure the borders first, there is no way whatever to have true, meaningful immigration reform legislation.

The distinguished chairman of the Committee on the Budget, in his original budget document and now again in this amendment, is proposing exactly what the United States of America must do; that is, appropriate the money to fulfill the promises to secure the border so we can gain control of

our immigration system and return to a system where people come to this country to work and to enjoy new lives and prosperity legally, where our borders are secure and our Nation is more secure.

I rise for a moment to point out that this amendment in and of itself to this emergency supplemental is, without question, the most significant component to the issue of illegal immigration and gaining control of our borders. I urge all of my colleagues in this Senate, when this amendment comes to a vote, to vote in favor of it. Only through appropriating the money and actually spending the money to make the investment, to improve the eyes in the skies in terms of unmanned aerial vehicles, to improve the boots on the ground, to more Border Patrol officers—the only way to do it is not with promises of authorizations but with the commitment of appropriations.

I commend the Senator from New Hampshire. I thank the Chair for the time. I urge all Senators to vote in favor of this amendment to secure the borders of the United States of America.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the committee amendment be agreed to, that the bill as thus amended be considered as original text for the purpose of further amendment, and that no points of order be waived by this request.

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

(The committee amendment in the nature of a substitute was agreed to.)

Mr. COCHRAN. Mr. President, I appreciate the cooperation of Senators in laying this groundwork for the further consideration and debate of this bill. I particularly appreciate the comments of the Senator from New Hampshire with respect to the situation regarding funding for border security activities, programs, and equipment necessary to help guarantee the strict enforcement of our laws and to ensure integrity of our borders. His suggestion in this amendment is going to result in a major step forward in achieving our goals.

His comments about our efforts when the Department of Homeland Security was initially established and funding for various activities under the jurisdiction of that Department are appreciated very much, but his leadership is demonstrating we can do a better job. He has made another suggestion in the offering of this amendment that carries out that past practice of identifying ways to use funds wisely, make investments in equipment, personnel, and strategies that will lead to a higher level of security for our country.

The offset identified in the bill for adding this money takes it away from



certain Defense appropriations activities. We have consulted with the chairman of that subcommittee, the distinguished Senator from Alaska, Mr. STEVENS, and this offset can be accommodated, I have been advised, and without doing detriment to any military activities funded in this bill.

Unless there is a Senator who wishes to be heard in opposition or requesting a vote on this amendment, I recommend this amendment be accepted.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I have no objections to the amendment of the Senator from New Hampshire and would be fully supportive of it.

I will speak on another issue for about 5 minutes. I thank my colleague from West Virginia, our great leader, for ceding the time.

From one end of New York to the other, all the talk this past week has been on the high price of gasoline, the high price of oil, the high price of all petroleum products. Oil prices went up to \$75 a barrel. Gasoline went up 40 cents in 1 month.

This is not only burning a hole in people's wallets and pocketbooks, but it is also putting a real crimp in our economy. In upstate New York, in New York City, we depend on tourism. Fewer people will drive, fewer people will come. People are making decisions not to buy that extra outfit of clothes for youngsters, not to take the trip to see the grandkids because of the high price of gas and oil.

Yet, today, when the President spoke about this issue for the first time, we did not hear what we needed to hear. The President seems to think that gouging is a problem of the corner gas station. It is not. It is a problem of the dwindling number of large behemoth oil companies. We did not hear from the President the five words we need to hear: Get tough with big oil.

That is the problem. Of course we have a supply and demand problem. We know that. The big oil companies, faced with no competition, take advantage of every twist and turn. Katrina occurs and the price naturally would have gone up, but it goes up higher, stays high longer, and spreads to more areas than need be because the oil companies are taking advantage.

Now we have had the changeover to summer fuels. Again, that cuts down production for a short period of time. But the big oil companies take advantage and keep the price high for too long. Over the last 5 years, never has production been as low as it has been today and stayed so low.

The bottom line is simple. We let—and this happened under Republican and Democratic Presidents—we let 20 oil companies become only 5. When there are so few, there is no competition. And who pays the price? The American consumer and the American economy.

The record profits are not an accident or part of free market capitalism.

When you have so few energy producers, you are going to be taken advantage of. That is what the average citizen has found.

To ask for an FTC investigation, as the President did, about gouging, without mentioning big oil, does not make sense because it sure as heck is not the corner gasoline station.

The bottom line is we need to do three things: First, we most definitely need to conserve much more than we have. The fact that China's miles per gallon standards are higher than ours—and China is hardly an environmental country; they are doing it for economic purposes—should make us hang our heads in shame. We need a crash program to find new energy sources.

I, for one, am not averse to finding more fossil fuels while we wait for the new energy source to come online. The amount of money the President has proposed in this budget to do that is paltry.

Finally, we should, for the first time, seriously consider breaking up the big oil companies. As long as they have a stranglehold on us, we are not going to solve this problem. As long as they want to have fossil fuels be the dominant way we power ourselves and keep the prices high as possible and work in cahoots with places such as OPEC, we are not going to solve this problem. When there were 20 competitors, we always faced the fact that 2 or 3 would say I am going to expand market share by keeping the price a little lower. Not anymore. It does not happen.

When you ask, why have things gotten so much worse with oil prices and gasoline prices, part of it is supply and demand, but part of it is we let the antidote to collusion and gouging—good old-fashioned American competition—go by the wayside in the oil industry.

At some point I will be offering an amendment that we do a serious study about whether to and how to break up big oil as was once done about 100 years ago. I don't think there is any other solution that makes sense.

From President Bush, we finally heard some talk. But talk is cheap. The price of gasoline is not. We need serious action on conservation, on new energy sources, and on dealing with big oil if we are going to solve this problem and keep America as strong as possible.

I thank my colleague from West Virginia and yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the very able Senator.

Last month, the Senate began debate on immigration and border security legislation, part of which would authorize a whole host of items intended to secure our borders. The legislation would authorize the hiring of additional Border Patrol agents. The legislation would authorize the hiring of additional immigration enforcement agents and detention officers. The legislation would authorize border surveil-

lance technology and unmanned aerial vehicles.

However, the immigration bill is just an authorization bill. Now, if we are serious about border security, we must approve real dollars—real dollars.

Together with our colleague, Senator LARRY CRAIG, and with the support of my Homeland Security Subcommittee chairman, Senator JUDD GREGG, I led the effort in the Senate last year to appropriate hard dollars to begin to put real teeth into our border security agenda. We did not merely authorize the hiring of more Border Patrol agents; we appropriated hard cash, hard dollars to hire 500 more Border Patrol agents as well as more immigration enforcement agents and detention officers. The administration opposed this effort. But those 500 Border Patrol agents have been hired. They have been trained. They are now deployed on our borders defending our Nation and making us more secure.

As we continue to hire more Border Patrol agents and other immigration enforcement officials, we need to give them the tools they need to do their job. Yes. We need to start paying for those tools now so they will be available as more and more Border Patrol agents and immigration enforcement officials are hired and trained.

The Border Patrol needs new helicopters because the average age of its helicopters is nearly 40 years. The average age of our Customs primary fixed-wing aircraft is 30 years. All of our border enforcement officials, including the newly hired officials, need more vehicles, including all-terrain vehicles, high-endurance vehicles, and more buses to transport and remove illegal aliens. More radios are needed and other communications equipment, especially for those individuals operating in remote desert areas along our border.

Customs and Border Protection has a requirement for 18 unmanned aerial vehicles or UAVs. The immigration bill authorizes more UAVs, but until this morning, we had only one UAV operating on our border.

At 5:49 a.m. this morning, where were you? I was asleep. I bet you were, too. At 5:49 a.m. this morning, that one UAV crashed—get that, now—it crashed in the Arizona desert. Clearly, one UAV system is not adequate.

The amendment that Homeland Security Chairman GREGG is offering this afternoon provides \$1.9 billion—\$1.9 billion—in real dollars for our aging border security infrastructure. As ranking member on the Homeland Security Subcommittee, I support that funding. It provides \$120 million for fencing and tactical border infrastructure, including an additional \$20 million for the fence being constructed in San Diego. It provides—hear me, now—\$790 million for new helicopters, fixed-wing aircraft, UAVs, and the facilities to house and maintain them. It provides \$60 million for replacement vehicles for our border and immigration personnel. It

provides over \$150 million for communications equipment and sensors and cameras and other technology along our border. That ain't all, either. That ain't all. You better believe it. It provides \$60 million to expedite the interoperability of the FBI and Homeland Security fingerprint databases so that we can have greater confidence about whom we allow to enter this country.

We know that as security at our land borders is tightened, illegal aliens, drug runners, and, yes, terrorists also—terrorists—will turn to our waterways for entry into this country, our country.

According to Coast Guard statistics, the flow of illegal aliens through our waterways has more than doubled in the last 10 years, and it will continue to grow. It will continue to grow. The administration has concluded that international migration “will be one of the most important factors affecting maritime security through the next 10 years” and that “a significant commitment of security resources” is necessary. Yet—could you believe it—the President did not request any supplemental money for the Coast Guard to repair, replace, or enhance its ships, its planes, and its helicopters.

The Coast Guard secures our waterways, but the Coast Guard is doing it with ships and planes that, in some cases, date back to World War II. Man, that is a long time. How about that—doing it with ships and planes that, in some cases, date back to World War II? This has resulted in a huge gap between operational commitments and operational capabilities. For instance, total Coast Guard patrol boat hours were only 75,000 in 2004, compared to 100,000 hours in 1998. Under the administration's deepwater modernization plan, this gap will not be closed until 2012. Now, I wonder if I will be around that long. This gap will not be closed until 2012, at the earliest. How about that? Do you believe it? How about that?

Current Coast Guard maritime patrol airplanes can only provide half of the hours required to meet operational commitments. At the same time, funding constraints require maintenance on Coast Guard ships and planes to be deferred more and more every year. You may not be around that long, either. No. Who knows? From fiscal years 2001 to 2005, the Coast Guard deferred over \$121 million in maintenance needed for its surface fleet and \$159 million in maintenance needed for its air assets.

The administration has ignored this problem—ignored this problem—for too long. Recent budget requests by this administration have allowed this crisis to fester, and fester. The pending amendment provides \$600 million to accelerate the Coast Guard's program to modernize its fleet of ships and planes.

This funding will provide for seven additional maritime patrol airplanes and three new patrol boats. The funding in the amendment would also allow the Coast Guard to retrofit and arm its

helicopters, refurbish existing medium endurance ships, accelerate the production of new medium endurance ships, and provide the technology necessary for commanders to speak to each other through a common operating environment. This level of funding is consistent with the recently filed Coast Guard authorization conference report.

The President often says that we live in a post-9/11 world. Frankly, the Coast Guard's fleet of ships and planes is fit for the last century. To properly secure the maritime domain, the Coast Guard needs a fleet fit for this century—the here and now, this century.

If we are truly serious—and I hope we are—about securing our borders and not just engaging in rhetoric and hot air, then we will put real dollars—real dollars—where the rubber hits the road.

So, Mr. President, I urge my colleagues to support the Gregg amendment, the amendment offered by Senator JUDD GREGG, of which I am a principal cosponsor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN, Mr. President, I know of no further Senators seeking recognition on this amendment. I, too, support it.

I am advised that the leader wants to speak on the amendment.

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. HARKIN. 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. HARKIN. Mr. President, I understand we are on the Gregg amendment now, and that will proceed under some fashion or form. I wish to take a few minutes to talk about an amendment I will offer when this amendment is dispensed with one way or the other.

I wish to announce my intention to offer an amendment to this supplemental bill to ensure that Federal funding appropriated for workforce investment is used to help people in genuine need and not to pay exorbitant salaries or bonuses to program executives.

The amendment I will be offering would address a gross abuse of Federal funds that was exposed recently in a State audit of the Central Iowa Employment and Training Consortium, or CIETC. The audit showed that three executives of this program were paid nearly \$1.8 million over the past 2½ years. The chief executive officer alone received almost \$800,000 in salary and bonuses over that period of time, which is nearly 8 times the salary paid to the Governor of Iowa.

Obviously, these levels of compensation are exorbitant and outrageous. What happened at CIETC is a scandalous abuse of the public funds and of

the public trust. It is also scandalous that these inflated salaries, technically speaking, may not be illegal under current law. The law states that executives in workforce enactment programs will be paid a “reasonable” salary. Unfortunately, that is a very elastic definition. There will always be a few bad apples, people who will stretch that definition in ways that are clearly unethical and wrong, even if not technically illegal.

On that score, CIETC is the only abuse that has come to light so far, to my knowledge. It is sort of the one bad apple in a program with an otherwise outstanding track record. Even one case of abuse is one too many. My amendment will ensure that there is no repetition of this very unfortunate incident.

To that end, my amendment encourages States to set maximum compensation levels for individuals employed by programs funded under the Workforce Investment Act, taking into account factors such as the State's cost of living, compensation levels for comparable State or local government employees, and the size of a State's job training program. In cases where a State fails to set a maximum salary, my amendment would impose a nationwide maximum equal to the Federal executive level of salary.

After the State audit of the Central Iowa Employment and Training Consortium was released on March 31, I urged the U.S. Department of Labor inspector general to launch a thorough investigation, and that investigation is now in progress. In addition, Iowa's State government is conducting a parallel investigation. I asked both the Federal and State investigators to report back to me with recommendations for preventing a repeat of the abuse that has occurred at CIETC. However, we can and should act now to fix the glaring problem here, which is the absence of any fixed ceiling on executive compensation in Workforce Investment Act programs.

Again, my preference, and the way the amendment is structured, would be for each State to set their compensation level. In cases where States fail to act, my amendment would set a maximum executive salary level across the Nation at executive level 2, which would be \$165,000 a year maximum; that is salary and bonuses, total compensation. As I said, that is equivalent to the Federal level 2 compensation.

Now, why did we pick that? Because that is the same maximum level that was set a few years ago for salaries in the Head Start Program when we uncovered a similar kind of abuse that was going on in the Head Start Program. So that is the level there. There had been several isolated incidents of exorbitant salaries in the Head Start Program and they have stopped, thanks to that salary cap.

Clearly, \$165,000 a year is a very substantial salary, but it might be appropriate in certain circumstances; for example, in the case of an executive who

is administering a very large Workforce Investment Act program, or one that is located in a high-cost city or State.

We need to establish executive compensation caps in the WIA-funded programs. As a ranking member of the Senate subcommittee that funds job training, I find it hard to get that funding. I fight hard because I know that quality job training provides a ladder or ramp of opportunity to many thousands of hard-pressed Americans, including individuals with disabilities and people who are laid off due to plant closings.

Workforce Investment Act programs have proved themselves to be enormously effective. They have earned broad bipartisan support.

There are four core programs under title I of the act:

No. 1, assistance to disadvantaged adults, including people with disabilities, to assist them in entering the workforce;

No. 2, assistance to dislocated workers;

No. 3, training and placement services for job seekers; and

No. 4, assistance to low-income youths under the age of 21, including tutoring, dropout prevention, job training, and adult mentoring.

Funding for Workforce Investment Act programs is chronically scarce and inadequate. On the one hand, we want the discretion to pay salaries that will attract talented administrators, and we need to keep in mind local cost of living considerations. But it is unacceptable—it is a betrayal of the public trust—when unethical individuals use scarce WIA funds to pay themselves inflated and totally unjustified salaries and bonuses. Current law creates an opening that makes this kind of abuse possible. But by setting a nationwide compensation cap that would include not only salaries but bonuses, we can prevent future abuse.

That is the purpose of my amendment. I think it is urgently needed. I had a conversation a little bit ago with Senator ENSIGN, who has been working on the Workforce Investment Act reauthorization bill. My staff is working together with his at this time to make sure that what we are trying to do corresponds. Now, you might say maybe we should wait until WIA is reauthorized. I hope it is, but the year is clicking by and we have a lot on our plate. It is a short work year. I am not sure if we are going to get it done. I might add that in the Job Corps Program there is also a compensation cap, and that is a level 1. Head Start was level 2. So we thought for Workforce Investment Act job training programs it ought to be probably at about level 2, maximum. Keep in mind, States can set it lower than that. It is based upon the size of the job and the cost of living factors and other factors. But they cannot go over that. That is what happened in Iowa. Unethical people were paying themselves, in one case, up to

\$800,000 per annum in salaries and bonuses, which is 8 times what the Governor makes.

So I intend to offer this amendment at some point later on when the Gregg amendment is disposed of in some fashion or another. I hope I can have the support of my colleagues in adopting this salary cap on Workforce Investment Act programs.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, we are on the supplemental appropriations bill, I understand. I heard the presentations by the chairman of the Appropriations Committee and the ranking member earlier today. I would be remiss if I didn't first compliment both of them. This is not an easy job. It is difficult putting together legislation such as this and bringing it to the floor of the Senate. I compliment Senator COCHRAN and Senator BYRD for their diligent work.

I know that others will speak at some length about various pieces of this bill. I know the bill itself is controversial. I know there will be amendments perhaps to strip provisions that are in the bill. I wish to speak specifically about legislation that I added, along with Senator BURNS and others on the Appropriations Committee, dealing with agricultural disasters. I wish to do that because I think there is a feeling by some that somehow this extra money that is a part of this legislation to try to respond to agricultural disasters or disasters faced by family farmers is something called pork, as some would put it, or is unnecessary, is extraneous, is unworthy. I wish to talk about that.

There is not a lot of talk on the floor of the Senate about family farming because I think, with the exception of perhaps one person here, we are not farmers. We don't get up in the morning on the farm. We don't milk cows in the morning. We don't check the cattle at night. We are Senators. We work here on the floor of the Senate. We give speeches, go to committee hearings, and travel back and forth on weekends, but we don't run a family farm.

Family farmers in this country by their very nature are risk takers. They don't know what is ahead. They are going to plant a seed and hope it grows. They plant a seed in the spring, and they hope that somehow they will harvest in the fall. They hope that after they plant that seed, they will get enough rain but, they hope, not too much rain. They hope they don't face a drought. If they get just enough rain, then they get a crop. Then they hope

when they get the crop that between when the rains come and the crops are ready to harvest, they don't have bugs, they don't have grasshoppers, they don't have disease on that crop. And then if, by chance, they are able to harvest that grain, they truck it to the elevator, and they are told by the elevator: This is the price. This is what the world price is. This is what the market price is. This is what the posted price is. If it is not what you expect, if it is below what it cost you to produce it, that is tough luck, that is the price.

So farmers take all those risks. Because they are substantial, we have decided for many decades in this country to build a bridge across those price valleys, to say to farmers: When times get tough, you are not alone. You are living out there on the land, under the yard light all by yourself taking those risks, and we want you to know when times get tough, this country wants to keep farmers on the farm. That is why we have a farm program.

The farm program used to have a disaster title. It doesn't any longer. I wish it did. I think it should, but it doesn't. We have had to do disaster programs now on an ad hoc basis. So we added a disaster provision to this supplemental appropriations bill. We do that because we have had weather-related disasters all around the country. In the Gulf Coast we had a devastating disaster, perhaps the worst natural disaster in the history of this country, called Hurricane Katrina. I can't pretend to know what it did to the Gulf of Mexico, to the people who live in the Gulf Coast region, in Louisiana and Mississippi and elsewhere. But my heart goes out to them, and I have wanted to be a part of everything that is done here in the Congress to extend our hand to them to say: You are not alone. This country wants to help. This country insists on helping in a time of need.

Family farmers in the gulf, I understand, got hit hard as well and, in many cases, lost their entire crops, just gone. We should and we will, and with this legislation, we did provide help to them. With this legislation, we say: If you planted a crop or if you couldn't plant a crop and your crop was destroyed, we are going to help you with a disaster plan. Our point was that there are farmers in the gulf who desperately need help, and there are farmers in other parts of the country who need help as well.

I want to show you a couple of pictures. This is of a little town called Souris, ND. This town called Souris, ND, as you can see, was inundated with water in June of 2005, with torrential rains that were just devastating, torrential rains that came to this area and several other areas of my State. The result was over 1 million acres—over 1 million acres—couldn't even be planted. Those farmers who had those acres, they didn't have a crop. They had a building and a family and a yard light, but they had nothing to harvest because they couldn't get anything

planted. Another nearly 1 million acres was planted and then washed away by these torrential rains.

Another scene in Souris, ND. I could show many pictures of exactly the same circumstance in parts of my State that suffered devastating flooding. These farmers need help. Other farmers in States such as Illinois, for example, where they had the third driest year last year since 1895, are facing a drought. They too need help.

Last December, I offered a disaster amendment to the Defense Appropriations bill when we were in conference. The Senate conferees accepted it, and the House conferees rejected it. That is what brought us to this position on this emergency supplemental of offering another disaster bill. The support in bringing that package to the floor of the Senate by Senator COCHRAN, who has always been a very strong advocate and supporter of family farming and American agriculture, and the support by Senator BYRD and others when we offered this in the Senate Appropriations Committee, was very heartening. It was approved unanimously in the Appropriations Committee. So it now exists on the floor of the Senate. It is, in many cases, the distance between being able to continue farming and being forced off the land for a good many families in this country.

We have a fellow in North Dakota named Rodney Nelson who writes. He is a farmer and a rancher in Elmont, ND. He wrote a question once. He wrote a question on a piece of paper, and then asked this. He said: What is it worth?

He was talking about farming. He said: What is it worth? What is it worth for a kid to know how to weld a seam? What is it worth for a kid to know how to build a lean-to? What is it worth for a kid to know how to drive a tractor, grease a combine? What is it worth for a kid to know how to butcher a hog? What is it worth for a kid to know all of these things? What is it worth for a kid to know how to teach a calf to suck milk from a pail? What is that worth? What is it worth to have a kid know how to plum a door? What is that worth?

We know what it was worth in the Second World War. This country sent millions of young men, particularly off America's farms, all around the world to fight. They could do anything. They could fix machinery, they could overhaul an engine, they could do anything. They knew how to weld, they knew how to build, they could do anything. There is only one university in America where they teach that, and that is the American family farm. It is the only place where you get that education. And the question is, What is it worth? What is it worth to a country?

That is the question I ask when we offer legislation to say that when family farmers get hit by torrential rains or drought, when family farmers get hit by devastating occurrences of weather that destroy their crops, destroy their ability to make a living,

the question then is, Will Congress want to help? Should Congress help?

The answer, in my judgment, is yes. It is important not just for those families living out on the farm; it is important for the character of this country.

There was a wonderful author who wrote some remarkable books about small towns and family farms, and he talked about the seedbed of family values in America, in American history coming from family farms. And that seedbed of family values that comes from family farms and rolls on to small towns and big cities and nurtures and refreshes the character of this country is something that is very important to that which we call America. That is why the desire that I and my colleagues, Republicans and Democrats alike, have to offer a disaster piece on this emergency supplemental bill is so important. This isn't about words; it is about saying to families who were devastated by weather disasters, who are living out on the farm, far from town, under a yard light, struggling to try to make a living, raising a family, to say to them: We understand what you are facing. You are not alone, and we want to help. That is why this piece is in this legislation.

Again, I compliment the chairman and I compliment the ranking member for their work.

Let me mention one additional piece. A number of my colleagues today have mentioned the energy issue, particularly with respect to the price of gas and oil and the price of fuel. There isn't anybody hurt much more than family farmers with what is happening to the price of energy, and the price of gas and diesel, especially. Family farmers are heavy users of fuel. It is the way they plant their crop in the spring, and it is the way they take their crop out in the fall, with the heavy use of fuel and the heavy use of nitrogen and fertilizer. So there is nobody that is hurt more by what is happening with the price of gas and oil than family farmers. It is devastating to them.

This legislation also includes a partial offset with respect to a percent of direct payment that farmers receive as a result of what is happening on energy prices. But with respect to that, I want to make another point. We hear these days that what is happening with respect to the price of gas and oil is the function of the market. There is no market price that is a fair market price for oil. First, you have OPEC ministers that sit around a table from OPEC countries and talk about how much we should produce and how much we expect to get for it. That is No. 1. That is called a cartel; that is not a free market.

Second, we have oil companies. They used to have one name, now two names, and sometimes three names. Why? Because they all got married, decided to merge; big, blockbuster mega mergers, bigger and stronger, with more raw muscle in the marketplace.

Third is the futures market which is supposed to be a market that establishes pricing strategies, but the fact is it has become an orgy of speculation. It is an unbelievable orgy of speculation.

So you have three things: The OPEC ministers, the bigger oil companies, bigger by merger, and then a massive amount of speculation on the futures market. Then we are told: Here is the price of oil, it is \$73. If you don't like it, tough luck. If you don't like it, you do not understand; it is the free market. That is total baloney. There is no free market here. All the pain is on the side of the consumers who pay 50 bucks or 60 bucks for a tank of gas, and it is like hooking a hose right up to the pocketbook of the American people to suck money right into the treasury of Exxon. That is what this is about. I am not anti-oil. We produce oil in our State. We also are heavy users of energy in our State. But what I am feeling strongly about is not about profits, it is about profiteering.

When companies decide they are going to ride this price in a way that injures the American people—and I believe what is happening today does do injury to the American people and is unfair and is not part of the so-called capitalistic market system—then I think Congress has a responsibility to act.

The President said this morning the Federal Trade Commission should do an investigation. I and a couple of my colleagues wrote a piece of legislation last year that became law as part of the Energy bill that requires the Federal Trade Commission to do the investigation. If the President had called the FTC, he would have understood that they have been doing an investigation and will report sometime toward the end of May.

I have to confess, however, that I believe the Federal Trade Commission has been dead largely from the neck up for some long while. I don't expect great results at the end of May, but, nonetheless, they are required and will be reporting the results of an investigation sometime in mid to late May.

I believe there should be investigations. I believe the issue of market manipulation is real. When you have market manipulation or potential price gouging, the way the system works in this country, there ought to be a mechanism by which you investigate it and take action if necessary. But I believe in the meantime, when the price of oil goes where it has gone, and where, with the historical circumstance that in 2004, at \$40 a barrel average price, the oil industry had the highest profits in their history; and now with the price of oil at \$65 and \$70 and \$72 a barrel, we have profits far in excess of that, despite the fact that the oil companies haven't done anything to generate those profits. They have just come. I believe those profits above the \$40-a-barrel pricetag is a windfall.

The oil companies say: Well, we need all those profits because we are sinking

that back into the ground to look for more energy. If they were doing that, I wouldn't be here talking. But that is not what they are doing. They are buying back their own stock. They are drilling for oil on Wall Street. And, oh, by the way, there is no oil on Wall Street. That doesn't come from me, that comes from Business Week: Drilling for oil on Wall Street, and that is all about using the capital on Wall Street to become bigger through mergers, buying back stock, drilling for oil on Wall Street, or paying a retired CEO, according to press reports, up to \$400 million for a retirement package. That is not a golden parachute, that is a platinum parachute, one that I have not heard of before.

Does that anger the American people? It sure does, and they have a right to be angry. Something is wrong with this system.

My colleague, Senator DODD, and I offered an amendment last year that would have imposed a windfall profits rebate on profits above \$40 a barrel at which price the oil companies have the largest profits in their entire history, and then we said this: But if those profits are used to sink back into the ground for additional exploration or to build refineries above ground, if those profits are invested back to expand the supply of energy which will inevitably, hopefully, reduce the price of energy, the price of gasoline, then they will not be subject to the windfall rebate. If the oil companies, in short, are doing what they say they are doing, then they will not be affected. If they are not, if they are buying back their stock and drilling for oil on Wall Street and paying executives \$400 million for a retirement package, then they get hit with a windfall profits rebate. All of the money will be sent back to the American consumer as a rebate. All of it.

It is not a revenue-raising measure. It is not designed for the purpose of raising money for the Government. It is designed for the purpose of righting a wrong: Taking the windfall profits and sending it back to the consumers as rebates from whence it came.

We expect to offer that again. We didn't succeed last fall. I suppose someone could make the point that you didn't succeed because it wasn't a very good idea. I would disagree strongly. I think it is the right idea. My hope would be that when we offer it again on this supplemental that we will be successful. One way or another, I think the American people want this Congress and this President to stand for their interests.

I know we have larger energy problems, longer term energy problems; I understand all that. We have price-gouging legislation, and we have all kinds of issues that we need to deal with. A good start would have been in early 2001 with the meetings for which we still have not received public information. Notwithstanding that, we are where we are today and we need to find our way out of this. The point I was

trying to make is that no industry, no group of people are hurt more, in my judgment, than family farmers. All Americans are facing pretty stiff penalties with these prices, but family farmers are devastated by these gas and diesel prices. For that reason, I think it is ever more important for us to support the disaster package that has come as a part of this emergency legislation brought to the floor of the Senate today.

Again, I will speak at another time on the floor about a couple of other pieces of this legislation. I am enormously proud to be a part of the Appropriations Committee. I think we have a great committee. We work well together. It is a bipartisan committee. I think the legislation we have brought to the floor, while not perfect, and while we might alter it in one way or another, I don't know, but I think given the President's request, this Senate is responding.

Let me make this final point. One of the responses with this legislation is to replenish the accounts in the Department of Defense with respect to what we are asking our men and women to do in the service of our country. I think each time we have done that, the chairman and ranking member and every member of the Appropriations Committee has indicated that when we ask men and women to wear America's uniform and go abroad and serve in harm's way, we are going to do everything conceivable, everything possible to fund that which is necessary for them to do their job. That is at least a part, a significant part, of this legislation as well.

I yield the floor.

Mr. HARKIN. Mr. President, with the concurrence and approval of my chairman of the Appropriations Committee, I ask unanimous consent to set the pending amendment aside.

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

#### AMENDMENT NO. 3600

Mr. HARKIN. Mr. President, I send an amendment to the desk on behalf of myself and Senator GRASSLEY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows.

The Senator from Iowa [Mr. HARKIN], for himself and Mr. GRASSLEY, proposes an amendment numbered 3600.

Mr. HARKIN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To limit the compensation of employees funded through the Employment and Training Administration)

At the end of page 248, line 22, insert the following:

SEC. . None of the funds appropriated in Public Law 109-149 under the heading Employment and Training Administration shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess

of Executive Level II. Where Employment and Training Administration funds appropriated in Public Law 109-149 are used for compensation of an individual, the total federal funding that may go to compensation of that individual shall not exceed a rate in excess of Executive Level II. States may establish a lower limit of total compensation for those receiving compensation from Employment and Training Administration funding employed in that state, taking into account factors including the relative cost-of-living in the state, the compensation levels for comparable state or local government employees, and the size of the organizations that administer federal programs involved including Employment and Training Administration programs.

Mr. HARKIN. Mr. President, this is the amendment about which I spoke a little while ago on the Senate floor regarding setting a maximum national cap on salaries and bonuses for people employed in the Workforce Investment Act programs across the United States. As I said earlier, States can set lower, but this would at least set a maximum which anyone could be paid in salaries and bonuses in any of those programs.

I thank the chairman of the committee for being willing to let me set aside the amendment and offer this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

#### ENERGY

Ms. CANTWELL. Mr. President, I come to the floor and join my colleagues on both sides of the aisle who have been here for the better part of today, discussing the President's comments this morning about energy legislation and about price gouging and about the Department of Justice and Federal Trade Commission investigation of energy prices.

Many of my colleagues here in this body know how important this is, and how important it is that we move forward. Yet I think we have actually been investigating for months. The fact remains that we need to do a more aggressive job in looking at the issue of price gouging. Fifty-seven Senators here supported legislation in November of last year, giving the tools to the FTC, the attorneys general, and to individuals who are responsible at the Department of Justice to investigate price gouging. It is that same legislation that I think would help us in moving forward today, giving consumers confidence as they head into the summer driving season that we are doing everything in our power to get serious about a Federal price gouging ban and that we are going to make it a Federal crime.

This legislation would create a new ban on price gouging during national energy emergencies, giving the President authority to declare that emergency. It would give the Federal Trade Commission and State AGs and the Department of Justice the ability to levy civil and criminal penalties for proven price gouging up to \$3 million and 5 years in jail. And, on an ongoing basis,

it would put in place a new ban on market manipulation and giving false information to the FTC or the Department of Justice.

If you think about it, it is similar to some of the requirements for those involved with the Securities and Exchange Commission and the Commodity Futures Trading Commission, and the standards they are required to meet. This bill also gives the FTC the authority to levy fines up to \$1 million for each violation of market manipulation, that is the market manipulation and false information prohibitions in this legislation.

Some people would say \$1 million for price gouging doesn't sound like a lot of penalties, but this is \$1 million for each violation of the market manipulation ban. If you think about it, in the context of the market manipulation that is being discussed right now in the Enron trials, on an ongoing basis there were probably hundreds of instances of market manipulation related to Enron.

My colleagues and I offered this price gouging legislation on the floor and it received 57 votes, so I think it is time the Senate comes together on a very aggressive approach to tell consumers that we will protect them this summer. The reason I say it is imperative we do this now is because for the last 5 years in the West we have suffered through the aftershocks of the western energy crisis. That is, we have suffered the consequences in my State of the market manipulation that Enron engaged in. And five years later, really, we have gotten very little relief from Federal regulators on that issue.

What happens during periods of dysfunctional markets, where there is a lack of transparency, is that many people are hurt. Businesses are hurt, individual consumers are hurt, even school districts are hurt. We had one school district in Washington state that basically had to pay \$2 million in additional energy costs because of Enron and manipulated energy prices, and thereby ended up not hiring teachers or buying books.

All this leads to a simple and inescapable conclusion. And that is, when it comes to energy commodities that power our economy, we have to be very aggressive at protecting consumers. We need to do everything in our power right now at the Federal level to put us on the right course and to fashion legislation that will help protect consumers now.

If you think about the President's request, he is saying the Department of Justice and the FTC should investigate. We do not even have the authorities and remedies in current law that would help in pursuing these cases and bring these individuals or corporations to justice if market manipulation is found. So I encourage my colleagues to move quickly on legislation that would give the Federal government the true tools we need to investigate market manipulation and to pursue remedies on behalf of consumers. Let's not

wait several months into the summer season, as consumers are already being hurt at the pump, to come to this conclusion.

Since we have already had 57 Senators, a majority of the Senate, support this legislation, why not pass it out of the Senate and give consumers the confidence that, as they hear the earnings reports from oil companies in which they are making billions in profits, we are not going to give them a pat on the back. Instead, we are going to give a helping hand, to protect American consumers at the pump this summer, as these prices are expected to continue to rise.

UNANIMOUS CONSENT REQUEST—S. 1735

Mr. President, I ask unanimous consent the Commerce Committee be discharged from further consideration of S. 1735 and that the Senate proceed to immediate consideration of that legislation, that the Cantwell amendment which I am sending to the desk be considered and agreed to and the motion to reconsider be laid on the table, that the bill be read three times and passed, the motion to reconsider be laid on the table, without intervening action or debate.

Mr. COCHRAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Ms. CANTWELL. Mr. President, I hope my colleagues will consider this. This Senator will continue to be vocal on passing Federal legislation to make price gouging a crime. I hope this is legislation that we can take up in the next several days, or at least in the next weeks, so we are giving consumers before the Memorial Day recess the confidence that we have serious teeth in Federal legislation to protect them at the pump.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, by way of explanation, the objection was lodged because we are currently considering a supplemental appropriations bill on the floor of the Senate to appropriate funds to the Department of Defense, Department of State, and assist gulf states in recovery from the devastation cautioned by Hurricanes Rita and Katrina. The request posed by the distinguished Senator would have not only required the Senate to turn immediately to the consideration of the bill she is offering, but that it be considered read, the debate concluded, no amendments be in order, and that it be passed and the motion to reconsider be laid upon the table.

It is the judgment of the managers of the bill that the thing to do now in the Senate is to complete action on this supplemental appropriations bill. Over \$100 billion is being requested, approved by the Senate Appropriations Committee, to fund these needed activities, many of which are designed to protect our Nation's security. So under those circumstances I felt compelled to object.

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 (Mr. THUNE). Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I will comment generally on the issue before the Senate, the issue of supplemental emergency spending.

Obviously, these last number of years we have had some emergency activities. Whether they be the war on terror or Katrina, they are unusual expenditures. From time to time, everyone experiences that, whether in your personal life or in business. After unusual expenditures, we have to make some effort to make up for that special spending so we can get back within our budget, we can get back to holding down the deficit to do something about the financial situation caused by the unusual expenditures. That is tough. Nevertheless, it seems to me that is a principle which is very important.

I will react a little bit to what seems to be the case in the Senate. We are talking about emergency spending. The bill we are debating today is expected to be about emergency spending. It is important we give a little thought to what that means and not be inclined to use this opportunity to make expenditures that would be very hard to entitle "emergency spending."

By definition, emergency spending is a supplement that breaks the caps and authorizes spending we did not account for or do not account for in the budget. Some expenditures are hard to justify. We have the "emergency" regarding the war on terror; however, we have been in this for 4 years. We have known about it for some time. It did not happen instantly. Hurricane recovery ended almost 5 months ago. It is a little of a stretch to say these are emergencies we did not know about. We did know about them, and we passed our budget resolution without including them. In that sense, there was no reason to exclude them from the regular budget process.

I understand that—hopefully—these are temporary expenditures. I will concede that a supplemental measure may be a more appropriate way to add the funds to the baseline budget. That said, the bill that resulted from emergency requests is then used to go beyond that scope, in some instances. Instead of narrowly controlling spending, this has become an overall opportunity for projects that have very little, if anything, to do with hurricane recovery or the war on terror but instead is used for a number of other items.

Mr. President, \$92.4 billion in additional spending was requested. We are now considering a bill of \$106 billion. That is a substantial increase. That is a substantial excess of what could be



termed "emergency spending." We ought to give it some consideration.

The original request was far from pocket change, of course. It was a very large request in the beginning. Yet we apparently felt compelled to add significant new spending regardless of the size of that. Almost all spending can have an argument made for it. There is an endless need. We have to follow a procedure that puts some limits on what we do.

I don't think there is any Member who does not believe that spending has gotten a bit out of control. If we look at the percentage of spending in our budgets over the last several years, it has gone up. There are many factors, including the consideration of the role of the Federal Government with respect to the State government and local government. Do we just continue to spend as if there is no end? I think not. Certainly, when we take a look at the deficit we have created, it has to be resolved.

As I said, I am sure everything included involves a need of some kind. However, we have to set priorities. It seems to me we have a responsibility to the taxpayers to try to reconcile these unusual expenses we have had over the last several years and deal with those expenses so we get back to where we are with the budget, get back to where we are with a programmed movement toward reducing the deficit.

I cannot think of anything that is more important than to be fiscally responsible for what we are doing. There is no end to requests for spending. I understand there are needs out there. However, I have come to the point where we have to take a look at where we are, what we are doing, what our constraints are, what they should be, and begin to exercise a little more constraint and responsibility. I am very uncomfortable moving entirely over to emergency spending on these big items and then coming up with the request for emergency spending and adding another \$15 billion, or whatever the amount is, on top of that and putting it out there to deal with.

I hope we do have discussions on these items. Quite frankly, I hope we can return to where we were so we can at least hold it to that amount requested for what is called emergency spending. If needed, we may have to offset something. I may offer an amendment that strikes altogether the spending earmarks that exceed the President's request. We ought to talk about that in terms not only of each individual expenditure, which we always do, but talk about it in terms of the policy, in terms of the overall direction we are taking and how we are going to resolve this issue of increasing spending and deficits. It is time to come to the hitching post and take a look at how we are going to do that. I look forward to the debate that will take place.

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. BIDEN. 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. BIDEN. Mr. President, as I understand the state of play on the floor—I have been at meetings—it is that I should withhold offering any amendment now. But I am going to speak to an amendment I will be offering during the debate on the emergency supplemental bill.

When we last debated budget matters here on the floor, I came to the floor to indicate I was going to attempt to repeal the \$2.6 billion in tax breaks the Energy bill afforded the oil industry. I want to give my colleagues the context in which I raised it then, raise it now, and will raise it again.

It is very easy, I understand—I have been here a long while—to demagog the oil prices and oil industries and big companies, and, when things get tough, to talk about blaming everybody's problems on profits of companies.

Well, the President, today, spoke, as many of us have up to now, on the need to investigate and determine whether there is any gouging going on with energy prices today by American oil companies. But that is not why I am here at this moment.

Senator SPECTER, the chairman of our Judiciary Committee, held a hearing in the Judiciary Committee a couple weeks ago, before the Easter recess, where he summoned, if I am not mistaken, the CEOs of the six largest oil companies. It may have been only four oil companies and one gas company and one energy company. But I think it was six. I will get for the RECORD exactly how many. But he included the chairman of the board of Exxon and other major oil companies. And the issue was whether there was some form of price fixing or gouging going on.

It came my turn to question. There had been a good deal of discussion about how much money in annual profits and quarterly profits companies were making. At that time, it was reported that ExxonMobil reported the highest annual profits, \$36 billion, of any corporation in American history. That was not a surprise in the sense that they have had a great windfall with oil prices.

We were at our conference lunch today and someone said: Oil is going to go to \$4 a gallon. And Senator BOXER, sitting next to me, said: It's already at \$4 a gallon in my hometown in California.

Well, it is well over \$3 a gallon in most of our constituencies, and we are paying that money, in my view, because we lack an energy policy. We lack an energy policy. And the one that has been written has been written basically to benefit big oil and big gas.

Since President Bush took office, oil prices have doubled, with at least a 100-

percent increase, and high gas prices, that make us uneasy at the pump, have been very good for major oil companies. They are more flush than they have been anytime in history. Prices went up during Katrina. Six months later, we learned that all three oil companies made record profits of a total of \$111 billion.

So why am I on the Senate floor about this? Everybody knows this. I am stating the obvious. When it came my turn to question in the Judiciary Committee, I asked the question of the chairman of the board of Exxon—and Senator SPECTER had sworn all of the witnesses in, so they were testifying under oath. And I said: May I ask you a question, Mr. Chairman—the chairman of Exxon. Then I went down the line to the rest.

I said: Are you aware of the incentives in the Energy bill we passed last year—that I voted against—which provided over \$2.6 billion in incentives to oil companies in order for them to go out and find, invest, drill, and seek new resources and increase their capability to deliver to the market?

He said: Yes, I'm aware of that.

I said: Do you need that? In light of a \$35 billion profit, is there anything you can tell me that would justify us giving the industry, including you, an extra \$2.6 billion in incentives?

I might add, so we put this in proportion, for \$1.4 billion, we could put portals at every single major port in the world that could detect whether a cargo container had a radioactive device and/or a radiological device or a nuclear device in that cargo container. But it would cost \$1.4 billion. We are not doing that right now, in large part because of cost.

So just to put this in perspective, \$2.6 billion to incentivize the oil industry now, could be used for a whole lot of other things. I am sure other of my colleagues would suggest there are other ways to use that money, not the least of which would be to reduce the deficit. But there are other ways to do it. So it was not an idle question. We are not just talking about a little bit of money.

I do not think the chairman of ExxonMobil liked my asking the question. But he indicated that, reluctantly, when I reminded him he—well, in fairness, I probably did not have to remind him he was under oath—but he indicated, no, he did not think that his company or the industry needed that incentive in light of their economic circumstance.

Then I went down the line. And I will submit for the RECORD the names of each of the companies represented and the names of each of the CEOs sitting in the witness chair. Every one of them answered the exact same way. They all said: No, we do not need this \$2.6 billion. We don't need any incentive in order to be able to proceed to maximize productivity, to maximize discovery, to maximize product now.

And then I went back to the chairman of Exxon—I worked my way down

again—and I said: Would you support an amendment I would offer repealing that incentive? And even more reluctantly, he said: Yes.

I then went and asked that question to all these oil company executives, and they all said: Yes.

So not only do they all acknowledge it is not needed, they all indicated, from the best of my recollection—and, again, I will submit for the RECORD their exact statements—I may be wrong about one or two of them, but not on whether they needed it but whether they supported the repeal. I think they all supported it.

Mr. President, I ask unanimous consent that relevant testimony before the Judiciary Committee be printed in the RECORD.

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

Senator BIDEN. Well, I mean, that is like saying—anyway, I do not have time because of the 5-minute rule here. Let me ask you, do any of you need, to be able to do what you are doing now, \$2.8 billion in incentives the Federal Government is having other taxpayers pay for?

Mr. TILLERSON. Well, Senator, we did not lobby for any—

Senator BIDEN. I did not say you did. I am just asking, do you need it?

Mr. TILLERSON. No.

Senator BIDEN. Because you all point out we have to find alternative energy. It seems to me we should take the \$2.8 billion that you all are getting, and we should put it into encouraging alternative energy. We should go out and do—right? What do you think?

Mr. MULVA. Senator, most of those incentives are directed towards energy in total, which is not necessarily the oil and gas business.

Senator BIDEN. Oh, it is mostly you guys. Mr. MULVA. And second, it goes to independent producers, which are primarily the bedrock of most of our—

Senator BIDEN. But your company will not be upset if we take those away, right?

Mr. MULVA. Correct.

Senator BIDEN. None of you will object to us taking away those \$2.8 billion of incentives as they apply to you, is that right?

I note for the record, everyone is saying okay.

Mr. KLESSE. Senator, excuse me.

Senator BIDEN. Do it quickly, I only have 24 seconds.

Mr. KLESSE. Okay. Valero, we were interested in the incentives to expand refining capacity. That's our business, and we were interested in it.

Senator BIDEN. Do you still need it?

Mr. KLESSE. Do we need it?

Senator BIDEN. Do you need them to expand?

Mr. KLESSE. No.

Senator BIDEN. Good, okay, that is all I need. So they are all for my bill. I want the record to show no one thought it would be any problem withdrawing it for all of them. Even though I only have 2 seconds left, I yield.

Mr. BIDEN. I have a simple proposition I am going to present to the floor. Although on a supplemental we cannot change tax policy—we all know the blue slip rule, and to use the jargon my friend, the chairman of the committee, understands better than anybody here, I cannot, we cannot, legislate tax policy on this bill that does

not originate in the House, and so on—what I do want to do is, I want to get the Senate on record with a sense of the Senate that the Senate Finance Committee report back within 90 days a piece of legislation repealing—repealing—this \$2.6 billion in incentives provided to the oil companies.

Now, the fact is, there are going to be some on this floor—and I am prepared to listen to the argument because when I raised this before, some argued: Well, smaller companies, companies producing less than 500,000 barrels a year maybe need this incentive, that they may need this incentive to maximize their capability of producing oil. I do not think that is accurate, but I am prepared to listen to that. I am prepared to listen to that.

But for the time being, I want to put my colleagues on notice that the last group in the world that needs a tax break now is the oil companies—the absolute last—not because they are bad guys, not because of anything else. I do not even know if they asked for it.

I often say to my friends on this side of the aisle that sometimes folks on my side make a mistake. They don't realize that rich folks are just as patriotic as poor folks. When you are handed windfalls, even poor folks would not turn their nose up at them. I don't know whether the oil companies insisted on this being in the Energy bill or not, but I know they think it is not needed. I do know they say they would support its repeal. So if there is anything—to use the phrase of a former head of the Intelligence Committee—that has been a slam dunk in my 33 years as a U.S. Senator, this should be it. We can reallocate \$2.6 billion to needed, worthwhile initiatives and/or reduction of the national debt or deficit, and we can do it with the very recipients of that \$2.6 billion saying they don't need it, they don't want it, and they support us taking it away.

So I cannot think of anything at all that can justify us keeping in the law a tax break for a group of folks who do not need a tax break at all. The American people need a break from these incredibly high prices. It seems to me that this is nonpartisan, and it is a no-brainer.

In a speech today, the President finally stated that these companies don't need these tax breaks. Senator WYDEN has a provision currently in conference that would accomplish some of this. Senators FEINSTEIN and SUNUNU have tried to remove some unnecessary tax breaks for these companies as well, which are already rolling in profits. Numerous groups have agreed, from the League of Conservation Voters, National Environmental Trust, Public Citizens, Taxpayers for Common Sense, and the oil companies—they all agree these incentives are not needed.

We are not talking about \$100,000 or \$500,000 or a half billion dollars; we are talking about \$2.6 billion. You can do an awful lot with \$2.6 billion. So I

think we should take the first step in taking control of our national energy policy and show the oil companies that we are listening. They say they don't need it. They say they would support it being repealed. Let's not let them down. Let's, for one time, vote on something that everybody, including the recipients, seems to be in agreement with—everybody from the President, to the Senator from Delaware, to the chairman of the board of ExxonMobil, to the National Environmental Trust.

I will withhold doing it now, but I tell the chairman that at some point, I will be here to introduce that amendment, which will call for the sense of the Senate that the tax committee, the Senate Finance Committee, the committee of jurisdiction, report back to the Senate within 90 days a repeal of these incentives.

I thank my colleague from Mississippi for listening and the Chair for giving me the floor. Unless somebody else seeks 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. MENENDEZ. 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. MENENDEZ. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 3598

Mr. MENENDEZ. Mr. President, I have an amendment at the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ] proposes an amendment numbered 3598.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. MENENDEZ. Mr. President, I rise with a series of colleagues to offer an amendment that provides much needed, immediate relief for America's drivers. My amendment suspends the 18-cent Federal gas tax for 60 days and makes up for the lost revenue by getting rid of unnecessary tax giveaways to oil and gas companies.

In 2005, the oil and gas industry made nearly \$140 billion in profits. The five largest oil companies made over \$106 billion. ExxonMobil alone made a staggering \$36 billion. Put another way, ExxonMobil's profit alone last year is more than the Federal Government spent on unemployment insurance,

more than it spent on medical research, and more than it spent on the Nation's highways. Their CEO just got a \$350 million retirement package. That is about \$144,000 a day for every day he worked at the company. These record profits and gilded bonuses are occurring while the American people struggle to get to work, to get home, to pick up their kids from school, to take them to a soccer match, or to go to a doctor, all because of record gas prices.

Last year, the big oil companies hiked gas prices and blamed an act of God. But it is crystal clear that the current spike in gas prices is at least partly due to an act of greed—greed that has been enabled and even encouraged by the administration, greed that has been aided by an energy bill that put the oil and gas companies first and the American people second. The energy companies were already enjoying record profits and massive tax breaks when the President signed an energy bill that gave them billions more in taxpayer subsidies, plus additional relief from having to pay royalties—in essence, the Nation's collective patrimony for the oil and gas they produce in our oceans. The last thing the oil companies need is more handouts. The first thing the American people need is more help.

My amendment would give them that help by establishing a 60-day holiday on the Federal gas tax. As we head into the summer driving season and its traditionally higher gas prices, we should not be burdening American consumers with additional taxes. Temporarily suspending the gas tax will provide \$100 million a day in relief to America's drivers, America's consumers.

But we cannot starve the highway trust fund with the crucial money needed to fix our Nation's roads. My amendment will repeal three unnecessary tax breaks currently enjoyed by the oil and gas companies, and it will also eliminate royalty relief and other production incentives enacted last year as part of the Energy bill.

With the price of oil as high as it is and unlikely to drop in the foreseeable future, companies don't need more incentive from the Federal Government to do their job.

This amendment, of course, is only a short-term fix. We need a real energy policy that takes real steps toward ending our dependence on oil, not the lipservice the President has given this issue before and gave again this morning.

I listened to what he had to say. The President talks about wanting to end our dependence on foreign oil, but instead of starting a Manhattan-type project to lead us to energy independence, we propose baby steps. The President's budget for fiscal year 2007 barely brought renewable and clean energy research funding back to 2001 levels, and it cut energy efficiency programs by 13 percent. In all the President's spending, there was only 23 percent of what

Congress requested in the Energy Policy Act for energy efficiency programs and only 1 percent for renewable energy programs.

The President continues to have the blinders on when it comes to real solutions for our energy problems. He said that consumers should buy more efficient cars, and we agree. But he remains opposed to higher fuel efficiency standards. The most recent CAFE standards will improve light truck mileage by only 2.5 miles per gallon. That is simply not enough. Passenger cars have the same standards they had in 1985, over two decades ago. That is not enough.

The President also continues to expect the oil companies, out of the goodness of their hearts, to spend substantial amounts of money on alternative energy technologies. Some of the more forward-thinking companies are doing that, but most are not. It is the Government's job to invest in these technologies, and the President's budget has shown that he is not serious about doing that.

In short, he suggests and he wants the oil companies and the American consumer to do the things he is unwilling to do.

Last month, I joined Senator BINGAMAN and the Senate Democratic leader and other Democrats in offering an amendment to fully fund energy efficiency and renewable energy programs in the fiscal year 2007 budget. Unfortunately, it was defeated.

Democrats in both Chambers have been at the forefront of proposing real solutions to our energy problems, and we were the first to call for the President to investigate price gouging by oil companies, a call he appears to finally have heeded.

This amendment is another idea that this Congress and our President need to adopt. It is about providing immediate relief to overburdened consumers who cannot afford for us to wait much longer. This morning, the President finally appears to be feeling the pressure families have been feeling at the pump for quite some time.

We heard what he had to say. The difference is that he doesn't make a commitment. He says we should phase out all of those tax benefits we have given the oil companies over the next decade, but he doesn't commit it back to America's consumers. Our amendment does that in the short term to give immediate relief to America's consumers while still maintaining our transportation trust funds, the funds necessary to continue to keep America moving.

That is what this amendment is all about. It is about keeping America moving, about keeping America rolling, and about helping the families of this country in a very significant way.

I think putting \$6 billion in the hands and in the pockets of America's consumers is ultimately giving them real relief at a critical time. Obviously, putting that amount of money in their pockets at this time as they try to deal

with high gas prices will have a ripple effect in the economy, as is also realized in the money that will be saved by those who bring to market produce which ends up on our tables, and the costs of the transportation of products to market across a wide scale of different consumer needs are going to be affected as well.

We see consistently companies adding a fuel surcharge to the cost to the consumer. So this will have a ripple effect in many different ways, and it is something we have the wherewithal to do and do now and by doing so sending at the same time, I hope, a message to the world marketplace and certainly to OPEC that we are not hostage to them without some options of our own.

Let's show American families that we are serious about addressing today's exorbitant gas prices. Let us adopt this amendment to provide real relief now. I urge my colleagues to join me and adopt this amendment.

I suggest the absence of a quorum. The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. 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. COCHRAN. Mr. President, under rule XVI, I raise a point of order against the amendment. It is legislation on an appropriations bill.

Mr. MENENDEZ addressed the Chair. The PRESIDING OFFICER. The point of order is sustained, and the amendment falls.

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I tried to seek recognition to speak to the point of order. I simply wish to say this is consistent with what the President proposed this morning, so I believe we should have a vote on the Senate floor. If we don't have a vote today, we are going to continue to bring this measure before the body and will eventually get a vote.

Mr. President, I ask unanimous consent that notwithstanding the points of order which lie against this amendment, the amendment still be in order.

Mr. COCHRAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from South Dakota.

Mr. THUNE. Mr. President, there is no bigger issue facing the economy of the United States of America at the current time than the high cost of energy, and it has a ripple effect throughout the entire economy. In my State of South Dakota, we have farmers who are getting ready to go into the fields to plant. Obviously, agriculture is a very energy-intensive industry.

In my State of South Dakota, we rely heavily upon the travel industry. People come to our State to see the Black Hills and Mount Rushmore, so we are a very energy-intensive State. We have

long distances to cover. So when gas prices come up and shoot through \$3 a gallon or near that level in my State, it has a profound impact on the economy of our State and on the pocket-books of all South Dakotans. It is important that this issue be addressed.

We have heard a lot of speechifying on the floor of the Senate today and a lot of news conferences held in front of gasoline pumps across this country, everybody attacking and pointing fingers and playing the blame game as gas prices have steadily crept upward.

I will be the first one in this Chamber to say that if, in fact, the oil companies have profiteered at the expense of hard-working consumers in this country, that they should be prosecuted to the full letter of the law. If there is manipulation, collusion, price fixing, or any other form of anticompetitive behavior for which we have laws in this country, then they need to be held accountable under those laws.

Furthermore, I also happen to believe that if, in fact, they benefit from policies that are put in place, economic policies from which they can benefit, whether that be a tax incentive in the Tax Code today, that they have an accountability to us as Members of Congress to explain why, for example, they can pay out \$400 million to a retiring executive or CEO.

It seems to me at least that there are some very hard questions that need to be asked and some very serious answers that need to be given by folks in that industry. They need to be accountable to the American public. As I said before, I believe we need that accountability. I believe we need to look at those policies in place today from which those companies benefit. If, in fact, they are making such enormous profits, then perhaps they don't need the support and the tax incentives that are given to them by the American taxpayers, by Congress. So I am not going to in any way defend what are the practices, I believe, of many of the big oil companies in this country.

Having said that, though, there is also a lot of hand wringing going on and self-righteous politicking going on right now about the high cost of energy and attempts again to cast aspersions, cast blame, try and blame the President, blame the Republicans, and all these efforts that are made by people who would rather have a political issue than they would have a solution.

I have to say it seems to me that at the heart of this very issue is also what I would call a decade of obstructionism. We have tried for many years—I served for three terms as a Member of the House of Representatives—to get legislation through that would allow us to lessen our dependence upon foreign sources of energy, to add to the supplies we have in this country, to allow us to take advantage of the rich resources we have in America. Every time we have tried to do that since I have been here as a member of the majority party in the House

of Representatives and now in the U.S. Senate, we have been blocked. We have been rebuffed by the folks on the other side of the aisle. In many cases, those have been tactics employed which haven't reflected the majority in the Senate. There have been steps taken to create a supermajority, a filibuster threshold over which we would have to get in order to get some of these policies put in place.

I go back to 1995 when, at that time, the Republicans had just taken control of the Congress and they passed in the budget that year legislation that would authorize exploration on the North Slope of Alaska. It passed the House and Senate, went to President Clinton's desk, and it was vetoed. We hear this still being debated in the Senate today. We get up and talk about the importance of taking advantage of the resources we have here in the United States of America, including the North Slope of Alaska; we hear the Democrats on the other side get up and say: Well, you can't do that. It could take 10 years for us to get that production on line. Well, it is 10 years later. That was 1995. It is now 2006, and we could have a million more barrels of oil in the pipeline today addressing what is a very serious supply problem in this country, had that bill been signed into law back in 1995.

We have tried repeatedly since that time, a number of times as a Member of the House of Representatives, where we voted. We voted to allow for that development to occur, for that exploration to occur, and perhaps eventually production to occur, and, of course, again it was blocked and stopped.

Most recently in December, in the Senate, before we adjourned for the Christmas holiday, we had a vote on whether we were going to do something to help ourselves in the area of energy independence and to develop that rich resource we have, somewhere between 6 billion and 16 billion barrels of oil on the North Slope of Alaska, or about a million barrels a day. We get about a million and a half barrels a day from Saudi Arabia. Can you imagine how it would lessen the supply problem if we were able to bring that energy on line in this country? Yet again it was filibustered. We had 57, 58 votes in the Senate—a clear majority for doing something about our supply problem. Yet the other side again blocked and now wants to blame, instead of doing what we ought to have been doing all along, and that is working in a bipartisan way to address what is a very serious crisis in America.

I remember when I was growing up back in the 1970s, and people who were around at that time also remember the gas lines, remember the talk at the time about we are way too dependent upon foreign energy; we have to do something to lessen our dependence on foreign sources of energy. At that time, we were 50 to 55 percent dependent upon foreign sources of energy. Here we are some 30 years later, and 60 percent

of our supply comes from outside the United States. We have had opportunities throughout the course of the time that I have been here to do something about that. Every time I have voted to develop, explore, and to bring on line many of those resources which are available to us for development, it has been blocked and stopped by those on the other side who insist on having a political issue rather than a solution.

Just because I was interested in this debate, as a Member of the House—and as I said, I voted on energy exploration on the North Slope of Alaska, what we know as ANWR—I went up there last year because I wanted to find out what the debate was all about because in trying to understand these issues, when you come down here on the floor of the Senate, I believe it is important that you have a full perspective and insight into the arguments that are made by those on the other side. So we went to some of the development sites. We went to Prudhoe Bay, we went to the Alpine site, we went to Kabarak, and we went to the section 1002 area, which is the area which was proposed for development by an agreement that occurred way back in 1980, I believe between Senator STEVENS and someone on the other side of the aisle at that time. We looked at that area. We took one of those little planes, and we flew out there and walked around in that particular area, and we looked at the technology that is available today at some of those sites and how they, with a very minimal footprint on the surface, are able to access enormous amounts of energy below the surface in an environmentally sound way. They use ice roads, and then during the summer months when everything melts, the roads disappear; they are gone.

It is a remarkable thing for anybody who wants to see it. You walk away from that saying: Hold on just a minute here. I don't understand what the big issue is. We have an opportunity to do something about what are the most pressing economic issues and one of the most pressing national security issues facing our country, and that is energy and energy independence, energy security, and we have this vast resource up there and we can't get at it because it is consistently filibustered here in the Senate even though there is majority support, 57, 58 votes in favor of that. Yet after it passed the House and it went through the Senate, it got to conference and it came back, and we had an opportunity to do something that would allow us finally—finally—to explore and hopefully bring on line that incredible resource on the North Slope of Alaska.

For those who are concerned about the impact on the environment, you should know that the caribou are doing fine. Caribou numbers have actually increased, and they have dramatically over the past 30 years in that area.

My point very simply is this: We as a nation have to do something to help ourselves. We cannot continue to be

held over a barrel by the sheiks and the mullahs in the Middle East or by Venezuela or any of the other countries from which we derive the majority or the vast majority of our energy supplies in this country. America needs to be energy independent.

I believe that consists of many things. I have been a big proponent of renewable fuels. As a Member of the House and now as a Member of the Senate, I was delighted that we were able last summer in the Energy bill to include in there a renewable fuel standard for the first time. As a matter of policy in this country, we have said we are going to guarantee a market for renewable fuels. Frankly, why would we not, when we have all of these things which we raise and grow, take a bushel of corn and be able to convert it into 2½ gallons of fuel we can use to run our economy here in this country, do that? It makes so much sense, and it lessens our dependence upon our addiction to oil, which, as the President said in his State of the Union Address, and I give him great credit for that, is something we need to do, a direction in which we need to move. Renewable energy is an important component of that. I believe there are a number of things that we need to be doing in the area of conservation as well, but I want to see more partnerships between manufacturers and retailers and producers of ethanol and biodiesel and other renewable energy so that we can begin to get away from that enormous amount of dependence we have on oil.

Even today, we hope to produce in the very near future 7.5 billion gallons of ethanol, which is what is called for in the renewable fuel standard. I think we are going to have to increase that dramatically because we are going to be there very soon. We are already at the 4.5 billion gallon level, on our way very quickly to 7.5 billion gallons, because we have a desperate need in this country, and production is coming on line more and more all the time. But even at that level, we use about 140 billion gallons of gasoline a year in this country. So ethanol represents about 3 percent of what the total demand or total consumption in America is for energy today. So it is important in this whole debate that we continue to develop those other sources, those traditional energy sources until such time as we can get where we begin that transition toward renewable energy.

But in the short term, we have a need. We have a need for oil resources. As I said, in places such as Alaska, we have an opportunity to do some things offshore in this country. We have a lot of offshore resources and reserves that are available, not only of oil but of natural gas, which is also a desperate situation which many people in my part of the country, in farm country, depend upon because that is what fertilizer is made from.

Every time we have had an opportunity to do something to address the long-term issue of supply in this coun-

try, we have met the politics of obstruction. I mentioned earlier going back to 1995 when Congress passed legislation that would authorize exploration of energy in Alaska. But if you look more recently than that, going back even to 2003—when the President took office in 2001, they created an energy task force, they made recommendations, they came up with an energy plan, and there was an energy bill that was debated up here on Capitol Hill, several different permutations of that, and ultimately one passed. In 2003, an energy bill passed. It passed the House and Senate, and it went into conference. The conference came out with a report that passed overwhelmingly in the House, came back to the Senate in November of 2003, and it was filibustered.

It failed by two votes. Fifty-eight votes to shut off a filibuster here in the Senate that would have gotten us an energy bill 2 years sooner, gotten us down the path toward a renewable fuel standard 2 years sooner, and addressed some of those supply issues 2 years sooner. But no, it was blocked. It was delayed, it was filibustered, and it was killed in 2003 by that Congress.

So to have people getting up now and many of my colleagues on the other side going out and holding news conferences and getting up on the floor of the Senate and beating their chests and making all these self-righteous speeches, to me it seems to be the very essence of hypocrisy, if you look at a decade-long practice of obstructionism when it comes to putting in place sound energy policies that would have lessened our dependence upon foreign sources of energy and put us much closer on a path toward energy independence.

So as we get into this, I have a piece of legislation which I have introduced along with Senator OBAMA from Illinois that would provide additional incentives for fuel retailers to begin to install pumps that would pump E-85, to build the demand and continue to create this market, this opportunity to work on the production side. On the retail side, again, we need to be working with the manufacturers when it comes to these flex fuel-type vehicles. I will continue to press forward on renewable fuels. That legislation—it is a bipartisan bill—and I hope it is something we can move through this Chamber, along with other types of initiatives, including additional supply initiatives.

Frankly, there is one other issue which I should also mention because, there again, we ran into basically party-line resistance in the Environment and Public Works Committee. We tried to pass through the Environment and Public Works Committee earlier this year legislation that would expand our refinery capacity. We have not built a refinery since 1976. We had Katrina wipe out much of our refinery capacity in the gulf and, as a consequence, we are having a difficult time not only with the supply, but we

are also having a difficult time with refineries. We have what, in my view, we ought to be doing, and that is waiving a lot of these requirements on these boutique fuels because right now, at this particular time of year, the refineries have to go through this exercise of remixing and coming up with all of these different types of blends. It seems to me that at a minimum, we ought to be able to at least give them some temporary relief from that, but we also need to be building more refineries in this country.

We voted on that in the Environment and Public Works Committee, and it went down for all intents and purposes on a party-line vote. There was one Republican who voted with the Democrats. The fact is, that is true. But we had a wall of opposition from the Democrats on the Environment and Public Works Committee to even reporting the bill to the floor so that we could engage in a debate so that all Senators have an opportunity to participate in that debate about whether we ought to do something about the issue of refinery capacity in this country.

So my point again very simply is this: Since I have been here, in three terms in the House and during my time in the Senate, I focused on energy because it is important to my State, as I said earlier, and because I am a big proponent of increased use of renewable fuels. But every time we have had a chance to vote, whether it is ANWR, whether it is offshore production, whether it is refineries, whether it is the Energy bill in 2003, we run into the same arguments. And you will hear the same arguments that we heard in December and that we heard back in 1995 when we debated at that time the authorization of exploration in Alaska, and that is: It will take 10 years. Well, like I said, 10 years ago, if President Clinton had signed that bill into law, that 10 years would now be up. But the point is, we can't afford to wait another decade. We can't allow another decade of obstructionism to prevent us from doing what we ought to be doing to make America's energy future more secure. It is important that we focus as Senators, and I hope in a bipartisan way. But it doesn't help the issue to have all of this partisan hand-wringing and politicking. I know it is a year divisible by two. Whenever it is a year divisible by two, the rhetoric escalates a lot, and when everything gets said and done, a lot more gets said than done.

The reality is, we have an issue on which the American people want action. They should have had action 10 years ago. They should have had action 6 years ago. They should have had action 4 years ago. They should have had action in November of 2003, when that particular Energy bill was filibustered by our colleagues on the other side. But it is never too late to do the right thing.

We have an opportunity to do the right thing for the American people. If

that consists of, as I said earlier, taking on the oil companies if there is any evidence whatsoever that there has been collusion or price fixing or gouging or any form of anticompetitive activity, then let's put the screws to them. Let's prosecute them to the full letter of the law. But let's also do something we should have done a long time ago, and that is begin to develop the resources that we have in this country and do something to help ourselves so 30 years from now, when my kids are my age, they are not saying the same thing that I am saying today, and that is that we have wasted 30 years and we are still as dependent on foreign sources of energy.

Frankly, I don't think we can wait that long because I do believe energy security is a matter of national security, and there is nothing that has a more profound impact and effect on the pocketbooks of working Americans. It is important that we do something about this. It is time to end the obstruction. It is time to end the block-and-blame game. It is time to get down to the business of taking care of the needs of the American people that they expect us to address.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, for the information of Senators who may be interested in knowing what the plan of action is for the remainder of today, we have pending before the Senate an amendment offered by the distinguished Senator from New Hampshire, Mr. GREGG, relating to border security, to strengthen, tighten up the provisions of this bill with respect to adequacy of funding to protect the security of our borders.

It is our understanding that the other side would like to have an amendment also offered tonight, with debate on it, as much as whoever wants to discuss it would like to engage in, and then enter into some kind of agreement on having votes, back-to-back votes or close together tomorrow, on the two amendments, the Gregg amendment and whatever amendment is offered on the other side.

That is the situation as I understand it. I am happy to see the distinguished Democratic leader on the floor. He may be able to add to that or clarify the intentions with respect to another amendment tonight.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, the manager of the bill is absolutely right. We have an amendment that has been laid down by the Senator from New Hampshire. We are going to lay one down. Rather than do a second-degree, we have talked to the floor staff, and it would be more appropriate to have two side by side.

Subject to the approval of your leader, we would have those two votes around noon tomorrow. We will debate. Anybody who wants to debate it to-

night can do so and then we will come in in the morning and divide up what time is left over after morning business and have that vote. As I indicated, I only briefly talked to the majority leader about this. We had a meeting down at the White House, so I didn't talk to him at any great length, but this sounds like a fair way to go forward and move this bill along a little bit.

Mr. COCHRAN. I thank the Democratic leader.

#### AMENDMENT NO. 3604

Mr. REID. Mr. President, I have an amendment at the desk. I call that up.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. REID. I ask unanimous consent to do so.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3604.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide, with an offset, emergency funding for border security efforts)

#### TITLE —BORDER SECURITY EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR BORDER SECURITY

DEPARTMENT OF HOMELAND SECURITY  
OFFICE OF THE SECRETARY AND EXECUTIVE  
MANAGEMENT

For an additional amount for the "Office of the Secretary and Executive Management" to provide funds for the Office of Policy, \$2,000,000: *Provided*, That the entire amount is solely for a contract with an independent non-Federal entity to conduct a needs assessment for comprehensive border security: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### OFFICE OF THE CHIEF INFORMATION OFFICER

For an additional amount for the "Office of the Chief Information Officer" to replace and upgrade law enforcement communications, \$50,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### UNITED STATES VISITOR AND IMMIGRATION STATUS INDICATOR TECHNOLOGY

For an additional amount for "United States Visitor and Immigration Status Indicator Technology" to accelerate biometric database integration and conversion to 10-print enrollment, \$60,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for the expenditure of such funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### CUSTOMS AND BORDER PROTECTION

##### SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$180,000,000, of which \$80,000,000 is for border patrol vehicle replacement and \$100,000,000 is for sensor and surveillance technology: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure of these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement" to replace air assets and upgrade air operations facilities, \$790,000,000, to remain available until expended, of which \$40,000,000 is for helicopter replacement and \$750,000,000 is for recapitalization of air assets: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an expenditure plan for the complete recapitalization of Customs and Border Protection air assets and facilities: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### CONSTRUCTION

For an additional amount for "Construction", \$120,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### IMMIGRATION AND CUSTOMS ENFORCEMENT

##### SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to replace vehicles, \$80,000,000: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### UNITED STATES COAST GUARD

##### ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for acquisition, construction, renovation, and improvement of vessels, aircraft, and equipment, \$600,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

##### FEDERAL LAW ENFORCEMENT TRAINING CENTER

##### ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For an additional amount for "Acquisition, Construction, Improvements, and Related Expenses" for construction of the language training facility referenced in the Master Plan and information technology infrastructure improvements, \$18,000,000, to remain



available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. REID. Mr. President, I am going to briefly talk about this amendment tonight and then we will have more time in the morning if necessary.

I had the opportunity 3 weeks ago tomorrow to go to the border, the Mexico-California border. We flew. We could see the Arizona border. I spent the day there and certainly got an understanding of some of the problems that these valiant Border Patrol agents face.

San Ysidro, CA, is one of the entry points. It is hard to visualize this, but think in your mind's eye of 24 lanes of traffic coming into America from Mexico. That is what is at San Ysidro, 24 lanes of traffic, one way; 24 lanes of traffic, 7 days a week, year round.

While I was there, the agent showed me some of the things they had been able to catch: a little utility truck, and hidden in it was narcotics in a secret compartment; a car, a compact car, and they had built a canvas drop in it under the back seat. Eight people were stuffed into that in the compact car, underneath so you couldn't see them, but the dogs and agents were able to pick them up.

These were only two examples. All day long this goes on. I talked to the agents about the walls that have been put up. These people, called coyotes—call them whatever you want—these people, who are criminals, who take money from Mexicans to bring them into the United States, sit up on one fence, which is a metal fence. On the other side there is a chain-link fence. If they see a Border Patrol agent, they have these powerful slingshots that have hospitalized our agents.

The Border Patrol agents say they can handle most of the traffic of people coming across the border. But what they need is protection against automobiles coming across the border. That is what they need help with. In a few places they have big metal things, about this big, that are stacked side by side to keep automobiles from coming across the border.

The only reason I paint this very meager picture of some of the things I saw is, as we speak, there is an emergency on the southern border. I am happy for the \$2 billion. I am happy to put it into border security. That is important. I have talked about comprehensive immigration reform, and I have done it often and I always start with: Let's protect our borders. Then we move into the guest worker program, then we move into the path of legalization, and then we move into what we are going to do to make sure employer sanctions are meaningful.

I am in favor of the \$2 billion, but I am not in favor of the across-the-board cut that is in the underlying Gregg amendment. That is not right. It is not right because it is robbing Peter to pay

Paul. The amendment I have offered will secure the border in the same way as the Gregg amendment. It is the same amount of money. The difference is, I say, on an emergency appropriations bill, which we have before us—if there were ever an emergency, this is it—the Gregg amendment makes no sense. I have the greatest respect for Senator GREGG. I think he is one of the most principled people with whom I have ever dealt. But I say this amendment makes no sense. It robs Peter to pay Paul at the end of the day by taking vital resources away from who? Our military. And it fails to make us more safe. It makes us less safe.

There are lots and lots of examples of what an across-the-board cut would do. In order to pay for border security, it cuts the military personnel account, which includes cuts to pay and benefits for our Active Duty, our Guard and Reserve serving now in Iraq, Afghanistan, and elsewhere around the world. Do we want to have an across-the-board cut there? I don't think so. I hope not.

The underlying amendment, the Gregg amendment, makes cuts to operations and maintenance which provide for the body armor, for example, and the other day-to-day needs of our troops fighting in Iraq and Afghanistan.

The underlying Gregg amendment makes cuts to the Iraqi security forces training. I had the good fortune to be invited to the White House today, and on the big TV screen there in the White House we had the Ambassador to Iraq from the United States and General Casey telling us what is going on in Iraq.

One of the things General Casey and Khalilzad talked about was what is happening with the training of Iraqi forces. We are going to cut this money down as a result of border security? I don't think that is a good idea.

If we are going to succeed in Iraq, and that is very questionable at this time, but if we are going to succeed in Iraq, and I hope we do, one of the key areas of concern is the Iraqi security forces. If we are going to bring our troops home, we have to bring them up, and this amendment, the Gregg amendment, cuts those moneys.

The Gregg amendment makes cuts to the Joint Improvised Explosive Device Defeat Fund, which aids our troops in eradicating the deadly IEDs they confront daily. The reason that is so vitally important is when the war started, basically what the terrorists used were garage door openers. That is what they used, a garage door opener, basically. A vehicle comes by, they planted a bomb, they push that down, it blows up.

We have worked on ways to change that. But the Iraqis have also worked to stay ahead of us. That is why we still have these bombs going off. It is because we have to continually work with money from the Improvised Explosive Device Defeat Fund to have scientists and other technicians decide

how we can defeat these explosive devices. The Gregg amendment cuts these moneys.

The Gregg amendment makes cuts to the Defense Health Program which provides medical assistance to our troops on the battlefield. One good thing about this war—and there are not a lot of good things about this war—is the percentage of the soldiers who are wounded who end up dying is very much less than in any other war because we have such great medical attention on the battlefield and we have protective equipment for these soldiers.

So they are not dying at the rate they did in the first Iraqi war, certainly not in Korea, and certainly not in the Second World War and certainly not in Vietnam. But the Gregg amendment makes cuts to this defense health program which provides medical assistance to our troops who are in the battlefield, not after they have come home. And really, the senseless nature of this amendment is that it makes cuts to the Death Gratuity Fund which assists families of fallen soldiers.

Also, I think almost every Senator has been to Walter Reed or Bethesda. You will see parents there with their wounded sons and daughters, husbands and wives. There is a fund that helps bring these people here. A lot of it is done through other charitable organizations, but we don't want to cut the Defense Health Program. And we don't want to cut the Death Gratuity Fund.

The Gregg amendment forces us to take from our troops to fortify our borders. That is a false choice. We do not have to choose between a secure border and a secure military, especially at a time when we are in a war. We can secure our borders and support our military.

As I have indicated, I am 100 percent for securing our borders. But we can find a better way to do it than cutting necessary resources from the men and women who keep us safe. This is an emergency appropriations bill. If there were ever an emergency, it is our border with Mexico and at times the northern border.

So I hope we can go forward with these resources but, as with the other things in this bill, this is an emergency. Our amendment calls for spending the \$2 billion, but it would fall in line with the other matters in this bill. It would be an emergency.

I hope Senators will vote for this, what we call a side-by-side that I have offered. This is the right way to do this. I don't think anyone should have on his or her conscience voting an across-the-board cut on a defense bill. This is basically a defense bill, this supplemental. We should not have this on our conscience. Border security is an emergency without any question in my mind. I hope Senators will agree.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. COCHRAN. Mr. President, this is a statement of an agreement that has been reached between the two leaders regarding the votes on the pending amendments.

I ask unanimous consent that at 12 o'clock on Wednesday, April 26, the Senate proceed to a vote on the pending Gregg amendment, as modified, to be followed immediately by a vote on amendment No. 3604 on the subject of border security offered by Senator REID; provided further that no second-degree amendments be in order to the amendments and that when the Senate resumes consideration of the bill on Wednesday all debate time until the votes be equally divided between the two leaders or their designees.

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

Mr. COCHRAN. Mr. President, I thank the distinguished Democratic leader, and I thank all Senators for their cooperation in the consideration of this bill today.

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. COCHRAN. 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.

#### AMENDMENT NO. 3594, AS MODIFIED

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Gregg amendment be modified with the changes at the desk.

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

The amendment (No. 3594), as modified, is as follows:

At the appropriate place, insert the following:

#### TITLE —BORDER SECURITY EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR BORDER SECURITY DEPARTMENT OF HOMELAND SECURITY OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For an additional amount for the "Office of the Secretary and Executive Management" to provide funds for the Office of Policy, \$2,000,000: *Provided*, That the entire amount is solely for a contract with an independent non-Federal entity to conduct a needs assessment for comprehensive border security: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### OFFICE OF THE CHIEF INFORMATION OFFICER

For an additional amount for the "Office of the Chief Information Officer" to replace and upgrade law enforcement communications, \$50,000,000, to remain available until ex-

pired: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### UNITED STATES VISITOR AND IMMIGRATION STATUS INDICATOR TECHNOLOGY

For an additional amount for "United States Visitor and Immigration Status Indicator Technology" to accelerate biometric database integration and conversion to 10-print enrollment, \$60,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for the expenditure of such funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### CUSTOMS AND BORDER PROTECTION

##### SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$180,000,000, of which \$80,000,000 is for border patrol vehicle replacement and \$100,000,000 is for sensor and surveillance technology: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure of these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement" to replace air assets and upgrade air operations facilities, \$790,000,000, to remain available until expended, of which \$40,000,000 is for helicopter replacement and \$750,000,000 is for recapitalization of air assets: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an expenditure plan for the complete recapitalization of Customs and Border Protection air assets and facilities: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### CONSTRUCTION

For an additional amount for "Construction", \$120,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### IMMIGRATION AND CUSTOMS ENFORCEMENT

##### SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to replace vehicles, \$80,000,000: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### UNITED STATES COAST GUARD ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for acquisition, construction, renovation, and improvement of vessels, aircraft, and equipment, \$600,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### FEDERAL LAW ENFORCEMENT TRAINING CENTER

#### ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For an additional amount for "Acquisition, Construction, Improvements, and Related Expenses" for construction of the language training facility referenced in the Master Plan and information technology infrastructure improvements, \$18,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

#### GENERAL PROVISIONS—THIS TITLE

##### REDUCTION IN FUNDING

SEC. \_\_\_\_\_. The aggregate amount provided by chapter 3 of title I of this Act and chapter 3 of title II of this Act may not exceed \$67,062,188,000.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

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

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

#### ENERGY PRICES

Mr. FRIST. Mr. President, I would like to make a few comments on what is on the forefront of most people's minds today, especially if they have been in their automobiles or their trucks or driving their tractors, and that is the rising oil prices. As the weather heats up and families plan their summer vacations, many are getting increasingly frustrated by the rising price of gas. Every day it seems gas prices are ticking up, and some areas of the country gas prices have already topped a whopping \$3 per gallon. Experts tell us that these already high prices only threaten to get worse as we head into the summer driving months.

While we understand global supply and demand pressures around the world, especially China and India, are the main culprits, it really doesn't

seem fair to the average American consumer that they are having to pay so much at the pump each time they fill up their vehicle. It simply can't go on indefinitely. We can't continue to rely on foreign oil that comes from governments that are unstable or are directly hostile to America's interests. Just this week, Iran's hard-line President threatened that "the global oil price has not reached its real value yet."

We need to find short- and long-term solutions to America's dangerous dependence on these foreign sources of oil. We need to find ways to strengthen and diversify our own domestic supply.

On Monday, Speaker HASTERT and I sent the President a letter. In that letter we urged an effort to direct the Federal Trade Commission, as well as the Department of Justice, to examine, investigate possible price gouging and other anticompetitive practices that may be unfairly driving up gas prices. Price gouging, price fixing, and other forms of collusion are wrong. They are immoral. They should be prosecuted to the full extent of Federal and State law. I am pleased that the President announced yesterday that the investigations we asked for are underway. I also urge consumers to report any suspicious activity directly to the Department of Energy's Web site so that we can track down any wrongdoers and bring them to justice.

Meanwhile, Senator STEVENS and others have developed an anti-price-gouging bill in response to my request last fall following the hearing with the CEOs of the major oil companies. I anticipate that the Senate will take up the Stevens proposal. In addition, the President has wisely called for suspending additions to the Strategic Petroleum Reserve this summer. We have enough oil in the reserve to get through any major short-term supply disruptions. While it is not a lot, this brief halt will leave a little more oil on the market and, as the President said, every little bit helps.

These are important first steps in bringing relief to millions of Americans being pummeled with high prices at the pump. But there is much more to be done. We need to think long term and strategically on how to move the supply and demand equation in our favor by breaking America's addiction to oil and diversifying our energy supply. Instead of looking for scapegoats, as the other side is doing now, we need to look for solutions and provide long-term security for the American people.

Last summer, after a decade of partisan obstruction, Congress passed a comprehensive energy bill. We doubled the amount of ethanol and biodiesel in our gasoline. By 2012, this should reduce oil consumption by 80,000 barrels a day. We passed a hybrid car tax credit of up to \$3,400 per vehicle. There is more that we can do to encourage consumers to purchase fuel-efficient hybrid cars, and we will pursue those options vigorously. The Energy bill also allocated significant funding for re-

search and development of hydrogen fuel cells. If just 20 percent or one out of five cars used fuel cell technology, we would cut oil imports by 1.5 million barrels a day.

We need to build on these initiatives and encourage American consumers, the producers, and entrepreneurs to think beyond oil. I believe, as does the President, that America's future lies with technology that will allow Americans to use environmentally safe and diverse energy sources. Instead of driving into a gas station, we will pull up to a fueling station where we might plug in or fill up with ethanol, electricity, or hydrogen or some combination that technology has made possible.

Political instability in Venezuela won't send our energy prices soaring. Foreign dictators won't be able to use oil to hold the world's policies hostage. America will be safer and more secure with American energy coming from American sources.

The Energy bill we passed last year is a good start. We can accomplish a whole lot more if we can get bipartisan cooperation. Unfortunately, when it comes to energy security, bipartisanship has been hard to come by, and that makes solving the energy problem even more difficult.

Developing new energy sources takes time and research. For example, had President Clinton not vetoed ANWR a decade ago, the reserve would be producing a million barrels of oil a day right now. That is about three-fourths of what we currently import from Saudi Arabia.

I hope to be able to work with my colleagues on both sides of the aisle to find fair and effective ways to strengthen and diversify America's energy supply.

Challenge, action, solutions—that is what the American people sent us here to do. By staying focused on our long-term goals, we can keep America moving forward.

#### METHAMPHETAMINE

Mr. FRIST. Mr. President, the growing problem of meth has been particularly personal to me. As I have traveled across my home State of Tennessee, I have heard the heart-wrenching stories of how meth is tearing families apart and about the unique challenges that meth abuse presents to law enforcement and social services.

I would like to commend Chairman GRASSLEY and Ranking Member BAUCUS of the Finance Committee for holding a hearing earlier today to discuss the social and economic impact of methamphetamine on our Nation's child welfare system.

Law enforcement ranks the number one drug problem—above cocaine, marijuana, and heroin. I am proud that the Senate listened to law enforcement and that we acted earlier this year by passing the Combat Meth Act. Because of this legislation, meth users in all 50

States are now restricted from purchasing large quantities of ingredients, like pseudoephedrine, used to make meth. This law is a step in the right direction. However, as we heard today in the Finance hearing, there is much left to be done.

One particular aspect of meth abuse that was addressed in the hearing today is the impact that this poisonous drug is having on our Nation's children. The hazards to children living in meth homes are numerous. First, when meth is being cooked, children are exposed to dangerous gases and hazardous waste which spread throughout the house, contaminating everything, including the children's clothes and toys. A recent study shows that the amount of exposure children living in meth lab homes have is about the same as if they were using meth directly. Secondly, these labs often explode, resulting in serious injuries, burns, and even death to innocent children.

Children living in homes where meth is being made are also more likely to be severely neglected and physically, mentally, and sexually abused by members of their own family as well as other individuals who may be present. Meth causes users to become paranoid and irritable, often leading to child abuse. Once the drug wears off, users tend to sleep for long periods and sometimes days, leaving children to fend for themselves.

One individual testifying today told the committee about a mother who was on a meth binge and literally forgot she had a baby. Child protective services was called when the woman did not pick up her 2-month-old from a babysitter. Three weeks later when the mother was located, she admitted that she had been on a meth binge.

Child welfare services throughout the Country have seen a sharp increase in the number of children removed from meth homes in the last several years. Two weeks ago in Knoxville, TN, a 18-month-old boy was rescued from a meth home when law enforcement raided the house and arrested his mother and her boyfriend for manufacturing meth. Sadly, this is just one example of a much larger problem.

In the last 2 years, over 1,000 children have been removed from homes in Tennessee due to meth-related investigations. And, nationwide, thousands more children were rescued from homes where meth was being cooked. Dr. Nancy Young testified today that in the last 5 years, over 15,000 children have been impacted by meth manufacturing nationwide. She added that this number was very low because many incidents go unreported.

The methamphetamine epidemic continues to place a tremendous strain on an already overburdened child welfare system. Child protective services and welfare officials are struggling to cope with the staggering increase in meth-related cases and the subsequent challenges associated with this particular addiction. Social workers in rural

areas, where meth use is particularly prevalent, are rarely trained to deal with the unique issues related to this drug. They put themselves into harm's way every time they go into a home to rescue a child, both because of the toxic chemicals to which they are exposed, as well as the combative and sometimes violent state of the addicted parents.

As was highlighted by Chairman GRASSLEY and Senator BAUCUS this morning, the current funding structure for America's child welfare system is outdated and ill-equipped to respond to the challenges of the methamphetamine epidemic. We need to look at how we can better help States and communities respond to the spike in the number of meth-related child welfare cases, and I am pleased that the Finance Committee will continue to investigate the Federal role in healing children and families who are plagued by this dangerous and highly addictive drug.

Again, I thank Chairman GRASSLEY and Senator BAUCUS for holding the hearing today. And, I commend the individuals who shared their stories of recovery with the committee. From their testimony, we saw first hand that treatment can work. We heard that education about the devastating consequences of meth use can help to prevent potential users from going down this path of destruction. And, we learned that far too many of our Nation's children are being put at risk in homes where meth is being cooked.

As we continue to address the important issue of combating methamphetamine abuse, we need to do more to protect America's children, to educate our citizens about the dangers of drug use, and to support effective drug abuse treatment methods.

#### NATIONAL CRIME VICTIMS' WEEK AND LAS VEGAS TAKE BACK THE NIGHT

Mr. REID. Mr. President, I rise today to recognize National Crime Victims' Week, which began April 23 and runs through April 29. This year's theme is Victims' Rights: Strength in Unity. Victims of violent crime may never be able to forget the trauma they have suffered, but with unity and support, they will have a chance to heal.

That is why I would also like to acknowledge a powerful event that will take place in my home State of Nevada on April 28—the Take Back the Night March.

Take Back the Night started in the late 1970s as a way to recognize and protest the concerns women had about walking outside at night due to threats of assault, rape, and murder. Since then, the event has spread to almost every corner of the United States and around the globe.

Hundreds, if not thousands, of Take Back the Night marches and rallies are held each year—often in late April—to coincide with National Crime Victims'

Week. We have had events in Nevada before, especially on our university campuses, but this year is the first community-wide march in Las Vegas.

I am pleased to see this event expanding into the entire Las Vegas community. Take Back the Night marches are positive events that bring together communities and empower victims of domestic violence and sexual assault. The women and men who have survived these crimes can see they are surrounded by strong and supportive friends, neighbors, family members, and advocates. As organized by the Rape Crisis Center, this Take Back the Night includes activities for children and families, music, food, an open microphone, and a peace rally.

I have been a longtime supporter of legislation to combat violence against women, including the landmark Violence Against Women Act, VAWA. I voted for VAWA in 1994 and its reauthorization in 2000 and 2005. Our society can never be strong unless all its members feel safe in their own homes and on their own streets. We must do more to stop domestic violence and sexual assault.

I appreciate the time and effort of every Nevadan who is taking part in this year's Take Back the Night March. I would especially like to thank the Rape Crisis Center and its dedicated staff for organizing this wonderful event. I look forward to working with them in the future to make our streets safer.

#### TRIP TO COLOMBIA, PERU, BRAZIL AND DOMINICAN REPUBLIC

Mr. SPECTER. Mr. President, during the period of April 7–16, 2006, my colleague on the Senate Judiciary Committee, Senator JEFF SESSIONS, and I traveled to Colombia, Peru, Brazil, and the Dominican Republic for a firsthand view on issues of immigration, drug enforcement, and trade.

On April 7, 8, and 9, we traveled to Bogotá and Cartagena, Colombia. Upon exiting the plane, we immediately met with Ambassador William Wood, who has been U.S. Ambassador to Colombia since August 13, 2003, and is a graduate of Bucknell University.

I was looking forward to returning to Colombia in that I had not had an opportunity to visit there since December 1999. At the time, President Pastrana was the President of Colombia, and I had the opportunity to discuss with him my concerns about the forcible eradication of the supply of narcotics and the status of peace talks between the Colombia Government and the Revolutionary Armed Forces of Colombia, FARC.

Traveling to Colombia this time, I was aware that Colombia was still facing many serious challenges. Many of these suspicions were corroborated by Ambassador Wood. Ambassador Wood stated that the United States sent Colombia \$600 million in aid in 2005. The purpose of this aid is to assist Colom-

bia against various drug cartels and guerilla groups which threaten Colombia's security. Colombia faces two leftist and one rightwing insurgent group that wage guerilla warfare, carrying out kidnappings, hijackings, attacks on civilians, and political assassinations. The primary threat that Colombia faces is from FARC. Ambassador Wood estimated that FARC is composed of 17,000 members and operates in approximately 40 percent of Colombia.

Senator SESSIONS and I were also made aware of some recent changes that have occurred to Colombia's justice system. Ambassador Wood stated that the new Colombian Justice system has instilled in the Colombian people a new level of confidence in the prosecution of criminals. The new system provides for live testimony through the implementation of an oral accusatorial system, whereas the previous system was nonadversarial and operated almost exclusively on the basis on written testimony. Ambassador Wood stated that the new system is now in Bogotá and three other municipal areas. Over 17,000 prosecutors and judges have received intensive training in the new accusatory system in 2005 from various U.S. agencies. The implementation of this new justice system demonstrates that the Colombian Government is serious about cracking down on crime and will no longer serve as a kangaroo court for the benefit of the cartels.

Ambassador Wood also noted several other significant areas where the Colombian Government has improved in the area of law enforcement. Specifically, Ambassador Wood noted that the number of annual homicides were at their lowest number in 18 years. The number of kidnappings is down 39 percent, and terror attacks are down 42 percent under President Uribe's administration.

Later during the trip to Colombia, we had the opportunity to meet President Alvaro Uribe and Colombia's Vice Minister of Foreign Affairs, Camilo Reyes. I came away extremely impressed with President Uribe and his agenda for Colombia. President Uribe is a true Colombian patriot who has elected to take the battle to FARC and to try to eliminate the cultivation of illegal narcotics in his country. Based primarily on his success against narcotic groups, President Uribe was reelected President of Colombia on March 12, 2006, on a platform to defeat guerillas, eliminate paramilitary organizations, end narcotrafficking, and enhance Colombia's domestic security.

The first issue that Senator SESSIONS and I broached with President Uribe was the issue of narcotics. Approximately 90 percent of the cocaine that enters the United States and 80 percent of the heroin east of the Mississippi comes from Colombia. President Uribe agreed with us that the biggest problem in the war on drugs was lowering the consumption of drugs. President Uribe believes, as do I, that so long as

there are consumers of drugs, people will keep producing it. Despite this concern, President Uribe was adamant that Colombia, with continued assistance from the United States, would be able to win the war on drugs. President Uribe felt that so long as the United States supplied financial aid to Colombia for another 5 years, they will have taken significant steps towards eliminating cocaine production from his country.

During our meeting with President Uribe, Senator SESSIONS and I also discussed the recent actions that the U.S. Senate and House of Representatives have taken on the issue of illegal immigration to the United States. I was very curious to hear President Uribe's opinion on how we might deal with the issue. President Uribe stated his belief that it was important for the United States to legislate carefully in this area in order to maintain a positive relationship with Colombia. President Uribe noted that the United States needed friends in South America in order to serve as a counterweight to Venezuela and President Chavez. The comprehensive Senate bill that originated in the Judiciary Committee, President Uribe noted, appears preferential to the House bill.

Senator SESSIONS and I also asked President Uribe about the problem of seasonal workers that emigrate from Colombia to the United States in order to work temporarily on farms and don't return to Colombia once their appointed working time period has elapsed. I was interested to hear President Uribe state that he understood the concerns that the United States has with seasonal workers that overstay the work period in the United States. President Uribe stated that Colombia currently has a good working relationship with both Canada and Spain and that he would like to implement that same system with the United States. I asked President Uribe to explain how Colombia was able to get their seasonal workers to return from Canada and Spain after their designated work period had elapsed. President Uribe stated that whenever Colombia sends seasonal workers to Canada or Spain, they keep very close track of where the temporary worker is working and for what time period he is permitted to stay. Seasonal workers also have learned that if they don't return to Colombia at the conclusion of the seasonal work period, then they will never be permitted to participate in an overseas work program again.

Despite President Uribe's approach on this topic, I still expressed grave concerns whether this incentive of returning to seasonal work would be enough to have seasonal workers return from the United States at the conclusion of their work period. President Uribe said he would consider having Colombian workers have microchips implanted into their bodies before they are permitted to enter the United States to work on a seasonal basis. I

doubted whether the implantation of microchips would be effective since the immigrant worker might be able to remove them.

I also asked President Uribe what new policies he would like to see the United States enact. President Uribe stated that the five nations of the Andean community, Colombia, Peru, Ecuador, Venezuela, and Bolivia, are going through trying times. President Uribe felt that it was important that the United States maintain a good relationship with Colombia, Peru, Ecuador, and Bolivia to combat the anti-American influence of Venezuela's President Chavez. I had the opportunity to visit President Chavez in December of 2005 and agree that he does pose a threat to U.S. interests in South America. I still believe, however, that it would be prudent for the United States to deal directly with President Chavez in order to reach an understanding on some of our Nation's differences.

Finally, President Uribe discussed with us a recent vote that had just taken place concerning the protection of intellectual property rights among the Andean nations. By way of background, in 2003, President Bush announced the intentions of the United States to begin negotiating a free-trade agreement, FTA, with Colombia, Peru, Ecuador, and Bolivia. Colombia, Bolivia, Ecuador, and Peru currently benefit from the Andean Trade Promotion and Drug Eradication Act, ATPDEA. This trade pact, which is set to expire on December 31, 2006, authorizes the President to grant duty-free treatment to certain products, with more than half of all U.S. imports in 2004 from the Andean countries entering under these preferences.

In a recent vote which just took place in the Andean community, the community voted three to two to protect intellectual property rights in trade agreements with the United States. Colombia, along with Peru and Ecuador, voted in favor of the protection of intellectual property rights, whereas Venezuela and Bolivia voted against the protection of these rights. President Uribe is concerned about whether or not Peru will still support the protection of intellectual rights once they elect a new President in the summer of this year.

Later in Colombia, Senator SESSIONS and I met Susan Reichle, Deputy Director of the USAID mission in Bogotá, and Guillermo Del Coillito, Jorge Droujo and Rosano de Riccardi, board members on Project Unidad Pedagógica Productiva Agroindustrial de Turbaco. During our visit to the project, we were told that the project was started in order to teach 300 displaced Colombian families how to generate income and garner employment through agricultural and agribusiness activities in Northern Bolívar, Colombia. This and other USAID projects in Colombia provide income and employment opportunities to rural commu-

nities which agree to give up the growth of narcotic crops and for those that are displaced by the country's continued conflict. These projects serve to instill these employment skills which they can market outside of the cultivation of narcotics. I left Project Unidad Pedagógica Productiva Agroindustrial de Turbaco with a favorable opinion of the work that USAID is performing in Colombia.

When we visited the U.S. Embassy in Bogotá, Colombia, on April 8, 2006, we reviewed the incident of February 13, 2003, when a small U.S. plane crashed in Colombia resulting in FARC taking hostage Marc Gonsalves, Keith Stansell, and Tom Howes, who were under contract with the Department of Defense in the war against drug traffickers. Despite the best efforts by President Uribe to rescue these hostages, all efforts, as of now, have been unsuccessful. During our visit to the Embassy we were told that, if there were sufficient Department of Defense resources applied, the hostages could be located. As a result of this meeting, Senator SESSIONS and I sent a letter to Secretary of Defense Rumsfeld on April 10, 2006, requesting that he allocate additional resources toward the location of these men. In discussing this matter with the personnel at the Embassy, it was obvious that they wanted more resources for this effort as a successful outcome would clearly have a positive impact on morale and national credibility. One of the men at the Embassy said he thinks about the hostages every day. The Embassy people talk about these men as POW and MIA and there are plaques and signs displayed throughout the Embassy.

Senator SESSIONS and I also met with Robert Taylor, Assistant Regional Director in the Drug Enforcement Agency, DEA, and Admiral Alfonso Diaz of the Colombian Navy. Mr. Taylor and Admiral Diaz discussed the methods by which the Colombian cartels use to smuggle cocaine and other drugs out of the country. We were advised that the primary way that drugs are shipped out of Colombia is via the use of go-fast boats. Go-fast boats can carry up to 3 tons of cocaine and can reach high rates of speed. They are frequently used to transport drugs to Mexico, Central American and Caribbean transshipment countries, using refueling vessels to extend their range. Despite the advent of go-fast boats, the Colombian navy, in conjunction with U.S. agencies, was able to intercept \$25 billion in cocaine in 2005 as a result of their own faster go-fast midnight express boats, which can reach speeds in excess of 60 knots.

Both Admiral Diaz and Mr. Taylor stated that Colombian law enforcement has an excellent working relationship with the United States and all of its agencies. One of the primary examples of this is the sharp increase in the number of extraditions of Colombians to the United States. Since President Uribe took office in 2002, Colombia had

extradited 304 Colombian nationals and 11 non-nationals to the United States. In early 2005, Colombia extradited FARC leader Nayibe Rojas Valderama and Cali Cartel leader Miguel Rodriguez Orejuela. The zeal with which President Uribe's administration is waging the war on drugs left little doubt that it is in the interests of the United States to continue to assist him.

Senator SESSIONS and I arrived in Peru on April 10, 2006. I have had the opportunity to travel to Peru on four previous occasions, the last of which was on January 4, 2002. This was an optimum time to be in Peru, as they are in the midst of Presidential elections which had taken place the day before our arrival. We first met with Ambassador Curtis Struble, who was confirmed as Ambassador to Peru on December 9, 2003. He and his staff gave us a country briefing and informed us that Peru's poverty rate is approximately 50 percent, but that Peru's economy is starting to rebound and per capita growth rate rose in 1 year from \$2,100 a year to \$2,800.

Soon after our meeting with Mr. Struble, we were met by Oscar Marutua, Peru's Foreign Minister, and Pedro Pablo Kuczynski, Peru's Prime Minister. I was especially impressed with Mr. Kuczynski, who is a graduate of Princeton University and worked in New York City for 20 years. He reminded me of our squash match 4 years earlier and commented on my "drop" shots.

One of our primary concerns was the status of Peru's recent Presidential elections. Prime Minister Kuczynski advised us that there were a total of 23 separate candidates running for President in Peru. Out of these 23, only 3 were viewed as serious candidates. Ollanta Humala, a leftwing candidate who had been receiving significant monetary support from President Chavez, was leading in the early election return with 30 percent of the vote. The other two primary candidates, Ms. Lourdes Flores Nano and Alan Garcia, were characterized by Mr. Kuczynski as moderates and were in a dead heat, each capturing about 25 percent of the votes.

Mr. Kuczynski explained that under Peru's political system, if no candidate receives 50 percent of the vote, then a run-off vote between the top two candidates occurs on May 7, 2006. Without question, it will be in the interest of the United States that either Ms. Flores Nano or Mr. Garcia prevails in Peru's election for President.

Foreign Minister Maertua stated that there are approximately 1 million Peruvians living in the United States. Of these, he estimated that 50 percent were residing in the United States illegally. Kuczynski suggested breaking the issue of immigration down into two parts: what to do with the people already in the United States and what to do with those who would like to go there.

Senator SESSIONS and I also met with Susan Keogh, Director of Narcotics Affairs in Peru. Ms. Keogh discussed the current difficulties the Peruvian Government was having in combating narcotics and the deleterious effect that narcotic cultivation has on the environment. Ms. Keogh stated that approximately 400,000 acres are being deforested annually for the cultivation of coca and other plants. On average, there are approximately 40,000 to 100,000 coca plants per 2 acres, which require about 2 tons of chemicals to be used for their production. Since coca is very vulnerable to diseases, coca growers cover the coca with pesticides which are very deleterious to the environment. Some portions of these chemicals almost always find their way into rivers and streams, as coca must be cultivated close to a water supply.

I asked what efforts the Peruvian Government is taking to combat these problems. Ms. Keogh remarked that the Peruvian Government hardly focuses on this issue and that the growth of cocaine and the effects on the environment was rarely mentioned during the current Presidential campaign. We suggested to Ms. Keogh that she and her colleagues, who were concerned about protecting the environment, should write letters to the editor of respected Peruvian newspapers expressing their concern over the growth of cocaine in Peru and the deleterious effects that this cultivation is having on the environment.

Senator SESSIONS and I arrived in Brazil on April 12, 2006. Immediately upon our arrival, we met with acting U.S. Ambassador and Deputy Chief of Mission to Brazil, Phillip Chicola, a Cuban-American who came to the United States in 1961 and graduated from Florida Atlantic University. Mr. Chicola stated that, although Brazil views the United States as an ally, the Brazilian administration has made building relations with neighboring countries in the southern hemisphere its first priority. He said that Brazil is seeking to redress U.S. influence by strengthening ties with nontraditional trading partners such as India and China.

Senator SESSIONS and I also asked Mr. Chicola about narcotics trafficking throughout South America. Mr. Chicola stated that, although Brazil is not a significant drug-producing country, Brazil does serve as a conduit for cocaine moving to Europe and Africa. Specifically, both Colombian and Bolivian drug smugglers attempt to transport cocaine over the Brazilian borders. Although Colombian drug smugglers have had some success in bringing narcotics across the border, the Amazon rain forest and various rivers provide natural boundaries against drug smuggling. As a result of these natural boundaries, drug smugglers have attempted to fly drugs out of Colombia and into Brazil. Mr. Chicola stated that the majority of drug smugglers now ship their cocaine through

Venezuela as a result of Brazil's shutdown law, which authorizes the Brazilian Air Force to use lethal force in the interdiction of aircraft suspected of involvement in drug trafficking.

Later during the trip we met with Under Secretary for South American Affairs Ministry for External Relations, Jose Eduardo Felicio. Mr. Felicio was an articulate, impressive man, who spent several years of his life working in New York City. One of the first questions we asked Mr. Felicio was how the United States can limit the destabilizing effect that President Chavez has been having on South America. Mr. Felicio stated that the Brazilian Government views Chavez as the legitimately elected President of Venezuela even though they do not approve of everything he says publicly. Mr. Felicio stated that, despite Chavez's harsh rhetoric against the United States, Brazil does not believe there is sufficient proof that Chavez is a disrupting force in South America.

I also asked Mr. Felicio what steps the United Nations Security Council should take in regards to Iran's attempts to develop nuclear arms in violation of the nonproliferation treaty. Mr. Felicio stated that, while Iran should cooperate with requests made by the International Atomic Energy Association, Brazil does not believe that Iran is being treated fairly because there is a double standard against Iran. While certain countries like Israel, Pakistan, and India are permitted to develop nuclear programs in violation of the Nuclear Non-Proliferation Treaty, Iran has been unfairly singled out.

The next portion of the CODEL took us to Manaus, where we spoke with Mr. Francisco Ritta Bernardino, the owner of many hotels throughout the Amazon and noted author of several books dealing with the importance of the Amazon ecosystem. A lawyer and entrepreneur, Mr. Bernardino told us of his meeting with Jacques Cousteau, the famous diver and undersea explorer who documented life in the Amazon from December 1981 to November 1982. Mr. Bernardino stated that it was during this time period that Jacques Cousteau convinced him that the greatest threat to mankind was not nuclear war, but the destruction of nature. Cousteau believed that if the destruction of the Amazon was not halted, mankind would be sacrificing the future of their children and grandchildren.

Soon after Mr. Bernardino's meeting with Mr. Cousteau, he set about the construction of the Ariau Amazon Towers. Mr. Bernardino stated that he built the hotel in the middle of the Amazon in order to help people become acquainted with the Amazon in a region untouched by people. The Ariau Amazon Towers are built upon seven wooden towers interconnected by raised walkways over portions of the Amazon River. These walkways connect the towers with various docks and paths that lead throughout the Amazon.



During our meeting with Mr. Bernardino, we inquired about the origin of the Amazon River flow. Mr. Bernardino explained that the Amazon River is created at the junction of the Negro and Solimoes Rivers near Manaus. He stated that the water of the Negro River runs approximately 3,200 kilometers, originating from the various tributaries that spill out of the Andes Mountains of Colombia and Peru. The water of the Negro River is completely black, colored from the collection of minerals and organic materials that it collects from hundreds of tributaries that empty into it from the rock beds of the Andes. Mr. Bernardino explained that, although the Negro River is full of acid and poor in oxygen, it fertilizes the surrounding shores with its rich minerals. In contrast to the Negro River, Mr. Bernardino stated that the water of the Solimoes River is colored light blue and flows from the Brazilian-Peruvian border. The Solimões River runs for about 1,600 kilometers, until it meets the black Negro waters where it merges to form the Amazon River in a floodplain about 80 kilometers wide.

The Amazon River runs 5,904 kilometers in length; its basins widening during the rainy seasons to as much as 100 kilometers. Mr. Bernardino explained that approximately 1,100 tributaries empty their waters into the Amazon and that the Amazon average width ranges from 2 to 30 kilometers, until it reaches a width of 230 kilometers when it empties into the Atlantic Ocean. The flow of the Amazon river is so forceful that the waters of the Atlantic Ocean are pushed approximately 2 to 5 kilometers away from the shoreline of the Amazon basin by its free-flowing fresh water.

We also met with the National Aeronautical Space Administration, NASA, Project Liaison to Large Scale Biosphere Atmosphere Experiment, Josefine Durazo, about the effects the deforestation of the Amazon is having on global warming. Ms. Durazo explained that the Large Scale Biosphere Atmosphere Experiment, LBA, is an international cooperative research program led by Brazil and dedicated to the study of International Geosphere-Biosphere studies regarding the deforestation of the Amazon. She further stated that she worked with the LBA-ECO, which is a subproject operating under the LBA, funded entirely by NASA. The LBA-ECO is dedicated to gaining an understanding of how the ecosystem of the Amazon functions as a system and what effects the deforestation of the Amazon are having on climate control.

Ms. Durazo explained that NASA began funding the program in 1998 by constructing tower sites which measure carbon flux in various geographic areas within the Amazon. These towers, in conjunction with extensive support by Brazilian researchers, enable NASA to measure the flux of carbon levels during forest fires and lumbering

projects. As a result of this research, NASA and LBA have discovered that current logging efforts in the Amazon cover an area nearly equal to that of the portions that have already been deforested. Ms. Durazo stated that by using these techniques, NASA and the LBA will soon be able to determine the effect that the continued logging of the Amazon will have on the level of carbon dioxide being emitted to the atmosphere.

After our meeting with Ms. Durazo, I had my staff reach out to Michael Keller a physical scientist working at the International Institute of Tropical Forestry. According to Mr. Keller, carbon dioxide is responsible for the largest portion of the manmade greenhouse effect. Each year, there are eight gigatons, 1 billion tons, of carbon added to the atmospheric burden of carbon dioxide. Of those 8 gigatons, 1.6 result from land use change processes, such as the clearing of forest and savanna in the tropics. Mr. Keller estimates that .3 gigatons of the carbon emitted to the atmosphere occurs as a result of the deforestation of the Amazon. Accordingly, Mr. Keller and other experts believe that the deforestation of the Amazon is playing a significant role in the manmade greenhouse effect. NASA is continuing to study the data that they have collected in the Amazon.

Senator SESSIONS and I arrived in the Dominican Republic on April 15, 2006, and met for a team briefing with Peter Reilly of the DEA, Andy Diaz of the FBI, Michael Garuckis of the State Department, Jeff Radgowski of the Coast Guard and Timothy Tubbs of the Department of Homeland Security regarding issues of drug trafficking and immigration.

We were told at this briefing that the Dominican Republic's long border with Haiti, combined with its overstretched law enforcement agencies and geographic location in the Caribbean, make the country a prime location for drug traffickers. Although the Dominican Republic is not a major drug-producing country, it nonetheless acts as a transit point for cocaine and heroin bound for the United States from Colombia and Venezuela. The main trafficking points are by sea from Colombia, which lies just 360 nautical miles from the coast of the Dominican Republic.

We were also informed at this briefing that there are approximately 1.6 million Dominicans residing in the United States. In 2005, U.S. immigration authorities repatriated 4,918 Dominicans. Most of those returned to the Dominican Republic had served 4 to 9 years in jail in the United States.

After our country briefing, we traveled to see a training program run by the Hotel Association with assistance from USAID and the Peace Corp at La Romana Bayahibe Tourism Cluster, Romana Cluster. The Hotel Association is attempting to educate and train the local populace in order to make the Do-

minican Republic more attractive to tourists. The Romana Cluster is a community of homes built by USAID for displaced individuals on land purchased by the Hotel Association for displaced Dominicans.

While there, we met with Lisette Gill, the executive director of the Romana Cluster, and Rosa Garza of the Peace Corps. Ms. Gill explained that the Romana Cluster was started in 2001 by USAID to train the local community in marketable skills so that the area would be more attractive to tourists. Ms. Gill stated that the Romana Cluster receives approximately \$250,000 annually from the Hotel Association. Ms. Gill took us to a high school that was constructed by the Hotel Association for 120 students living in the Romana Cluster. Before the construction of this high school, we were told that Dominicans living in the area could not attend high school, as there was no public schooling available in the area.

Later that evening, we met with the Foreign Minister for the Dominican Republic, Mr. Carlos Morales Troncoso. I told the Foreign Minister that I had spoken to President Uribe about the problem of the United States of getting guest workers to return to their native country after they had finished working, and I was interested to hear his thoughts on the subject. Mr. Troncoso stated that the Dominican Republic had just begun a guest worker program with Spain. The Dominican Republic guest worker program was a 2-year program whereby the government would keep a log of where the worker would be working in Spain and where they could find him. Mr. Troncoso explained that, so long as the worker performed well and returned to the Dominican Republic at the end of the working season, then it would be permissible for the worker to work in Spain the following year. He stated that if the worker does not come back, that worker would be barred from being eligible for any future participation in a guest worker program.

Mr. Troncoso admitted that there is always the problem of some guest workers not wanting to return to the Dominican Republic, but nonetheless, the current system seems to be working well. Mr. Troncoso stated that, in 2005, Dominican Republic citizens working in the United States sent approximately \$2.8 billion back to their families in the Dominican Republic.

Senator SESSIONS and I also had the opportunity to meet with President Leonel Fernandez Reyna. President Reyna was a very impressive man who was born in Santo Domingo in 1953 and moved to New York City in 1956 where he attended elementary and junior high school. President Reyna returned to the Dominican Republic in 1969 and served as President from 1996-2000 but was not permitted to run again as a result of term limits. In 2003, however, the Dominican Republic constitution was changed, permitting President

Reyna to become President for a second time in 2004.

President Reyna spoke to us about the border problems that the Dominican Republic was having with illegal Haitian immigrants entering the Dominican Republic. President Reyna explained that, while the Dominican Republic's unemployment rate was 17.4 percent, Haiti's was approximately 50 percent. As a result of this, the Dominican Republic must constantly contend with Haitian citizens coming across the border looking for work. President Reyna stated that it was imperative for the Dominican Republic to encourage the expansion of democratic institutions in Haiti, in the hope that this would lead to political stability.

We returned to Washington on April 16 to use the second week of the recess to work on the immigration bill.

### HONORING OUR ARMED FORCES

STAFF SERGEANT KEVIN P. JESSEN

Mrs. LINCOLN. Mr. President, today I rise to pay tribute to SSG Kevin P. Jessen of Paragould, AR. To those who knew him best, he was a loving husband and proud father whose life was filled with love and laughter. To his fellow soldiers serving on the battlefields of Iraq, he was a hero who, in the course of saving countless American and Iraqi lives, sacrificed his own.

His lifelong interest in military history and explosives led him to a career as an explosive ordnance disposal technician. It came as no surprise to friends and family that the young Arkansan, who spent countless hours as a child playing with G.I. Joe toys and bottle rockets, would become a soldier. He joined the ROTC while in high school and upon graduation enlisted in the National Guard before ultimately joining the U.S. Army.

Staff Sergeant Jessen's first of three tours in Iraq occurred shortly after Operation Desert Storm when he helped dispose of explosives left over from the war. In 2004, he returned through service in Operation Iraqi Freedom, only to return for a third tour 6 months after his second was completed. While serving in a foreign land seemingly worlds away from home, his heart and thoughts were undoubtedly never far from his wife Carrie and his 2-year-old son, Cameron. Between tours of duty, this battle-hardened soldier was often found changing diapers or handling bottle feedings in the middle of the night. It was the proud duty of a man who loved his family so very much, and it was symbolic of his devotion to them.

Throughout his time in Iraq, Staff Sergeant Jessen's role as an explosives ordnance disposal technician ensured that he was often called upon to disarm roadside bombs. Although it continually placed him in the line of danger, he selflessly saw it as his duty to help protect the lives of his fellow soldiers as well as the lives of Iraqi civilians. Tragically, while serving on a postblast

investigation on March 4, 2006, he was killed by a secondary explosion in Rawah, Iraq.

At Staff Sergeant Jessen's memorial service, he was laid to rest with full military honors. Hundreds of family, friends, and those wishing to pay their respects joined together to remember this young Arkansan and to honor the life he led. Along his funeral procession, members of a grateful community endured the cold weather to honor this fallen hero, many with hands held over the hearts and waving American flags. At the cemetery, the American flag that had draped Staff Sergeant Jessen's casket was folded and presented to Carrie and Cameron as a token of remembrance of the man they loved and the sacrifice he made on behalf of us all.

Although the 28 years that Kevin Jessen spent with us were far too short, I am hopeful that his friends, family, and loved ones find some solace knowing that he touched the lives so many. He set examples of devotion to family and country that we should all follow, and he led an honorable life of love and selflessness that will continue to serve as an inspiration to us all.

My thoughts and prayers are with Carrie, Cameron, and all those who knew and loved this fallen hero.

STAFF SGT. BROCK A. BEERY

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Warsaw, IN. SSG Brock Beery, 30 years old, died on March 23 when his armored vehicle struck a land mine 80 miles west of Baghdad. With his entire life before him, Brock risked everything to fight for the values we Americans hold close to our hearts, in a land halfway around the world.

Brock decided to pursue a career in the Army in 1994, immediately following his graduation from Tippecanoe Valley High School. Remembered as a good student and a good husband, Brock took great pride in his work. He remained close to his family throughout his time in Iraq and planned to attend his younger sister's high school graduation in June. His father recounted to a local newspaper, "[Brock] liked his job. He liked challenges; he put his best foot forward every time. He gave his best to his family, too."

Brock was killed while serving his country in Operation Iraqi Freedom. He was a member of the Headquarters Company, 2nd Battalion, 123rd Armored Division, based in Bowling Green, KY. This brave young soldier leaves behind his mother and father, Pamela and Roger Beery; his wife and 7-year-old daughter, Sara and Elissa; his sister, Hope; and his brothers, Joel and Tobey. He was serving his third overseas tour of duty.

Today, I join Brock's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to

make the world a safer place. It is his courage and strength of character that people will remember when they think of Brock, a memory that will burn brightly during these continuing days of conflict and grief.

Brock was known for his dedication to his family and his love of country. Today and always, Brock will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Brock's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Brock's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Brock A. Beery in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged and the unfortunate pain that comes with the loss of our heroes, I hope that families like Brock's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Brock.

### LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

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

In March 2006, Gregory Pisarcik was sentenced to life in prison in Santa Ana, CA for the murder of Narciso Leggs, a gay man. During the attack, Pisarcik repeatedly hit Leggs over the head with a champagne bottle. When police later found his body one ear had been cut off and anti-gay slurs were written all over his body. According to sources, police feel that sexual orientation was a motivation for the attack.

I believe that the Government's first duty is to defend its citizens, to defend

them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law we can change hearts and minds as well.

#### GENOCIDE IN SUDAN

Mr. DODD. Mr. President, today is Holocaust Remembrance Day. Each year, our Nation commemorates this tragic event with a week-long period of remembrance, and this Thursday, I will join several of my colleagues in a ceremony honoring the victims of the Holocaust in the Capitol Rotunda. The theme for this year's "Days of Remembrance," the "Legacies of Justice," honors the courage and fortitude of those who testified during the trials of Nazi war criminals.

As many of my colleagues know, I have a personal connection to those trials. My father, Senator Thomas Dodd, then a young lawyer, was asked by the chief counsel for the United States at Nuremberg, U.S. Supreme Court Justice Robert Jackson, to join his prosecutorial team. My father served as vice-chairman of the Review Board and as executive trial counsel, and his experiences at those trials greatly influenced his thinking on human rights and the importance of international justice for the rest of his life.

One of the major accomplishments of the prosecutors and witnesses at Nuremberg was publicly exposing the scope of depravity of Nazi crimes. My father and his colleagues went to great lengths to meticulously record that evidence, and their efforts formed the basis of much of our current knowledge about the Holocaust. According to the U.S. Holocaust Memorial Museum, for example, it was during the Nuremberg trials that the world first heard the estimate of 6 million Jewish deaths.

I believe that my father and his colleagues placed so much emphasis on revealing the extent of Nazi crimes in large part because they understood that the Nuremberg proceedings had the potential to reach an audience that far exceeded the four members and four alternate members of the Tribunal sitting in judgment of the defendants. These trials would reveal to the world and to future generations that such unthinkable crimes were possible, and that the international community must, therefore, stand up to injustice and abuse wherever they occur.

The evidence uncovered by the Tribunal was truly horrific. Indeed, the crimes committed by the Nazis were so heinous that they required a new lexicon to describe them. These crimes were prosecuted under the legal terminology of "crimes against humanity," but later, an entirely new word describing them was formalized: genocide. Genocide refers to certain actions committed with the "intent to destroy, in whole or in part, a national, ethnical, racial, or religious group."

Sadly, the crime of genocide is not unique to the Holocaust. In Bosnia, Cambodia, and, of course, Rwanda, too many innocents died while the world looked away. And today, in Darfur, Sudan, escalating violence is claiming thousands of additional lives in a conflict that the Congress unanimously declared genocide almost 2 years ago, in July 2004. Secretary of State Colin Powell made that same declaration in September of that year.

Several weeks ago, I received a DVD about the situation in Darfur made by a group of Danbury, CT, high school students. The DVD, entitled "The Promise," is truly a wake-up call. The title, of course, refers to the promise made by the world after the Holocaust—the promise of "Never Again."

Yet, as these students so vividly portray, the people of Darfur continue to suffer while the world takes too little notice. By some estimates, as many as 300,000 people, many of them civilians, may have lost their lives in Darfur since the start of the conflict. The Government of Sudan has refused to curtail, and in many instances has actively supported, the activities of Jingawit militias that have attacked and targeted tribal groups of African decent.

In a particularly moving segment of their DVD, the Danbury students display some of the artwork of children who have fled their homes in Darfur. As the students say, so much can be learned through the eyes of a child, and these images, produced by the children without any prompting, are of war, fire, and death. I think of my own children and shudder to imagine them suffering through the terror that afflicts the children of Darfur every day. Indeed, despite all that we have learned since Nuremberg, I am sad to say that the promise of "Never Again" remains a promise unfulfilled.

But while the story of Darfur is clearly one of tragedy, it is also one of hope. Since the start of the conflict, I have been impressed by the dedication and advocacy demonstrated by the people of Connecticut on this issue. If we are ever to fulfill "the promise," it will be due to the extraordinary efforts of dedicated individuals such as these Danbury High School students. I am proud that these students, just like the brave individuals who stood up to testify at the Nuremberg Tribunals 60 years ago to demand justice, are standing up to demand action in Darfur today.

In their DVD, the Danbury High School students cite a famous statement by Ghandi: "Be the change you wish to see in the world." I can think of no greater compliment to these students and the numerous individuals in Connecticut and across this country who have advocated for increased international action in Darfur, than to say that they have lived up to that admonition. I ask unanimous consent that the names of the Danbury students who made this DVD be included in the record following my remarks.

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

(See exhibit 1.)

Mr. DODD. Today is a day of remembrance, but in remembering, we are also called to action. This week, we are debating the President's emergency supplemental request. To his credit, the President has included in that request substantial funds to support the African Union peacekeeping operation in Darfur and new humanitarian assistance.

Moreover, the United Nations Department of Peacekeeping Operations is scheduled to brief the Security Council tomorrow, on potential U.N. missions in Darfur. It is my hope that they will advocate a strong United Nations Peacekeeping force, despite Sudanese objections. It is also my fervent hope that we in the Senate actively support an increased international role in Darfur. Because only with our support can any international force hope to meet the enormous challenge of protecting the civilian population and providing a safe environment to supply humanitarian relief.

Finally, just as at Nuremberg the international community enforced justice where justice had too long been blind, I call on the Bush administration to actively support the work of the International Criminal Court in prosecuting those individuals who have committed crimes against the people of Darfur and against all humanity. I know the ICC is not popular in some circles of the Bush administration, but I believe it is the best tool we have to enforce the vision of universal justice that was inspired by Nuremberg.

Following the trials of the major war criminals before the International Military Tribunal at Nuremberg, President Truman declared: I have no hesitancy in declaring that the historic precedent set at Nuremberg abundantly justifies the expenditure of effort, prodigious though it was.

Individuals such as my father expected that the historic precedent described by President Truman would long inspire nations to take action against crimes such as those prosecuted at Nuremberg. The lesson of Nuremberg to these individuals was indeed the promise of "Never Again." I hope that on this somber day of remembrance, we will commit ourselves to renewing that promise.

#### EXHIBIT 1

##### BACKGROUND—A DANBURY HIGH SCHOOL PROJECT

"The Promise" is a Danbury High School student video about genocide in the Darfur region of Sudan. After school for three months at the end of 2005, a group of students worked with assistant principal Tim Salem on the project. The result is an eight minute documentary meant to raise awareness about the genocide and motivate action. The name "The Promise" is a reminder of the promise the United Nations and the world made in 1945 to hold people accountable for crimes against humanity. With the backdrop of the Holocaust, narration, images and quotations, the focus is on the plight of

the children of Darfur. The world was promised "never again". The children and people of Darfur are waiting.

## CREDITS

All students are members of the class of 2006 Danbury High School, Danbury, Connecticut.

Created by: Timothy Salem and Brian Simalchik.

With: Katherine Calle, Caitlin Eaglin, Catherine Trieu and Lily Yeung.

Written by: Timothy Salem.

Narrated by: Emily DeMasi.

Edited by: Brian Simalchik.

Appearing: Katherine Calle, Emily DeMasi, Caitlin Eaglin, Mathew Ficinus, Simone Hill, Nick Noone, Michael Steinmetz, Catherine Trieu, Brian Wright.

Special thanks to: Brianna English, William Najam, Emmanuel Omokaro, Adam Pin, Greg Scalzo, David Shih, Iwonka Stepniak, Allison Walker.

## IMMIGRATION REFORM

Mr. GRASSLEY. Mr. President, I rise to express concern about the consideration of comprehensive immigration reform legislation. As a member of the Judiciary Committee, I have been involved in the democratic process of reviewing, amending, and voting on this year's immigration bill. I was one of six Republicans who opposed the legislation in the committee on March 27.

When the bill was brought to the floor of the U.S. Senate, a select group of Members forged a "compromise" that drastically changed title VI of the bill that deals with the 11 million illegal aliens currently in the United States.

The Senate had very little time to review the bill. Moreover, some Members opposed any amendment that would change the Hagel-Martinez compromise. I had numerous amendments that would have improved the bill. However, the other side of the aisle refused to let our deliberative body do its job.

As a representative of the people of Iowa, I believe amendments should be debated. Therefore, I have asked the majority leader to make me aware of any unanimous consent agreements that both sides aim to enter into before unanimous consent is agreed to. I ask unanimous consent that my letter be printed in the RECORD.

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

UNITED STATES SENATE,  
CHARLES E. GRASSLEY,  
Washington, DC, April 25, 2005.

Hon. WILLIAM FRIST,  
Majority Leader, U.S. Senate, Washington, DC

DEAR LEADER FRIST: I respectfully request that I be consulted prior to the entering into of any and all Unanimous Consent Agreements with regard to the Senate's ongoing consideration of any and all immigration reform or border security related legislation. This would include, but not be limited to, S. 2611 and S. 2612. Thank you.

Sincerely,

CHARLES E. GRASSLEY,  
United States Senator

91ST ANNIVERSARY OF THE  
ARMENIAN GENOCIDE

Mr. FEINGOLD. Mr. President, this month people around the world are joining together to remember and honor the men, women, and children who perished in the Armenian genocide. One and a half million Armenians were systematically massacred at the hands of the Ottoman Empire, and over 500,000 more were forced to flee their homeland of 3,000 years. It is important that we note this terrible tragedy.

When the Armenian genocide occurred, from 1915 to 1923, the international community lacked a name for such atrocities. In January 1951, the Convention on the Prevention and Punishment of the Crime of Genocide entered into force to affirm the international commitment to prevent genocide and protect basic human decency. Today, we have the words to describe this evil, and we have an obligation to prevent it. But we must also have the will to act.

The Armenian genocide may have been the first instance of what Winston Churchill referred to as "the crime without a name," but it was certainly not the last. During the Holocaust, and later in the former Yugoslavia and Rwanda, the world has seen the crimes of ethnic cleansing and genocide recur again and again. Too often, the international will to stop atrocities has been lacking, or far too late in coming. Today, as the genocide in Darfur, Sudan, continues to unfold, we have to muster the will and the sense of urgency required to save innocent lives.

The international community has made the first steps, but it has a long way to go in punishing and, particularly, preventing genocide. As we move forward, we must learn the lessons of Armenia's genocide. We cannot be misled by the rhetoric of scapegoating, denial, and obfuscation used by murderous leaders to disguise their agenda. And we cannot respond to evidence of methodical, brutal violence by wringing our hands and waiting for some definitive proof that these events qualify as genocide. Enforcing a collective, international commitment to prevent and stop genocides from occurring is imperative. We owe the victims of the Armenian genocide this commitment.

This is why we must remember the Armenian genocide. To forget it is to enable more genocides and ethnic cleansing to occur. We must honor its victims by reaffirming our resolve to not let it happen again.

## NATIONAL VOLUNTEER MONTH

Ms. MIKULSKI. Mr. President, 7 months ago, the world watched in horror and disbelief as Hurricane Katrina tore through the gulf coast and left massive devastation in its wake. We have seen the pictures of toppled buildings, collapsed houses, and communities covered in an endless blanket of debris. We have wondered—how will they ever recover?

With the help of volunteers, slowly they are making progress. Hundreds of selfless do-gooders have been putting on hard hats, wading through homes knee-deep in mud, clearing debris and literally doing the dirty work.

April is National Volunteers Month. I wish to recognize it by saying thank you to all the volunteers and service workers everywhere. And this year I especially want to honor those helping out with Hurricane Katrina recovery. They are taking time out of their lives to help their fellow Americans in their time of need—and they are doing it out of the goodness of their hearts.

AmeriCorps is the embodiment of this spirit of volunteerism and service to the country. Since 1989, I have been a leader in the creation of AmeriCorps. I introduced the National and Community Service Act to establish the Corporation for National and Community Service to oversee and coordinate our national volunteer efforts and to create a demonstration program that has evolved into what we know today as AmeriCorps. As one of the founders, I have been its chief advocate in the Senate. I fought to create AmeriCorps, I fought to strengthen AmeriCorps, and I will continue to fight to save key AmeriCorps programs.

Hundreds of members of the AmeriCorps National Civilian Community Corps, NCCC, have set up camp in the gulf region. They have provided more than 250,000 service hours valued at \$3.8 million to Hurricane Katrina recovery projects. They are helping thousands get their homes, their communities, and their lives back.

Their help is needed now more than ever. But President Bush's fiscal year 2007 budget would completely eliminate the NCCC program and close its five campuses nationwide—including one in my own home State at Perry Point, MD. The Government let the people of the gulf coast down when Hurricane Katrina hit, we can't let them down in her aftermath.

That is why I fought back against President Bush's budget cuts and worked to make sure the emergency supplemental spending bill, which will be considered on the Senate floor this week, contained \$20 million for the NCCC to support volunteer hurricane recovery activities on the gulf coast and other affected areas.

AmeriCorps volunteers tackle the toughest problems in our communities. Not only are NCCC teams a vital resource in hurricane recovery on the gulf coast, they are deployed nationwide to build homes, clear thousands of acres of forests burnt by wildfires, and tutor children. They are unflagging, unflinching, and determined to make a difference. And we need their help. Now is not the time to take our volunteers for granted and turn our backs on the NCCC. It is time to thank them not just with words but with deeds.

# RETIREMENT OF JOYCE A. RECHTSCHAFFEN

Mr. LIEBERMAN. Mr. President, I rise today to convey my deep gratitude and everlasting appreciation to my Homeland Security and Governmental Affairs Committee staff director, Joyce A. Rechtschaffen, who is leaving the Senate after 10 years of service in my personal office and 7 on the committee to head Princeton University's governmental affairs office here in Washington.

Benjamin Franklin once said: "Energy and persistence conquer all things."

That six-word sentence sums up a career of accomplishments that could fill volumes.

Joyce was on the front lines of many of the challenges of the century just past and the century just begun. And through her energy and persistence she accomplished great things for the American people.

I hired Joyce in 1989, shortly after I was sworn in as a freshman Senator, and the two of us learned the ropes of this institution together.

She worked for me on the Environment and Public Works Committee, later moving to my personal office as my environmental legislative assistant and counsel.

Joyce, a graduate of Princeton University and Harvard Law School, developed a reputation as a tiger early on, contributing significantly to the Clean Air amendments of 1990, working passionately to preserve the Arctic National Wildlife Refuge, and proposing innovative solutions to stemming harmful greenhouse gases.

It is a reputation she not only never lived down but made a point of earning time and time again on issue after issue.

In 1999, I became ranking member of the former Government Affairs Committee, and I appointed Joyce as minority staff director. In 2001, I became chairman when Democrats regained control of the Senate, and Joyce became majority staff director through the following year.

Whether in the majority or minority, Joyce never let up. With her brilliant mind, near photographic memory, and absolute dedication to the job, Joyce has seen this committee through 6 years of profound accomplishment.

She brought her knowledge of environmental issues to bear by launching principled and studied investigations into the Bush administration's regulatory actions and energy policies.

Joyce helped this committee run its investigation of the demise of the Enron Corporation, establish the 9/11 Commission, and write legislation creating the Department of Homeland Security and the reorganization of our intelligence systems—among the most significant reorganizations of Government in half a century.

And in her final mission for the committee and the American people, Joyce helped shepherd our bipartisan inves-

tigation and report on the Government's failed response to Hurricane Katrina.

Leading by example, Joyce helped assemble and retain a loyal staff whose work ethic and dedication have been tested time and time again with late nights on tight deadlines handling mighty challenges for the American people. They are the envy of the Senate.

But this is all in Joyce's nature. Shaking things up was just part of Joyce's nature. To Joyce, the status quo was often a barrier to progress that must fall as the constant casualty of time as we advance the cause of making our Nation safer, fairer, and more just for each and every American.

I am sorry to lose Joyce's vast knowledge and expertise, and I will miss her sound advice, strict attention to every aspect of an issue, and most of all her faithful service to me through 17 years.

But Joyce, you can walk away knowing that it was a job well done.

Robert F. Kennedy said: "Few will have the greatness to bend history itself. But each of us can work to change a small portion of events, and in the total of all those acts will be written the history of this generation."

Joyce, through her energy, persistence, and selflessness, has written herself silently into the history of the great challenges of this generation and left a legacy of achievement that will be both the envy and inspiration for all those who follow.

Unfortunately, our committee has not had a markup since Joyce announced her retirement; our next one will be next week, after Joyce has left us. But because we owe her so much, I will be asking the committee at next week's markup to report an original resolution thanking her. Chairman COLLINS has said she will join me in this resolution, the text of which follows these remarks. But let me close by saying thank you Joyce. I owe you more than I can say, and I wish you all the best.

I ask unanimous consent that the text of a proposed resolution be printed in the RECORD.

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

THANKING JOYCE RECHTSCHAFFEN FOR HER SERVICE TO THE SENATE AND TO THE COMMITTEE ON THE HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Whereas Joyce Rechtschaffen, an accomplished environmental lawyer, joined the staff of Senator JOSEPH I. LIEBERMAN upon his entry into the Senate in 1989 and served as his legislative assistant and counsel for environmental issues for almost ten years;

Whereas during her tenure in Senator LIEBERMAN'S office, Joyce Rechtschaffen contributed significantly to the protection of the nation's environment, most significantly through important contributions to the landmark 1990 amendments to the Clean Air Act, ceaseless efforts work to protect the Arctic National Wildlife Refuge and innovative proposals to stem the harmful effects of greenhouse gasses;

Whereas in 1999, upon Senator LIEBERMAN becoming the Ranking Member on the then-named Governmental Affairs Committee, Joyce Rechtschaffen took on the new challenge of serving as Democratic Staff Director;

Whereas during her more than seven years in that position, Joyce Rechtschaffen has worked tirelessly to advance the work of the Committee and of the nation;

Whereas Joyce Rechtschaffen has played a leading role in every accomplishment of the Committee since 1999, from the 2002 creation of the Homeland Security Department, to the establishment of the 9/11 Commission that same year, to the 2004 reorganization of the Intelligence Community, to the Committee's 2006 investigation into the governmental response to Hurricane Katrina, among many other things;

Whereas Joyce Rechtschaffen has shown the same focus and dedication to all of the work of the Committee no matter how significant the issue at hand;

Whereas Joyce Rechtschaffen has been a model manager, staffer, employee and colleague to all who have worked with her;

Whereas Joyce Rechtschaffen has worked tirelessly and selflessly for the Committee these past seven years, often at great personal sacrifice;

Whereas Joyce Rechtschaffen has been a model of integrity, intelligence, compassion and commitment to building a better America and has shown herself to be the very best and brightest of both civil and Congressional service; Now therefore, be it

*Resolved*, That the Committee on Homeland Security and Governmental Affairs thanks Joyce Rechtschaffen for her years of work for and dedication to the Senate and to the Committee and wishes her every success in her future endeavors.

## ADDITIONAL STATEMENTS

### UNIVERSITY OF MONTANA GRIZ

• Mr. BAUCUS. Mr. President, in Montana, we have a long and proud athletic heritage, and the University of Montana men's basketball team has added yet another chapter to this great legacy.

The Griz finished their Cinderella season with a 24-to-7 record. Among their many great achievements this season was beating perennial basketball powerhouse Stanford, upsetting the top-seeded Northern Arizona Lumberjacks to win the Big Sky tournament, and shocking the No. 5 seeded Nevada Wolfpack in the first round of the NCAA tournament.

This truly was a magical season for our Griz. By advancing to the second round of the NCAA tournament, the Griz accomplished a feat no Griz team had in over 30 years. Yet this season was about more than just wins and losses, it was about a team that is a true class act—both on and off the court.

This team's dedication to their school, their fans, their studies, and their community is a direct reflection of the man who leads them. Coach Larry Krystkowiak is truly the epitome of what it means to be a Montanan. Growing up in a small town, Coach "K" went on to play basketball at the University of Montana, where he

still holds the record for the most points and rebounds in a career. Once he completed his collegiate career, he went on to a successful career in the NBA.

After his retirement from professional basketball, Coach "K" moved to the other side of the bench and became an assistant coach. Eventually he found himself back home, as coach of the Griz. As head coach, Coach "K" instilled in his team that being a college athlete is about more than just playing a sport, it is about being a role model for a community. Nothing exemplifies this mentality more than when Coach "K" himself offered to have his head shaved in order to show support to a friend who had recently been diagnosed with cancer and to raise money for children who were battling the disease.

I want to take this opportunity to publicly congratulate each player on the roster, the coaching staff, Coach "K", and the entire University of Montana community for their magical season.

I ask that the list of coaches and team members be printed in the RECORD.

The information follows:

2005-2006 UNIVERSITY OF MONTANA MEN'S BASKETBALL TEAM

Coaches: Larry Krystkowiak, Head Coach; Andy Hill; Brad Huse; and Wayne Tinkle.

Players: Mike Chavez; Kevin Criswell; Matt Dlouhy; Bryan Ellis; Jordan Hasquet; Matt Martin; Virgil Matthews; Stuart Mayes; John Seyfert; Kyle Sharp; Greg Spurgetis; Andrew Strait; Austin Swift; and Eric Van Vliet.●

#### TRIBUTE TO VICTOR FONTANEZ

● Mr. BOND. Mr. President, I rise today to honor Mr. Victor Fontanez of Platte City, MO. Mr. Fontanez is a World War II veteran who served with distinction in Europe from 1942 to 1945.

Mr. Fontanez joined the Army in January of 1941, 11 months before the attacks on Pearl Harbor. He recognized the need for soldiers to answer the call, and swiftly volunteered for service wherever he could be used. Joining Company B, 47th Infantry Battalion, 9th Division, Mr. Fontanez was quickly shipped to North Africa where he participated in the larger Battle of Tunisia against German Field Marshal Erwin Rommel's vaunted Afrika Korps.

In April of 1943, near the town of El Guettar, his battalion was given orders to go over the top of an important hill. As he ran down the hill towards the enemy, a mortar shell exploded close to him, sending shrapnel into the left side of his body. Despite profuse bleeding, he continued on to the bottom of the hill and took cover near a large rock. Another mortar hit the rock, sending concussions through his body and making it difficult to breathe. After the attack, his fellow heroes helped him back to the headquarters, where he was patched up quickly and evacuated to an American hospital in Oran.

For the wounds he suffered that day, he was awarded the Purple Heart.

After his recovery, he was assigned to the 36th Infantry Division as a combat engineer. He was a crucial part of the landing forces at Salerno Bay, Italy. After securing their positions, they were given orders to help reinforce the Anzio beachhead, and then to take Velletri, one of the key cities that the Germans used in the defense of Rome. After the Nazis fell, his division marched through the streets of Rome to a hero's welcome. After the liberation of Rome, his division was sent off on ships to another crucial mission: the invasion of southern France.

It was during Operation Dragoon on the beaches of France that Mr. Fontanez would earn his highest award for valor. While the troops advanced inland from the landing area, a low-flying plane dropped a bomb onboard one of the ships in the bay, causing explosions and major fires.

After seeing a number of badly burned men jump from the ship with their clothes on fire—and with total disregard for his own safety—he entered the water and was able to swim several safely to shore.

For this selfless act of bravery, he was awarded the Soldier's Medal.

Later he rejoined his company and was able to help drive the Germans out of Cannes and Grenoble. Moving through the cold snow, they rested where they could. As Christmas 1944 approached, the 36th was hoping for a lull in fighting, but German forces launched an attack to the north. After successfully defending their positions, the 36th renewed the offense and crossed the Rhine River into Germany in late March 1945. It was shortly after this that Mr. Fontanez got his well-deserved rest, and was expedited home for extended leave.

Like so many of his generation, Mr. Fontanez's success extended beyond the battlefield. He fathered two children: a son, Victor, Jr., who is now a retired military officer; and a daughter, Edith, who currently lives in Platte City and works with Support Our Troops & Vets.

He is the proud grandfather of six grandchildren and great-grandfather of four, and counts a military chaplain, two Army soldiers, a Guardsman, an attorney, and a social worker in his lineage. Nearing 90 years of age, Victor Fontanez is a proud member and example of our "greatest generation," and should be commended for his bravery in helping secure the freedoms we all enjoy. On this day, I encourage my colleagues to stand with me in praising the service of this true hero, Victor Fontanez.●

#### IN MEMORY OF MARCO ANTONIO FIREBAUGH

● Mrs. BOXER. Mr. President, California has lost a fine, young leader. Marco Antonio Firebaugh, former California Assembly majority floor leader,

representing the 50th assembly district, and chair of the California Latino Legislative Caucus, recently passed away. I would like to take a few moments to recognize Marco Antonio Firebaugh's many important accomplishments and the tremendous impact he made as a leader in California.

Born in Baja California, Mexico, Firebaugh served three terms as a member of the California State Assembly and one term as the majority floor leader. In 1998, he was first elected to the California State Assembly, representing the 50th assembly district. During his tenure, he fought for the rights of all Californians, including immigrants and their children, with passion and great success. Under his leadership, the California State Assembly passed legislation that focused on increasing the availability of education to all California residents.

He led the effort to appoint more qualified Latinos and Latinas to high-level positions in State government, including the appointment of only the second Latino to serve on the California Supreme Court, the first Latina to serve as chancellor of a University of California campus, and two additional Latino presidents at the California State Universities at Fresno and Sacramento.

Firebaugh worked strenuously to protect and defend the dignity of his constituents, regardless of their immigration status, and remained involved in community affairs after his departure from the California State Assembly. He served as a visiting professor and policy fellow at the UCLA School of Medicine, Center for the Study of Latino Health and Culture. Most recently, he decided to reenter public life, as a candidate for the California State Senate, 30th district, and gained the support of many local community leaders, including current 30th district State senator Martha Escutia. His dedication to his fellow Californians will be missed.

I invite all of my colleagues to join me in recognizing and honoring Marco Antonio Firebaugh for his guidance and leadership in fighting to improve the lives of all Californians. He is survived by his mother, Carmen Ramos Garcia; his children, Ariana and Nicolas; brothers, Carlos and Jesse; and sisters, Cecilia and Esmeralda.●

#### TRIBUTE TO MARGARET SULLIVAN WILSON

● Mr. DODD. Mr. President, today I rise to honor one of Connecticut's finest educators: Margaret Sullivan Wilson.

Peg Wilson is a lifelong resident of Norwich, CT. Throughout her life, she has been dedicated to serving the people of her native city, as well as improving educational opportunities for children in Connecticut and, indeed, in America.



A 1944 graduate of Willimantic State Teachers College—now Eastern Connecticut State University—Peg received a bachelor's degree in education. She also attained a master's degree from the University of Connecticut. Between 1945 and 1950, she taught at Norwich Elementary School and was a reading supervisor in the Greenwich Public Schools. Returning to Eastern in 1950, Peg devoted herself to improving early childhood education.

In particular, Peg has dedicated herself to changing the way young students are taught. She advocated providing an individual approach to early childhood education, which was considered radical by many educators in the early 1950s. However, over the ensuing decades this approach has become widely accepted as the best method of preparing young children for success in school and life.

Peg Wilson was ahead of her time in recognizing the importance of providing children a comprehensive and demanding curriculum that considers each child's strengths and weaknesses. Her determination to improve early education was the driving passion of her career. As both a teacher and administrator, Peg imparted her "radical" theory to thousands of prospective teachers and parents during her nearly 40 years at Eastern. This knowledge undoubtedly improved the lives of even more children in Connecticut and throughout the country. For that, we should all be grateful.

During, and after her illustrious career at Eastern, Peg remained active in her community. While working at Eastern, Peg served on the Norwich Board of Education for 18 years. In addition, she is an original cofounder of the Norwich Historical Society, which is dedicated to promoting the history of that great New England town. In addition, she remained active in local politics, even running for city council president and State senate. Her contributions to her community have long been acknowledged; Peg received the Norwich Citizen of the Year Award in 1970.

Although Peg Wilson retired from Eastern in 1989 as vice president for administration and fiscal affairs, her dedication to early childhood development has continued undiminished. Never losing sight of her dream of individualized, comprehensive education for young children, Peg returned to Eastern as an assistant to the president. In this role, she spent nearly 4 years attempting to gain support for a facility on Eastern's campus dedicated to early childhood development. Her hard work, alongside that of the president and senior staff of Eastern, finally paid off. On February 28, 2006, Eastern University dedicated the Margaret S. Wilson Child and Family Development Complex. This new complex currently serves 14 children, ages 3 and 4, in a new comprehensive preschool, implementing many of the ideas Margaret Wilson has espoused for almost 60

years. As the center grows, a limited number of infants and up to 60 toddlers will be served. In addition, the center will eventually offer onsite services such as health, education, and financial services to the participating families. Peg's vision of comprehensive child development is truly being realized.

I would be remiss if I did not mention Peg's family: her late husband, W. Robert Wilson; her daughter, Margaret-Ellen Wilson; and her son, Dr. William Wilson, a recipient of Norwich's Native Son Award in 1999. Their love and support has been instrumental in allowing Peg to devote her career to promoting early childhood development.

As a Senator and a father of two young daughters, I am reminded every day of the importance of providing quality education early in a child's life. Throughout my career, I have strived to ensure that our country makes early childhood development a national priority. Today, I am honored to praise the work of someone who shares that commitment with me.

Margaret Wilson has played an integral role in improving thousands of young students' lives and reshaping early childhood education. The Margaret S. Wilson Child and Family Development Complex stands as a testament to one of Connecticut's most admired and visionary educators. This complex will help ensure that future generations of Connecticut children are provided with a quality education early in life, which is critical for our Nation's future. On behalf of a grateful state and nation, I say thank you, Peg Wilson, for all that you have done and continue to do for the children of America.●

#### CELEBRATING THE 125TH ANNIVERSARY OF ST. VINCENT HEALTH

● Mr. LUGAR. Mr. President, I am pleased to rise today in order to join my fellow Hoosiers in celebrating the 125th Anniversary of St. Vincent Health. Over the span of those 125 years, St. Vincent Health has grown into one of the largest health care systems in the State of Indiana, with 16 facilities serving 45 counties.

April 26, 2006, marks Founder's Day, the culmination of a year-long celebration which began on November 29, 2005, during which the 11,500 associates of St. Vincent and the communities they serve will commemorate this important milestone. This year Founder's Day will include the unveiling of a statue to commemorate the four Daughters of Charity who came to Indianapolis to start what is now known as St. Vincent Indianapolis Hospital and the 125 years of service that resulted from their remarkable work.

Like so many of my fellow Hoosiers, I am grateful for the important services that the associates of St. Vincent Health provide each day to Hoosiers in their time of need.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-6378. A communication from the Director, Regulations and Disclosure Law, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Establishment of Port of Entry at New River Valley, Virginia, and Termination of the User-Fee Status of New River Valley Airport" (CBP Decision 06-10) received on April 18, 2006; to the Committee on Finance.

EC-6379. A communication from the Regulations Coordinator, Center for Medicare Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program: Medicare Graduate Medical Education Application Provisions for Teaching Hospitals in Certain Emergency Situations" (RIN0938-AO35) received on April 18, 2006; to the Committee on Finance.

EC-6380. A communication from the Regulations Coordinator, Office of Financial Management, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program, Requirement for Providers and Suppliers to Establish and Maintain Medicare Enrollment" (RIN0938-AH73) received on April 24, 2006; to the Committee on Finance.

EC-6381. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—February 2006" (Rev. Rul. 2006-23) received on April 24, 2006; to the Committee on Finance.

EC-6382. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "April-June 2006 Bond Factor Amounts" (Rev. Rul. 2006-14) received on April 24, 2006; to the Committee on Finance.

EC-6383. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2006 Section 29 Inflation Adjustment Factor (for calendar year 2005)" (Notice 2006-37) received on April 24, 2006; to the Committee on Finance.

EC-6384. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the

report of a rule entitled "Gulf Opportunity Zone Bonds, Gulf Opportunity Zone Advance Refunding Bonds, and Gulf Tax Credit Bonds Notice" (Notice 2006-41) received on April 24, 2006; to the Committee on Finance.

EC-6385. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application of Section 338 to Insurance Companies" (RIN1545-AY49) received on April 24, 2006; to the Committee on Finance.

EC-6386. A communication from the Commissioner of Social Security, transmitting, pursuant to law, a report entitled "Report on Acquisitions Made from Foreign Manufacturers for Fiscal Year 2005"; to the Committee on Finance.

EC-6387. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "National Coverage Determinations"; to the Committee on Finance.

EC-6388. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Vision Rehabilitation for Elderly Individuals with Low Vision or Blindness"; to the Committee on Finance.

EC-6389. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation entitled "Child Pornography and Obscenity Prevention Amendments of 2006"; to the Committee on the Judiciary.

EC-6390. A communication from the United States District Judge, Federal Judicial Center, transmitting, pursuant to law, the Federal Judicial Center's Annual Report for the 2005 calendar year; to the Committee on the Judiciary.

EC-6391. A communication from the Commander, Civil Air Patrol, United States Air Force Auxiliary, transmitting, pursuant to law, the 2005 annual report to Congress concerning community service; to the Committee on the Judiciary.

EC-6392. A communication from the Chief Judge, Superior Court of the District of Columbia, transmitting, pursuant to law, the 2005 report on the progress of implementing the provisions of the Family Court Act; to the Committee on the Judiciary.

EC-6393. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Appellate Procedure that have been adopted by the Supreme Court of the United States pursuant to Section 2072 of Title 28, United States Code; to the Committee on the Judiciary.

EC-6394. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Supreme Court of the United States pursuant to Section 2075 of Title 28, United States Code; to the Committee on the Judiciary.

EC-6395. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Evidence that have been adopted by the Supreme Court of the United States pursuant to Section 2072 of Title 28, United States Code; to the Committee on the Judiciary.

EC-6396. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Criminal Procedure that have been adopted by the Supreme Court of the United States pursuant to Section 2072 of Title 28, United States Code; to the Committee on the Judiciary.

EC-6397. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the amendments to the Federal Rules of Civil Procedure that have been adopted by the Supreme Court of the United States pursuant to Section 2072 of Title 28, United States Code; to the Committee on the Judiciary.

EC-6398. A communication from the Secretary of Energy, transmitting, a draft of proposed legislation to authorize the Secretary of Energy to use expedited procedures to promulgate rules establishing energy conservation standards; to the Committee on Energy and Natural Resources.

EC-6399. A communication from the Secretary of Energy, transmitting, pursuant to law, the Annual Report on Federal Government Energy Management and Conservation Programs for Fiscal Year 2004; to the Committee on Energy and Natural Resources.

EC-6400. A communication from the General Counsel, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation: Make-or-Buy Plans" (RIN1991-AB64) received on April 12, 2006; to the Committee on Energy and Natural Resources.

EC-6401. A communication from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Incident Reporting Requirements" (RIN1010-AC57) received on April 18, 2006; to the Committee on Energy and Natural Resources.

EC-6402. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of \$100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC-6403. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement and a manufacturing license agreement for manufacture and export of defense articles or defense services sold commercially under a contract in the amount of \$100,000,000 or more to Turkey; to the Committee on Foreign Relations.

EC-6404. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more to Iraq; to the Committee on Foreign Relations.

EC-6405. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed multi-contract effort for manufacture and export of defense articles or defense services sold commercially under a contract in the amount of \$100,000,000 or more to Canada, France and the United Kingdom; to the Committee on Foreign Relations.

EC-6406. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the annual report on properties identified for possible disposal for fiscal years 2006 through 2007; to the Committee on Foreign Relations.

EC-6407. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to

law, a report consistent with the Authorization for Use of Military Force Against Iraq Resolution of 1002 (P.L. 107-243) and the Authorization for the Use of Force Against Iraq Resolution (P.L. 102-1) for the October 15, 2005 through December 15, 2005 reporting period; to the Committee on Foreign Relations.

EC-6408. A communication from the Secretary for Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Board of Veterans' Appeals: Rules of Practice: Public Availability of Board Decisions" (RIN2900-AM31) received on April 12, 2006; to the Committee on Veterans' Affairs.

EC-6409. A communication from the Secretary of Veterans Affairs and the Secretary of Defense, transmitting, jointly, a report regarding the implementation of the health resources sharing portion of the Department of Veterans Affairs and Department of Defense Health Resources Sharing and Emergency Operations Act for Fiscal Year 2002; to the Committee on Veterans' Affairs.

EC-6410. A communication from the Deputy Secretary of Veterans Affairs and the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, the report on the implementation of the health resources sharing portion of the Department of Veterans Affairs and Department of Defense Health Resources Sharing and Emergency Operations Act for Fiscal Year 2005; to the Committee on Veterans' Affairs.

EC-6411. A communication from the Chairman, National Foundation on the Arts and the Humanities, transmitting, pursuant to law, the annual report on the Arts and Artifacts Indemnity Program for fiscal year 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-6412. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Amendment to Prohibited Transaction Exemption 2002-51 (PTE 2002-51) to Permit Certain Transactions Identified in the Voluntary Fiduciary Correction Program" (RIN1210-ZA05) received on April 24, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-6413. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Voluntary Fiduciary Correction Program Under the Employee Retirement Income Security Act of 1974" (RIN1210-AB03) received on April 24, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-6414. A communication from the Director, Regulation Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "New Animal Drugs; Removal of Obsolete and Redundant Regulations" (Doc. No. 2003N-0324) received on April 12, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-6415. A communication from the Director, Regulation Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Immunology and Microbiology Devices; Classification of Reagents for Detection of Specified Novel Influenza A Viruses" (Doc. No. 2006N-0100) received on April 12, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-6416. A communication from the Director, Regulation Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled

"New Animal Drugs; Adamantane and Neuraminidase Inhibitor Anti-Influenza Drugs; Extralabel Animal Drug Use; Order of Prohibition" (Doc. No. 2006N-0106) received on April 12, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-6417. A communication from the Administrator, Office of Workforce Security, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Changes to UI Performs, Change 1, Performance Criterion for the Overpayment Detection Measure; Clarification of Appeals Timeliness Measures; and Implementation of Tax Quality Measure Corrective Action Plans (CAPs) received on April 12, 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-6418. A communication from the Administrator, Small Business Administration, transmitting, pursuant to law, the Administration's Fiscal Year 2005 Notification and Federal Employee Anti-Discrimination and Retaliation (No FEAR) Act Annual Report; to the Committee on Small Business and Entrepreneurship.

EC-6419. A communication from the Coordinator, Forms Committee, Federal Election Commission, transmitting, pursuant to law, the report of revisions to the instructions for FEC Form 3X and FEC Form 9; to the Committee on Rules and Administration.

EC-6420. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Foreign Assets Control Regulations" (31 CFR part 500) received on April 12, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-6421. A communication from the Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Conversion of Developments from Public Housing Stock; Methodology for Comparing Costs of Public Housing and Tenant-Based Assistance" ((RIN2577-AC33) (FR-4718-F-02)) received on April 12, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-6422. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, a report of proposed legislation relative to the financing of a capital improvement project at the Washington Aqueduct drinking water facility; to the Committee on Environment and Public Works.

EC-6423. A communication from the Assistant Secretary, Policy Management and Budget, Department of the Interior, transmitting, pursuant to law, the Department's inventory of commercial activities and the inventory of inherently governmental activities; to the Committee on Environment and Public Works.

EC-6424. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Louisiana" (FRL No. 8159-9) received on April 12, 2006; to the Committee on Environment and Public Works.

EC-6425. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List for Uncontrolled Hazardous Waste Sites" ((RIN2050-AD75)(FRL No. 8159-5)) received on April 12, 2006; to the Committee on Environment and Public Works.

EC-6426. A communication from the Principal Deputy Associate Administrator, Office

of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Polychlorinated Biphenyl (PCB) Site Revitalization Guidance Under the Toxic Substances Control Act (TSCA); Notice of Availability" (FRL No. 7687-9) received on April 12, 2006; to the Committee on Environment and Public Works.

EC-6427. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of the Clean Air Act, Section 112(I), Authority for Hazardous Air Pollutants: Perchloroethylene Air Emission Standards for Dry Cleaning Facilities: Commonwealth of Massachusetts Department of Environmental Protection" (FRL No. 8157-9) received on April 12, 2006; to the Committee on Environment and Public Works.

EC-6428. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Finding of Substantial Inadequacy of Implementation Plan; Call for Missouri State Implementation Plan Revision" (FRL No. 8158-7) received on April 12, 2006; to the Committee on Environment and Public Works.

EC-6429. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Notice of Availability of Award of Grants and Cooperative Agreements for the Special Projects and Programs Authorized by the Agency's FY 2006 Appropriations Act" (FRL No. 8053-8) received on April 12, 2006; to the Committee on Environment and Public Works.

EC-6430. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revocation of TSCA Section 4 Testing Requirements for Certain Chemical Substances" ((RIN2070-AD42)(FRL No. 7751-7)) received on April 12, 2006; to the Committee on Environment and Public Works.

EC-6431. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Tennessee: Revisions to Volatile Organic Compound Definition" (FRL No. 8157-8) received on April 12, 2006; to the Committee on Environment and Public Works.

EC-6432. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Washington: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL No. 8158-4) received on April 12, 2006; to the Committee on Environment and Public Works.

EC-6433. A communication from the Secretary, Department of Agriculture, transmitting, the report of draft legislation to authorize the Secretary of Agriculture to dispose of certain National Forest System lands and retain receipts; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6434. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyfluthrin; Pesticide Tolerance Technical Correction" (FRL No. 7766-2) received on

April 12, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6435. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sodium Metasilicate; Amendment to an Exemption from the Requirement of a Tolerance" (FRL No. 8063-5) received on April 12, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6436. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Small Lots of Seed Without Phytosanitary Certificates" ((RIN0579-AB78)(Doc. No. 02-119-2)) received on April 18, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6437. A communication from the Chief, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Transfer of Sugar Program Marketing Allocations" (RIN0560-AH37) received on April 12, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6438. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Acreage Reports and Noninsured Crop Disaster Assistance Program" (RIN0560-AG20) received on April 12, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6439. A communication from the Regulatory Contact, Information Security Oversight Office, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "National Industrial Security Program Directive No. 1" (RIN3095-AB34) received on April 12, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-6440. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Letter Report: Advisory Neighborhood Commission 7D Unauthorized Check Activity"; to the Committee on Homeland Security and Governmental Affairs.

EC-6441. A communication from the Director, Tennessee Valley Authority, transmitting, pursuant to law, the Report under the Government in the Sunshine Act for calendar year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-6442. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Report under the Government in the Sunshine Act for calendar year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-6443. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the annual report which contains certain fiscal year 2005 statistical data relating to Federal sector equal employment opportunity complaints; to the Committee on Homeland Security and Governmental Affairs.

EC-6444. A communication from the Archivist of the United States, transmitting, pursuant to law, the Fiscal Year 2005 Report Concerning Commercial Activities Inventory and Inherently Governmental Inventory; to the Committee on Homeland Security and Governmental Affairs.

EC-6445. A communication from the Chairman, United States Merit System Protection Board, transmitting, pursuant to law, the report entitled "Designing an Effective Pay for Performance Compensation System"; to the Committee on Homeland Security and Governmental Affairs.

EC-6446. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the annual Selected Acquisition Reports (SARs) for the quarter ending December 31, 2005; to the Committee on Armed Services.

EC-6447. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, (25) reports relative to vacancy announcements within the Department, received on April 12, 2006; to the Committee on Armed Services.

EC-6448. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Incentive Program for Purchase of Capital Assets Manufactured in the United States" (DFARS Case 2005-D003) received on April 12, 2006; to the Committee on Armed Services.

EC-6449. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (12) officers authorized to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-6450. A communication from the Acting Principal Deputy for Personnel and Readiness, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, a report of the closure of the Defense commissary store at Camp Hialeah, South Korea by July 31, 2006; to the Committee on Armed Services.

EC-6451. A communication from the Acting Principal Deputy for Personnel and Readiness, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, a report of the closure of the Defense commissary store at Bad Kissingen (Daley Village Army housing area), Germany by July 14, 2006; to the Committee on Armed Services.

EC-6452. A communication from the Assistant Secretary of Defense, Reserve Affairs, transmitting, pursuant to law, the Department's STARBASE Program 2005 Annual Report; to the Committee on Armed Services.

EC-6453. A communication from the Acting General Counsel, Office of General Counsel, Department of Defense, transmitting the report of proposed legislation relative to amending Section 1206 of the National Defense Authorization Act for Fiscal Year 2006; to the Committee on Armed Services.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Ms. STABENOW:

S. 2636. A bill to provide an immediate Federal income tax rebate to help taxpayers with higher fuel costs, and for other purposes; to the Committee on Finance.

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

S. 2637. A bill to suspend temporarily the duty on 1, 4-Benzquinone; to the Committee on Finance.

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

S. 2638. A bill to suspend temporarily the duty on 2-Methylhydroquinone; to the Committee on Finance.

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

S. 2639. A bill to suspend temporarily the duty on o-Anisidine; to the Committee on Finance.

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

S. 2640. A bill to suspend temporarily the duty on Benzoic acid 3,4,5-trihydroxy-, propyl ester; to the Committee on Finance.

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

S. 2641. A bill to suspend temporarily the duty on 2,4-Xylidine; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. LEVIN, Ms. CANTWELL, Ms. MIKULSKI, Mrs. BOXER, and Mr. HARKIN):

S. 2642. A bill to amend the Commodity Exchange Act to add a provision relating to reporting and recordkeeping for positions involving energy commodities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BINGAMAN (for himself, Mr. SMITH, Mr. BAUCUS, Mr. JOHNSON, Mrs. FEINSTEIN, Mr. FEINGOLD, Mrs. MURRAY, Mr. SALAZAR, Ms. CANTWELL, and Mr. INOUE):

S. 2643. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that Indian tribes are eligible to receive grants for confronting the use of methamphetamine; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. GRAHAM, and Mr. FRIST):

S. 2644. A bill to harmonize rate setting standards for copyright licenses under sections 112 and 114 of title 17, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. ALLEN (for himself and Mr. WARNER):

S. 2645. A bill to establish the Journey Through Hallowed Ground National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY:

S. 2646. A bill to create a 3-year pilot program that makes small, nonprofit child care businesses eligible for loans under title V of the Small Business Investment Act of 1958; to the Committee on Small Business and Entrepreneurship.

By Mr. THOMAS (for himself and Mr. ENZI):

S. 2647. A bill to suspend temporarily the duty on certain acrylic fiber tow imported in the form of 6 sub-bundles; to the Committee on Finance.

By Mr. THOMAS (for himself and Mr. ENZI):

S. 2648. A bill to suspend temporarily the duty on certain acrylic fiber tow; to the Committee on Finance.

By Mrs. BOXER (for herself, Mr. WYDEN, and Mrs. FEINSTEIN):

S. 2649. A bill to direct the Secretary of Commerce to provide emergency disaster assistance to mitigate the economic losses caused by the declining Klamath River salmon and to develop and implement a research and recovery plan for Klamath River salmon, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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

S. 2650. A bill to designate the Federal courthouse to be constructed in Greenville, South Carolina, as the "Carroll A. Campbell, Jr. Federal Courthouse"; to the Committee on Environment and Public Works.

By Mr. MENENDEZ (for himself and Mr. DEWINE):

S. 2651. A bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEVIN (for himself, Ms. COLLINS, and Mr. REED):

S.J. Res. 34. A joint resolution expressing United States policy on Iraq; to the Committee on Foreign Relations.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. LUGAR (for himself, Mr. BIDEN, and Mr. LEAHY):

S. Res. 441. A resolution expressing the support of the Senate for the reconvening of the Parliament of Nepal and for an immediate, peaceful transition to democracy; to the Committee on Foreign Relations.

By Mr. COLEMAN:

S. Res. 442. A resolution expressing the deep disappointment of the Senate with respect to the election of Iran to a leadership position in the United Nations Disarmament Commission and requesting the President to withhold funding to the United Nations unless credible reforms are made; to the Committee on Foreign Relations.

By Mr. FRIST (for himself and Mr. REID):

S. Res. 443. A resolution relative to the death of Francis R. Valeo, former Secretary of the Senate; considered and agreed to.

By Mr. SMITH (for himself, Mrs. FEINSTEIN, and Mrs. DOLE):

S. Res. 444. A resolution commemorating the 100th anniversary of the founding of the American Jewish Committee; considered and agreed to.

By Mr. SANTORUM (for himself, Mr. LIEBERMAN, Mr. NELSON of Florida, Mr. VOINOVICH, Mr. INHOFE, Mr. ENSIGN, Ms. SNOWE, Mr. BROWNBACK, Mr. ALLEN, Mrs. FEINSTEIN, Mr. DEWINE, Mr. LEVIN, Mr. CHAFEE, Mr. FRIST, Mr. LAUTENBERG, Mr. BURNS, Mr. SPECTER, Mr. HAGEL, Mr. THOMAS, Mr. WARNER, Mrs. DOLE, Mr. CRAPO, Mr. TALENT, and Mr. SUNUNU):

S. Res. 445. A resolution expressing the sense of the Senate in commemorating Holocaust Remembrance Day; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 351

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 351, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the Medicare Program.

S. 440

At the request of Mr. BUNNING, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became

disabled for life while serving in the Armed Forces of the United States.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 908

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

S. 912

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 912, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 914

At the request of Mr. ALLARD, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 914, a bill to amend the Public Health Service Act to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 1086

At the request of Mr. HATCH, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1440

At the request of Mr. CRAPO, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from New York (Mrs. CLINTON) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1440, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 1515

At the request of Mr. INOUE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1515, a bill to amend title XIX of the Social Security Act to improve access to advanced practice nurses and physician assistants under the Medicaid Program.

S. 1531

At the request of Mr. ENZI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1531, a bill to direct the Secretary of Health

and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

S. 1801

At the request of Mr. REED, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1801, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. 1906

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 1906, a bill to amend the Internal Revenue Code of 1986 to exclude property tax rebates and other benefits provided to volunteer firefighters, search and rescue personnel, and emergency medical responders from income and employment taxes and wage withholding.

S. 1998

At the request of Mr. CONRAD, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1998, a bill to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 2010

At the request of Mr. HATCH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2010, a bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 2076

At the request of Mr. HATCH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2076, a bill to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcement officers.

S. 2140

At the request of Mr. HATCH, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2181

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2181, a bill to amend title XIX of the Social Security Act to provide for an offset from the Medicaid clawback for State prescription drug expenditures for covered part D drugs for Medicare beneficiaries.

S. 2251

At the request of Mr. WYDEN, the name of the Senator from Florida (Mr.

NELSON) was added as a cosponsor of S. 2251, a bill to amend the Energy Policy Act of 2005 to repeal the ultra-deep-water and unconventional onshore natural gas and other petroleum research and development program.

S. 2321

At the request of Mr. SANTORUM, the names of the Senator from Missouri (Mr. BOND) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2370

At the request of Mr. MCCONNELL, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Pennsylvania (Mr. SPECTER), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Alaska (Mr. STEVENS) 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. 2399

At the request of Mr. CARPER, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2399, a bill to prohibit termination of employment of volunteers firefighters and emergency medical personnel responding to emergencies, and for other purposes.

S. 2409

At the request of Mr. SMITH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2409, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 2414

At the request of Mr. BAYH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2414, a bill to amend the Internal Revenue Code of 1986 to require broker reporting of customer's basis in securities transactions, and for other purposes.

S. 2422

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 2422, a bill to establish a Conservation and Habitat Restoration Fund and to require the Secretary of Commerce to provide grants to States for coastal zone management, coastal wetlands conservation, coastal land protection, and fisheries habitat restoration, and to improve understanding of coastal areas, and for other purposes.

S. 2487

At the request of Mr. CRAIG, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2487, a bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing

the competitiveness of United States-grown specialty crops.

S. 2493

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2493, a bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes.

S. 2548

At the request of Mr. STEVENS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2548, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

S. 2556

At the request of Mr. BAYH, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2556, a bill to amend title 11, United States Code, with respect to reform of executive compensation in corporate bankruptcies.

S. 2557

At the request of Mr. SPECTER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2557, a bill to improve competition in the oil and gas industry, to strengthen antitrust enforcement with regard to industry mergers, and for other purposes.

S. 2562

At the request of Mr. CRAIG, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 2562, a bill to increase, effective as of December 1, 2006, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

S. 2563

At the request of Mr. COCHRAN, the names of the Senator from Hawaii (Mr. INOUE), the Senator from North Carolina (Mrs. DOLE), the Senator from Kansas (Mr. ROBERTS) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 2563, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA-PD plans under such part.

S. 2593

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2593, a bill to protect, consistent with *Roe v. Wade*, a woman's

freedom to choose to bear a child or terminate a pregnancy, and for other purposes.

S. 2617

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2617, a bill to amend title 10, United States Code, to limit increases in the costs to retired members of the Armed Forces of health care services under the TRICARE program, and for other purposes.

S. RES. 182

At the request of Mr. BUNNING, his name was added as a cosponsor of S. Res. 182, a resolution supporting efforts to increase childhood cancer awareness, treatment, and research.

S. RES. 313

At the request of Ms. CANTWELL, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. Res. 313, a resolution expressing the sense of the Senate that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic.

S. RES. 409

At the request of Mr. NELSON of Florida, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. Res. 409, a resolution supporting democracy, development, and stabilization in Haiti.

S. RES. 439

At the request of Mr. DODD, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. Res. 439, a resolution designating the third week of April 2006 as "National Shaken Baby Syndrome Awareness Week".

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. SMITH, Mr. BAUCUS, Mr. JOHNSON, Mrs. FEINSTEIN, Mr. FEINGOLD, Mrs. MURRAY, Mr. SALAZAR, Ms. CANTWELL, and Mr. INOUE):

S. 2643. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that Indian tribes are eligible to receive grants for confronting the use of methamphetamine; to the Committee on the Judiciary.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Native American Meth Enforcement and Treatment Act of 2006.

Unfortunately, when Congress passed the Combat Methamphetamine Epidemic Act, tribes were unintentionally left out as eligible applicants in some of the newly-authorized grant pro-

grams. The bill I am introducing today, along with Senators SMITH, BAUCUS, CANTWELL, INOUE, JOHNSON, FEINSTEIN, FEINGOLD, MURRAY, and SALAZAR, would simply ensure that tribes are able to apply for these funds and give Native American communities the resources they need to fight scourge of methamphetamine use.

The recently-enacted Combat Methamphetamine Epidemic Act of 2005 authorized new funding for three grant programs. The Act authorized \$99 million in new funding for the COPS Hot Spots program, which helps local law enforcement agencies obtain the tools they need reduce the production, distribution, and use of meth. Funding may also be used to clean up meth labs, support health and environmental agencies, and to purchase equipment and support systems.

The Act also authorized \$20 million for a Drug-Endangered Children grant program to provide comprehensive services to assist children who live in a home in which meth has been used, manufactured, or sold. Under this program, law enforcement agencies, prosecutors, child protective services, social services, and health care services, work together to ensure that these children get the help they need.

In addition, the Combat Meth Act authorized grants to be made to address the use of meth among pregnant and parenting women offenders. The Pregnant and Parenting Offenders program is aimed at facilitating collaboration between the criminal justice, child welfare, and State substance abuse systems in order to reduce the use of drugs by pregnant women and those with dependent children.

Although tribes are eligible applicants under the Pregnant and Parenting Offenders program, they were not included as eligible applicants under either the Hot Spots program or the Drug-Endangered Children program. I see no reason why tribes should not be able to access all of these funds.

Meth use has had a devastating impact in communities throughout the country, and Indian Country is no exception. Last month there was an article in the Gallup Independent newspaper about a Navajo grandmother, her daughter, and granddaughter, who were all arrested for selling meth. There was also a one-year-old child in the home when police executed the arrest warrant. It is absolutely disheartening to hear about cases such as this, with three generations of a family destroyed by meth.

I strongly believe that we need to do everything we can to assist communities as they struggle to deal with the consequences of meth, and ensuring that Native American communities are able to access these funds is an important first step. I hope my colleagues will join me in supporting this important measure.

By Mrs. FEINSTEIN (for herself, Mr. GRAHAM, and Mr. FRIST):



S. 2644. A bill to harmonize rate setting standards for copyright licenses under sections 112 and 114 of title 17, United States Code, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am pleased to introduce the Platform Equality and Remedies for Rights-holders in Music Act, or the PERFORM Act, along with Senators GRAHAM and FRIST.

The need to protect creative works has been an important principle recognized in our country since its inception.

The founding fathers accurately understood the importance of intellectual property by including protective language in our Constitution, and in doing so they established a principle that would stand the test of time.

However, they could not have predicted that the path of innovation would eventually produce the amazing new technologies that we now take for granted.

While many of us still enjoy traditional analog radio, this, too, is rapidly changing. We now have music radio programs provided over the Internet, cable, and satellites. Even traditional radio is changing with the advent of new digital radio.

With the entry into the marketplace of these new music providers consumers are receiving the songs and artists they enjoy in new and innovative ways.

Yet, as these new business models and technologies are developed we must ensure that the artists and musicians who create and perform the music continue to be fairly compensated for their works.

Unfortunately, some of the new innovations have been used to supplant music sales and avoid fair compensation to the songwriters and performers.

From 1999 to 2004, total music sales have declined by 30 percent. Over the same period, CD sales declined 18 percent. The decline continued in 2005 as total album sales fell 7.2 percent year-over-year.

Some of this decline is due to outdated business models and competition from other entertainment products, some due to illegal actions and piracy, and some is due to outdated music licensing laws.

I believe our laws must strike the proper balance between fostering new business models and technology and protecting the property rights of the artists whose music is being broadcast.

I strongly support advancements in technology and I encourage ingenuity. The birth of the digital music place has been a boon for businesses and consumers. It is important that these new forums succeed and grow.

However, these new technologies and business models have become so advanced that the clear lines between a listening service and a reproduction and copying service has been blurred.

Historically, a radio service simply allowed music to be performed and lis-

tened to by an audience. However, many new services using the new digital transmissions and new technological devices have allowed consumers to also record, manipulate, and collect individual music play-lists off their radio-like services.

Thus, what was once a passive listening experience has turned into a forum where consumers can record, manipulate, reprogram and save songs to create their own personalized playlists.

As the modes of distribution change and the technologies change, so must our laws change. The government granted a compulsory license for radio-like services by Internet, cable, and satellite providers in order to encourage competition and new products.

However, as new innovations alter their services from a performance to a distribution the law must respond.

In addition, as the changing technology evolves, the distinctions between the services become less and less, and the differences in how they are treated under the statutory license make less sense.

Therefore I am introducing a bill that will begin to fix the inequities currently in the statute and open the door to further debate about additional issues that need to be addressed.

The bill I am introducing today with Senators GRAHAM and FRIST would: create rate parity—all companies covered by the government license created in Section 114 would be required to pay a fair market value for use of music libraries rather than having different rate standards apply based on what medium is being used to transmit the music; and establish content protection—all companies would be required to use reasonably available, technologically feasible, and economically reasonable means to prevent music theft. In addition, a company may not provide a recording device to a customer that would allow him or her to create their own personalized music library that can be manipulated and maintained without paying a reproduction royalty.

This does not mean such devices cannot be made or distributed. It simply means that the business must negotiate the payment for the music through the market rather than under the statutory license.

The bill also contains language to make sure that consumers' current recording habits are not inhibited. Therefore, any recording the consumer chooses to do manually will still be allowed. In addition, if the device allows the consumer to manipulate music by program, channel, or time period that would still be allowable under the statutory license.

For example, if a listener chooses to automatically record a news station every morning at 9:00; a jazz station every afternoon at 2:00; a blues station every Friday at 3:00; and a talk radio show every Saturday at 4:00; that would be allowable. In addition, that listener could then use their recording

device to move these programs so that all programs of the same genre are back to back.

What a listener cannot do is set a recording device to find all the Frank Sinatra songs being played on the radio-service and only record those songs. By making these distinctions this bill supports new business models and technologies without harming the songwriters and performers in the process.

Unfortunately, anytime legislation is introduced there is a lot of misinformation about what it does. Often criticisms are lobbed without reviewing the actual text of the bill. So, let me be clear about some of the concerns I have heard.

The bill would not apply to over-the-air broadcasting. Terrestrial radio, i.e. traditional radio distributed by the broadcasters is not covered under this bill. This legislation only covers businesses that are under the 114 license—Internet, cable, and satellite.

The only application to broadcasters would be if they were to act as webcasters and simulcast their programs over the Internet, in which case they would be treated the same as all other Internet radio providers.

The bill would not inhibit technological advances. It would place limits on the types of recording devices cable, Internet and satellite providers may offer, IF they want to enjoy the benefit of a government license.

If, however, a company wants to offer new technologies that allow for manipulation of music so that a consumer may create their own music libraries, similar to a downloading service, they may. There is nothing in this bill prohibiting the use or creation of new technologies the company would simply lose the benefit of a government license.

The bill simply states that if a company wants to change its service from a performance to a distribution then they no longer are covered by the government license and must go to the record companies directly to negotiate a licensing agreement through the market.

The bill would not be discriminatory. Some argue that changing the rates or establishing content protection is discriminatory. However, under current law some businesses are required to pay higher licensing rates than others even though they provide essentially the same services.

In addition, if a new satellite company were to be formed today they would be required to pay a higher rate than the current two companies in the market—that is not fair. Instead this bill would establish the same rates and protections for all companies.

The argument that this bill is discriminatory ignores the inequities of current law as it applies to Internet, cable, old and new satellite providers and instead focuses on the differences between these new radio providers versus terrestrial or traditional over-the-air radio.

The argument is that there are already devices available and new technologies that allow consumers to capture and manipulate music being played by over-the-air broadcasters. Yet this bill does not apply to broadcasters and instead only applies to Internet, cable and satellite.

The conclusion being that by not covering broadcasters we are giving them a free pass and being unfair to the new businesses.

While the obvious argument is that the Judiciary Committee does not have jurisdiction to regulate over-the-air broadcasters, I think it is important to acknowledge that the Commerce Committee is actively looking into this issue right now. In addition, I am aware that there are active negotiations occurring between broadcasters and the record labels to develop similar protections for their services.

Thus, while some may be frustrated that jurisdiction may lie in different committees, efforts are on-going in each to address these issues. I do not believe we, in the Judiciary Committee, should wait and do nothing to protect artists and songwriters simply because the Commerce Committee has not yet moved legislation to deal with the same concern for terrestrial radio.

Having said that, let me be clear, this is the beginning of a process to address a very specific problem. I believe that as the process unfolds there will be additional improvements or other issues that may need to be added.

Already, some have raised questions about language in the bill and additional modifications to Section 114 that I believe should be looked at more closely.

I understand there is some concern about what fair market value means, especially under a government licensing scheme where there is not an actual competitive market. I think it makes sense to look into this issue and see if there is a definition that can be developed.

In doing this, I believe we should look at all the different models that have been used. We should look at what the courts have held, what the copyright office has used, what a real competitive market would entail, as well as other factors that may not have been considered.

The bill as introduced does not address the other conditions applied to Internet, cable, and satellite services in order for them to get the benefit of the statutory license. The one that I am most concerned with is interactivity.

I think there is real confusion about what is and what is not allowed under the current statute. How much personalization and customization may these new services offer?

Currently licensing rates are higher for interactive services. However, there are clear disagreements as to what constitutes an interactive service.

I tried to have the parties meet to negotiate a solution to this issue so

that we could include new language this in the bill.

However, after two weeks and hours and hours of negotiations the parties were so far apart that a solution could not be reached. Despite this, I still believe this is an important issue that must be addressed.

Therefore, I put a placeholder in the bill that calls for the copyright office to make recommendations to Congress, but I am hopeful that through the process of moving this bill through the Senate we can develop a solution sooner rather than later.

I am hopeful that the parties will again meet and try to develop a compromise, however, if that does not occur I may try to work with my colleagues to develop a legislative solution independently.

Finally, some have raised concerns that applying content protection to all providers is unfair. They argue that if there is no connection between the distributor of the music and the technology provider that allows for copying and manipulating of performances then they should not be required to protect the music that they broadcast.

In general, I do not agree. We know that there are websites out there now that provide so-called stream-ripping services that allow an individual to steal music off an Internet webcast. It is not enough to turn a blind eye to this type of piracy and do nothing simply because there is no formal connection between the businesses.

At the same time, I am sympathetic to the concerns that if the type of technology a company uses is inadequate or ineffective, through no fault of their own, they can be saddled with huge mandatory penalties. I am willing to look at this issue more closely and see if there is some way to address this concern and find a compromise solution.

As I have said, this is the beginning of the process. I think this legislation is a good step forward in addressing a real problem that is occurring in the music industry.

Changes or additions may be necessary as the bill moves forward, but I believe to wait and do nothing does a disservice to all involved.

Music is an invaluable part of all of our lives. The new technologies and changing delivery systems provide exciting new options for all consumers. As we continue to move forward into new frontiers we must ensure that our laws can stand the test of time.

I look forward to working with my colleagues to pass this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD along with letters of support for the legislation.

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

S. 2644

*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 "Platform Equality and Remedies for Rights Holders in Music Act of 2006" or the "Perform Act of 2006".

#### SEC. 2. RATE SETTING STANDARDS.

(a) SECTION 112 LICENSES.—Section 112(e)(4) of title 17, United States Code, is amended in the third sentence by striking "fees that would have been negotiated in the marketplace between a willing buyer and a willing seller" and inserting "the fair market value of the rights licensed under this subsection".

(b) SECTION 114 LICENSES.—Section 114(f) of title 17, United States Code, is amended—

- (1) by striking paragraph (1);
- (2) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively; and
- (3) in paragraph (1) (as redesignated under this subsection)—

(A) in subparagraph (A), by striking all after "Proceedings" and inserting "under chapter 8 shall determine reasonable rates and terms of royalty payments for transmissions during 5-year periods beginning on January 1 of the second year following the year in which the proceedings are to be commenced, except where a different transitional period is provided under section 6(b)(3) of the Copyright Royalty and Distribution Reform Act of 2004, or such other period as the parties may agree.";

(B) in subparagraph (B)—

- (i) in the first sentence, by striking "affected by this paragraph" and inserting "under this section";
- (ii) in the second sentence, by striking "eligible nonsubscription transmission"; and
- (iii) in the third sentence—

(I) by striking "eligible nonsubscription services and new subscription"; and

(II) by striking "rates and terms that would have been negotiated in the marketplace between a willing buyer and a willing seller" and inserting "the fair market value of the rights licensed under this section";

(iv) in the fourth sentence, by striking "base its" and inserting "base their";

(v) in clause (i), by striking "and" after the semicolon;

(vi) in clause (ii), by striking the period and inserting "and";

(vii) by inserting after clause (ii) the following:

"(iii) the degree to which reasonable recording affects the potential market for sound recordings, and the additional fees that are required to be paid by services for compensation."; and

(viii) in the matter following clause (ii), by striking "described in subparagraph (A)"; and

(C) by striking subparagraph (C) and inserting the following:

"(C) The procedures under subparagraphs (A) and (B) shall also be initiated pursuant to a petition filed by any copyright owners of sound recordings or any transmitting entity indicating that a new type of service on which sound recordings are performed is or is about to become operational, for the purpose of determining reasonable terms and rates of royalty payments with respect to such new type of service for the period beginning with the inception of such new type of service and ending on the date on which the royalty rates and terms for preexisting subscription digital audio transmission services, eligible nonsubscription services, or new subscription services, as the case may be, most recently determined under subparagraph (A) or (B) and chapter 8 expire, or such other period as the parties may agree.".

(c) CONTENT PROTECTION.—Section 114(d)(2) of title 17, United States Code, is amended—

- (1) in subparagraph (A)—

(A) in clause (ii), by striking “and” after the semicolon;

(B) in clause (iii), by adding “and” after the semicolon; and

(C) by adding after clause (iii) the following:

“(iv) the transmitting entity takes no affirmative steps to authorize, enable, cause or induce the making of a copy or phonorecord by or for the transmission recipient and uses technology that is reasonably available, technologically feasible, and economically reasonable to prevent the making of copies or phonorecords embodying the transmission in whole or in part, except for reasonable recording as defined in this subsection;”;

(2) in subparagraph (C)—

(A) by striking clause (vi); and

(B) by redesignating clauses (vii) through (ix) as clauses (vi) through (viii), respectively; and

(3) by adding at the end the following:

“For purposes of subparagraph (A)(iv), the mere offering of a transmission and accompanying metadata does not in itself authorize, enable, cause, or induce the making of a phonorecord. Nothing shall preclude or prevent a performing rights society or a mechanical rights organization, or any entity owned in whole or in part by, or acting on behalf of, such organizations or entities, from monitoring public performances or other uses of copyrighted works contained in such transmissions. Any such organization or entity shall be granted a license on either a gratuitous basis or for a de minimus fee to cover only the reasonable costs to the licensor of providing the license, and on reasonable, nondiscriminatory terms, to access and retransmit as necessary any content contained in such transmissions protected by content protection or similar technologies, if such licenses are for purposes of carrying out the activities of such organizations or entities in monitoring the public performance or other uses of copyrighted works, and such organizations or entities employ reasonable methods to protect any such content accessed from further distribution.”.

(d) DEFINITION.—Section 114(j) of title 17, United States Code, is amended—

(1) by redesignating paragraphs (10) through (15) as paragraphs (11) through (16), respectively; and

(2) by inserting after paragraph (9) the following:

“(10)(A) A ‘reasonable recording’ means the making of a phonorecord embodying all or part of a performance licensed under this section for private, noncommercial use where technological measures used by the transmitting entity, and which are incorporated into a recording device—

“(i) permit automated recording or playback based on specific programs, time periods, or channels as selected by or for the user;

“(ii) do not permit automated recording or playback based on specific sound recordings, albums, or artists;

“(iii) do not permit the separation of component segments of the copyrighted material contained in the transmission program which results in the playback of a manipulated sequence; and

“(iv) do not permit the redistribution, retransmission or other exporting of a phonorecord embodying all or part of a performance licensed under this section from the device by digital outputs or removable media, unless the destination device is part of a secure in-home network that also complies with each of the requirements prescribed in this paragraph.

“(B) Nothing in this paragraph shall prevent a consumer from engaging in non-automated manual recording and playback in a

manner that is not an infringement of copyright.”.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 114.—Section 114(f) of title 17, United States Code (as amended by subsection (b) of this section), is further amended—

(A) in paragraph (1)(B), in the first sentence, by striking “paragraph (3)” and inserting “paragraph (2)”;

(B) in paragraph (4)(C), by striking “under paragraph (4)” and inserting “under paragraph (3)”.

(2) SECTION 804.—Section 804(b)(3)(C) of title 17, United States Code, is amended—

(A) in clause (i), by striking “and 114(f)(2)(C)”;

(B) in clause (iv), by striking “or 114(f)(2)(C), as the case may be”.

### SEC. 3. REGISTER OF COPYRIGHTS MEETING AND REPORT.

(a) MEETING.—Not later than 60 days after the Copyright Royalty Board’s final determination in Docket No. 2005-1 CRB DTRA, the Register of Copyrights shall convene a meeting among affected parties to discuss whether to recommend creating a new category of limited interactive services, including an appropriate premium rate for such services, within the statutory license contained in section 114 of title 17, United States Code.

(b) REPORT.—Not later than 90 days after the convening of the meeting under subsection (a), the Register of Copyrights shall submit a report on the discussions at that meeting to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

### NATIONAL MUSIC PUBLISHERS’ ASSOCIATION WELCOMES INTRODUCTION OF THE PERFORM ACT

April 25, 2006.—National Music Publishers’ Association President and CEO David Israelite today released the following statement regarding the Platform Equality and Remedies for Rights-holders in Music Act, or the “PERFORM Act,” new legislation to protect songwriters and music publishers while encouraging the growth of digital radio:

“The National Music Publishers’ Association supports this important legislation, which will protect music as it is transmitted over digital radio. It is crucial that Congress update antiquated copyright laws in these days of rapidly emerging technologies.”

“The songs we love and their creators need to be protected under the law. By passing the PERFORM Act, Congress will make certain that songwriters, music publishers and other members of the music community are compensated for their intellectual property.”

“Platforms like High Definition and Satellite radio should be able to thrive and expand, but not at the expense of those who worked so hard to create the music that fans crave. Ultimately, this bill will allow the consumer more ways than ever to get high-quality digital music, while fostering an environment that will lead to the creation of more music.”

“The NMPA applauds Sen. DIANNE FEINSTEIN (D-CA) and Sen. LINDSEY GRAHAM (R-SC) for their efforts on the behalf of music Publishers, songwriters and music fans everywhere.”

### NEW BIPARTISAN SENATE BILL LEVELS DIGITAL MUSIC PLAYING FIELD, ASSURES SATELLITE FIRMS PLAY BY SAME RULES AS OTHERS

MEMBERS OF MUSIC COMMUNITY HAIL BILL, SAYS WILL HELP ENSURE THAT ARTISTS AND SONGWRITERS FAIRLY PAID

WASHINGTON, APRIL 25, 2006—The Recording Industry Association of America (RIAA)

today hailed the introduction of new legislation to level the playing field for digital radio as a major step forward in the music industry’s drive for parity among digital music services. The bill—introduced today by Sens. DIANNE FEINSTEIN (D-CA) and LINDSEY GRAHAM (R-SC)—would reform the appropriate section of copyright law to assure satellite services play by the same rules as Internet music services—both in rate setting and content protection standards.

“There is a critical need for the government to harmonize the current protections and rate regimes that make for the haphazard patchwork covering digital music services today,” said RIAA Chairman and CEO Mitch Bainwol. “This patchwork is allowing satellite radio to morph into something altogether different—a digital distribution service—with the creators of music left in the lurch. This legislation seeks to right that wrong and ensure a marketplace where fair competition can thrive. We’re extremely grateful for the leadership of Senators FEINSTEIN and GRAHAM. This bill moves us far closer to achieving the platform parity that is so key to the health of the music industry in years to come.”

The digital music marketplace is undergoing a convergence across all platforms—a convergence creating arbitrary advantages for certain services over others at the expense of creators. While offering great opportunities for the music community, satellite broadcasters and music fans, the convergence of radio-like services and downloading capability requires changes in the law to protect against a satellite company transforming its model into a download service without the appropriate license.

The RIAA and others in the music community have made it clear that satellite radio services should be required to obtain a license in the marketplace to offer the capability to cherry pick individual songs and then permanently store them in a digital library. Legislation—such as the Feinstein-Graham bill—is needed to ensure that satellite services play by the same set of rules everyone else does and not profit from becoming a download/subscription model without acquiring the appropriate license and compensating artists and songwriters.

Because traditional terrestrial radio is not covered by the government license or this legislation, private market negotiations on measures to similarly protect high-definition (HD) radio are currently in progress. The RIAA has also praised the introduction of legislation by Rep. MIKE FERGUSON (R-NJ) that requires users of free government spectrum to protect content delivered through HD radio receivers through private market agreements.

By Mr. KERRY:

S. 2646. A bill to create a 3-year pilot program that makes small, nonprofit child care businesses eligible for loans under title V of the Small Business Investment Act of 1958; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, as Congress comes back in session for a five-week work period, it is high time we put partisan bickering aside and take up real issues that will improve the lives of America’s hard-working families. Today, I rise to address one such problem—the growing shortage of quality child care for our country’s future generations. Over the past 50 years, the United States has witnessed a 43 percent increase in the number of dual-

earner and single-parent families. Furthermore, the Census Bureau estimates that more than six million children are left home alone on a regular basis. Nationwide, more households than ever are struggling to make ends meet, while providing safe, nurturing environments for their children to grow up in. For many, child care is not a choice, but a necessity in this endeavor. That is why we owe it to our Nation's families to increase the availability of quality child care—because strong, healthy families build a stronger America.

As the Ranking Member on the Senate Committee on Small Business and Entrepreneurship, I firmly believe that we can work with the Small Business Administration (SBA) to cultivate and expand existing child care facilities. In light of this, I rise today to introduce the Child Care Lending Pilot Act of 2006, which establishes a three-year pilot program enabling small, non-profit child care businesses to be eligible for the SBA's 504 loans.

With affordable fixed low interest rates and long terms, 504 loans play a vital role in spurring economic development and the rebuilding of communities. Current law permits for-profit child care small businesses to finance building repairs and expand existing facilities through these 504 loans. However, their non-profit counterparts are unable to access the same financing through the SBA. Given that the majority of child care centers in many States across the country operate as non-profits, this system is shutting out the lion's share of facilities from obtaining necessary funds to provide quality care for the families they serve. The Child Care Lending Pilot Act of 2006 reverses this trend. By allowing non-profit child care businesses to apply for 504 lending, the legislation enables these entities to put down only 10 to 20 percent of the loan with a term of up to 20 years. With low, predictable monthly payments, these non-profit centers can then invest in the families they provide services to, by updating and improving their buildings and materials without breaking the bank or raising fees.

Since the industry is not high-earning overall, a majority of child care centers do not have an abundance of easily accessible capital. Proposals that call for centers to simply charge less or cut back on employees are not the way to make child care more affordable for families and do not serve in the children's best interests. An adequate staff is crucial in ensuring that children receive proper supervision and support to foster their development and learning. Furthermore, if centers are asked to decrease operating costs in order to lower costs absorbed by families, the safety and quality of the child care provided would most likely be in jeopardy.

In recent years, the Children's Defense Fund estimated that in all but one State, the average annual cost of

child care in urban area child care centers is more than the average annual cost of public college tuition. Additionally, they projected that child care can easily cost between \$4,000 to \$10,000 per year in cities and States across the Nation. Clearly, these high costs pose virtually insurmountable hurdles for low-income families in need of quality care for their children. Although many States have implemented grant and loan programs to help these child care small businesses, more must be done—not only to improve the quality of care, but also the overall supply of child care facilities for the Nation's neediest families.

I urge my colleagues to support this important legislation and allow non-profit child care providers to access SBA 504 financing for their facilities and the children they serve. Funded entirely through fees, this legislation requires no appropriation. Additionally, it is consistent with the three-year SBA reauthorization cycle. This legislation is the product of work on this issue in both the 107th and 108th Congresses. Similar legislation was introduced in 2002, S. 2891, however the four year provision made this program inconsistent with the cycle of SBA reauthorization. To remedy this, I reintroduced the measure in 2003 as S. 822, making the act a three-year pilot program consistent with the cycle of reauthorization. This pilot program was also part of the larger Senate Small Business reauthorization legislation in the last Congress, S. 1375. Unfortunately, this innovative proposal to expand child care, which had bipartisan support, was cut out of the final authorization package when a scaled-back version of the reauthorization legislation, without most Democratic initiatives, was added to the FY2005 omnibus appropriations bill.

Although there is no quick-fix solution for the Nation's child care shortage and lack of quality facilities, this bill marks an important step in the right direction by allowing non-profit child care centers to receive SBA loans. I hope that my colleagues on both sides of the aisle will recognize the vital role that early education plays in the development of fine minds and productive citizens, and realize that in this great Nation, child care should be available to all families in all income brackets. The Child Care Lending Pilot Act of 2006 is a sound investment in our Nation's future—our children.

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. 2646

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

#### SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the “Child Care Lending Pilot Act of 2006”.

(b) DEFINITIONS.—In this Act—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the term “small business concern” has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

#### SEC. 2. CHILD CARE LENDING PILOT PROGRAM.

Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “The Administration” and inserting the following:

“(a) AUTHORIZATION.—The Administration”;

(B) by striking “and such loans” and inserting “Such loans”;

(C) by striking “: Provided, however, That the foregoing powers shall be subject to the following restrictions and limitations:” and inserting a period; and

(D) by adding at the end the following:

“(b) RESTRICTIONS AND LIMITATIONS.—The authority under subsection (a) shall be subject to the following restrictions and limitations:”; and

(2) in paragraph (1)—

(A) by inserting after “USE OF PROCEEDS,—” the following:

“(A) IN GENERAL.—;” and

(B) by adding at the end the following:

“(B) LOANS TO SMALL, NONPROFIT CHILD CARE BUSINESSES.—

“(i) IN GENERAL.—Notwithstanding subsection (a)(1), the proceeds of any loan described in subsection (a) may be used by the certified development company to assist a small, nonprofit child care business, if—

“(I) the loan is used for a sound business purpose that has been approved by the Administration;

“(II) each such business meets all of the same eligibility requirements applicable to for-profit businesses under this title, except for status as a for-profit business;

“(III) 1 or more individuals has personally guaranteed the loan;

“(IV) each such business has clear and singular title to the collateral for the loan; and

“(V) each such business has sufficient cash flow from its operations to meet its obligations on the loan and its normal and reasonable operating expenses.

“(ii) LIMITATION ON VOLUME.—Not more than 7 percent of the total number of loans guaranteed in any fiscal year under this title may be awarded under this subparagraph.

“(iii) DEFINED TERM.—For purposes of this subparagraph, the term ‘small, nonprofit child care business’ means an establishment that—

“(I) is organized in accordance with section 501(c)(3) of the Internal Revenue Code of 1986;

“(II) is primarily engaged in providing child care for infants, toddlers, pre-school, or pre-kindergarten children (or any combination thereof), and may provide care for older children when they are not in school, and may offer pre-kindergarten educational programs;

“(III) including its affiliates, has tangible net worth that does not exceed \$7,000,000, and has average net income (excluding any carryover losses) for the 2 completed fiscal years preceding the application that does not exceed \$2,500,000; and

“(IV) is licensed as a child care provider by the State, the insular area, or the District of Columbia in which it is located.

“(iv) SUNSET PROVISION.—This subparagraph shall remain in effect until September 30, 2009, and shall apply to all loans authorized under this subparagraph that are applied for, approved, or disbursed during the period beginning on the date of enactment of this subparagraph and ending on September 30, 2009.”.

**SEC. 3. REPORTS.**

(a) **SMALL BUSINESS ADMINISTRATION.**—

(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter until September 30, 2009, the Administrator shall submit a report on the implementation of the program under section 502(b)(1)(B) of the Small Business Investment Act of 1958, as added by this Act, to—

(A) the Committee on Small Business and Entrepreneurship of the Senate; and

(B) the Committee on Small Business of the House of Representatives.

(2) **CONTENTS.**—Each report under paragraph (1) shall contain—

(A) the date on which the program is implemented;

(B) the date on which the rules are issued under section 4; and

(C) the number and dollar amount of loans under the program applied for, approved, and disbursed during the previous 6 months—

(i) with respect to nonprofit child care businesses; and

(ii) with respect to for-profit child care businesses.

(b) **GOVERNMENT ACCOUNTABILITY OFFICE.**—

(1) **IN GENERAL.**—Not later than March 31, 2009, the Comptroller General of the United States shall submit a report on the child care small business loans authorized by section 502(b)(1)(B) of the Small Business Investment Act of 1958, as added by this Act, to—

(A) the Committee on Small Business and Entrepreneurship of the Senate; and

(B) the Committee on Small Business of the House of Representatives.

(2) **CONTENTS.**—The report under paragraph (1) shall contain information gathered during the first 2 years of the loan program, including—

(A) an evaluation of the timeliness of the implementation of the loan program;

(B) a description of the effectiveness and ease with which certified development companies, lenders, and small business concerns have participated in the loan program;

(C) a description and assessment of how the loan program was marketed;

(D) by location (State, insular area, and the District of Columbia) and in total, the number of child care small businesses, categorized by status as a for-profit or nonprofit business, that—

(i) applied for a loan under the program (and whether it was a new or expanding child care provider);

(ii) were approved for a loan under the program; and

(iii) received a loan disbursement under the program (and whether they are a new or expanding child care provider); and

(E) with respect to businesses described under subparagraph (D)(iii)—

(i) the number of such businesses in each State, insular area, and the District of Columbia, as of the year of enactment of this Act;

(ii) the total amount loaned to such businesses under the program;

(iii) the total number of loans to such businesses under the program;

(iv) the average loan amount and term;

(v) the currency rate, delinquencies, defaults, and losses of the loans;

(vi) the number and percent of children served who receive subsidized assistance; and

(vii) the number and percent of children served who are low income.

(3) **ACCESS TO INFORMATION.**—

(A) **IN GENERAL.**—The Administration shall collect and maintain such information as may be necessary to carry out this subsection from certified development centers and child care providers, and such centers and providers shall comply with a request for

information from the Administration for that purpose.

(B) **PROVISION OF INFORMATION TO GOVERNMENT ACCOUNTABILITY OFFICE.**—The Administration shall provide information collected under this paragraph to the Comptroller General of the United States for purposes of the report required by this subsection.

**SEC. 4. RULEMAKING AUTHORITY.**

Not later than 120 days after the date of enactment of this Act, the Administrator shall issue final rules to carry out the loan program authorized by section 502(b)(1)(B) of the Small Business Investment Act of 1958, as added by this Act.

By Mr. MENENDEZ (for himself and Mr. DEWINE):

S. 2651. A bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Health, Education, Labor, and Pensions.

Mr. MENENDEZ. Mr. President, I rise today to introduce the "Simon Wiesenthal Holocaust Education Assistance Act." This important legislation would provide competitive grants for educational organizations to make Holocaust education more accessible and available throughout this Nation.

And I would like to thank my colleague Senator DEWINE for cosponsoring this legislation and my former colleague in the House, Congresswoman MALONEY, for her leadership on this issue.

This legislation could not come at a more important and solemn day in our lives. Today is Yom Hashoah, a day when we commemorate the approximately six million men, women and children of Jewish faith, as well as millions of others who were persecuted and murdered 65 years ago in a systematic, state sponsored genocide. Today, we also honor those who stood up against the genocide and risked their own lives to save others.

Today we stand in solidarity with Israel and the Jewish faith, and with all people throughout the world, in remembering these tragic events.

And today we honor Simon Wiesenthal who dedicated his life to making sure that those who perpetrated the horrors of the Holocaust were brought to justice.

Sixty-five years may seem like a lifetime away, and generations may have been raised thinking that the Holocaust, and events like it, is from a distant past. But let me be clear—these events are not so distant and are not in the past. In fact, they are in our present.

Just recently, Iran's president Mahmoud Ahmadinejad hatefully and outrageously declared the Holocaust a "myth" and Israel a "fake regime" which "cannot continue to live."

And just two months ago, an anti-Semitic gang that calls themselves "the Barbarians" tortured 23-year-old Ilan Halimi, a young Jewish man, for three weeks before leaving him for dead near a train station in Paris.

It is these events that make us aware of the destructive messages of hate and

violence that arise from Holocaust denial. It is these events that show us the importance of Holocaust education, abroad and in our own Nation.

For although some States now require the Holocaust to be taught in public schools, this legislation goes further and makes grants available to organizations that teach students, teachers, and communities the dangers of hate and the importance of tolerance in our society. This legislation would give educators the appropriate resources and training to teach accurate historical information about the Holocaust and convey the lessons that the Holocaust provides for all people.

We must recognize that by remembering the millions who were murdered in the Holocaust, we create a sense of responsibility to stop genocide wherever it takes place. But we must also remember that hate crimes and genocide could, and are still, happening today.

We are reminded, through the deplorable comments made by Iranian President Ahmadinejad against Israel and through the murder of young Ilan Halimi in France that anti-Semitism still exists even 65 years after the Holocaust. The awful acts of murder and rape in Darfur are a horrific example of genocide in the 21st century.

And those who believe that anti-Semitism is an attack that need not be answered by those who are not Jewish do not recognize the consequences of history. In fact, an attack against anyone simply because of race or religion is ultimately the beginning of the unraveling of civilization. It is in our common interest to raise our voices against anti-Semitism and against all hatred and discrimination.

We must fight the chorus of anti-Semitism and fight the fear and the hate. As a Nation proud of our diverse heritage, we must, each of us, take a stand. With our words, but most importantly with our actions, we will turn the tide against this new wave of anti-Semitism. And funding accurate educational programs on the Holocaust is a step toward winning this battle.

In the words of Samantha Power, a renowned expert on genocide, "the sharpest challenge to the world of bystanders is posed by those who have refused to remain silent in the age of genocide."

So today, the United States of America stands with Israel and all followers of the Jewish faith in commemorating Yom Hashoah, and condemning all anti-Semitism and hatred. And I am proud to join in the stand against anti-Semitism here and around the world.

I urge my colleagues to support this legislation.

By Mr. LEVIN (for himself, Ms. COLLINS, and Mr. REED):

S.J. Res. 34. A joint resolution expressing United States policy on Iraq; to the Committee on Foreign Relations.

Mr. LEVIN. Mr. President, I ask unanimous consent that the text of the

joint resolution be printed in the RECORD.

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

S.J. RES. 34

Whereas there has been a strong consensus among the senior United States military commanders that a broad-based political settlement involving the three main Iraqi groups is essential for defeating the insurgency;

Whereas the two parts of that political settlement are (1) agreement on a national unity government that serves the interests of all Iraqis, and (2) compromises to amend the Iraq Constitution to make it an inclusive document;

Whereas such a two-part political settlement is also essential to prevent all-out civil war and is a critical element of our exit strategy for United States military forces in Iraq;

Whereas the Iraqi Council of Representatives' approval on April 22, 2006, of the Presidency Council consisting of Jalal Talabani as President and two Vice Presidents, and the election of a Speaker and two Deputy Speakers is a significant step, as is the decision by the Iraqi political leadership to select Jawad al-Maliki as the Prime Minister designate;

Whereas the Council of Representatives still needs to consider the nomination of Jawad al-Maliki and his still-to-be-chosen Cabinet, including an Interior Minister and a Defense Minister, and still needs to form a committee to recommend changes to the Iraq Constitution;

Whereas under the Iraq Constitution, Prime Minister designate Jawad al-Maliki has 30 days from April 22, 2006, to choose and present a Cabinet to the Council of Representatives for its approval;

Whereas under the Iraq Constitution, the Council of Representatives, at the start of its functioning, is required to appoint a committee from its members which will have four months to present recommendations to the Council for necessary amendments to the Iraq Constitution;

Whereas while the three main Iraqi groups have differing views about the duration of the presence in Iraq of the United States-led Coalition forces, none of them favor the immediate withdrawal of United States military forces from Iraq;

Whereas section 1227 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109—163; 119 Stat. 3465; 50 U.S.C. 1541 note) provides in part that “[t]he Administration should tell the leaders of all groups and political parties in Iraq that they need to make the compromises necessary to achieve the broad-based and sustainable political settlement that is essential for defeating the insurgency in Iraq, within the timetable they set for themselves”;

Whereas the United States Ambassador to Iraq, Zalmay Khalilzad, has done an exceptional job in working with Iraqi political, religious, and tribal leaders in an effort to achieve consensus on the prompt formation of a national unity government; and

Whereas the American public has become increasingly and understandably impatient with the failure of the Iraqis to form a national unity government: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That it is the sense of Congress that the Iraqi political, religious, and tribal leaders should be told by the Administration that—

(1) the continued presence of United States military forces in Iraq is not unconditional;

(2) whether the Iraqis avoid all-out civil war and have a future as a nation is in their hands;

(3) the Iraqis need to seize that opportunity and only they can be responsible for their own future; and

(4) completing the formation of a government of national unity and subsequent agreement to modifications to the Iraq Constitution to make it more inclusive, within the deadlines the Iraqis have set for themselves in the Iraq Constitution, is—

(A) essential to defeating the insurgency and avoiding all-out civil war; and

(B) a condition of the continued presence of United States military forces in Iraq.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 441—EXPRESSING THE SUPPORT OF THE SENATE FOR THE RECONVENING OF THE PARLIAMENT OF NEPAL AND FOR AN IMMEDIATE PEACEFUL TRANSITION TO DEMOCRACY

Mr. LUGAR (for himself, Mr. BIDEN, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 441

Whereas, in 1990, Nepal adopted a constitution that enshrined multi-party democracy under a constitutional monarchy, ending 3 decades of absolute monarchical rule;

Whereas, since 1996, Maoist insurgents have waged a violent campaign to replace the constitutional monarchy with a communist republic, which has resulted in widespread human rights violations by both sides and the loss of an estimated 12,000 lives;

Whereas the Maoist insurgency grew out of the radicalization and fragmentation of left wing parties following Nepal's transition to democracy in 1990;

Whereas, on June 1, 2001, King Birendra, Queen Aishwarya and other members of the Royal family were murdered, leaving the throne to the slain King's brother, the current King Gyanendra;

Whereas, in May 2002, in the face of increasing Maoist violence, Prime Minister Sher Bahadur Deuba dissolved the Parliament of Nepal;

Whereas, in October 2002, King Gyanendra dismissed Prime Minister Deuba;

Whereas, in June 2004, after the unsuccessful tenures of 2 additional palace-appointed prime ministers, King Gyanendra reappointed Prime Minister Deuba and mandated that he hold general elections by April 2005;

Whereas, on February 1, 2005, King Gyanendra accused Nepali political leaders of failing to solve the Maoist problem, seized absolute control of Nepal by dismissing and detaining Prime Minister Deuba and declaring a state of emergency, temporarily shut down Nepal's communications, detained hundreds of politicians and political workers, and limited press and other constitutional freedoms;

Whereas, in November 2005, the mainstream political parties formed a seven-party alliance with the Maoists and agreed to a 12 point agenda that called for a restructuring of the government of Nepal to include an end to absolute monarchical rule and the formation of an interim all-party government with a view to holding elections for a constituent assembly to rewrite the Constitution of Nepal;

Whereas, since February 2005, King Gyanendra has promulgated dozens of ordinances without parliamentary process that violate basic freedoms of expression and association, including the Election Code of Conduct that seeks to limit media freedom in covering elections and the Code of Conduct for Social Organizations that bars staff of nongovernmental organizations from having political affiliations;

Whereas King Gyanendra ordered the arrest of hundreds of political workers in January 2006 before holding municipal elections on February 8, 2006, which the Department of State characterized as “a hollow attempt by the King to legitimize his power”;

Whereas the people of Nepal have been peacefully protesting since April 6, 2006, in an attempt to restore the democratic political process;

Whereas on April 10, 2006, the Department of State declared that King Gyanendra's February 2005 decision “to impose direct palace rule in Nepal has failed in every regard” and called on the King to restore democracy immediately and to begin a dialogue with Nepal's political parties;

Whereas King Gyanendra ordered a crackdown on the protests, which has left at least 14 Nepali citizens dead and hundreds injured by the security forces of Nepal;

Whereas the people of Nepal are suffering hardship due to food shortages and lack of sufficient medical care because of the prevailing political crisis;

Whereas King Gyanendra announced on April 21, 2006, that the executive power of Nepal shall be returned to the people and called on the seven-party alliance to name a new prime minister to govern the country in accordance with the 1990 Constitution of Nepal;

Whereas the seven-party alliance subsequently rejected King Gyanendra's April 21, 2006 statement and called on him to reinstate parliament and allow for the establishment of a constituent assembly to draw up a new constitution;

Whereas on April 24, 2006, King Gyanendra announced that he would reinstate the Parliament of Nepal on April 28, 2006, and apologized for the deaths and injuries that occurred during the recent demonstrations, but did not address the issue of constitutional revision;

Whereas political party leaders have welcomed King Gyanendra's April 24th announcement and stated that the first action of the reconvened parliament will be the scheduling of elections for a constituent assembly to redraft the Constitution of Nepal.

Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses its support for the reconvening of the Parliament of Nepal and for an immediate, peaceful transition to democracy;

(2) commends the desire of the people of Nepal for a democratic system of government and expresses its support for their right to protest peacefully in pursuit of this goal;

(3) acknowledges the April 24, 2006 statement by King Gyanendra regarding his intent to reinstate the Parliament of Nepal;

(4) urges the Palace, the political parties, and the Maoists to immediately support a process that returns the country to multi-party democracy and creates the conditions for peace and stability in Nepal;

(5) declares that the transition to democracy in Nepal must be peaceful and that violence conducted by any party is unacceptable and risks sending Nepal into a state of anarchy;

(6) calls on security forces of Nepal to exercise maximum restraint and to uphold the highest standards of conduct in their response to the protests;



(7) urges the immediate release of all political detainees and the restoration of full civilian and political rights, including freedom of association, expression, and assembly;

(8) urges the Maoists to lay down their arms and to pursue their goals through participation in a peaceful political process; and

(9) calls on the Government of the United States to work closely with other governments, including the governments of India, China, the United Kingdom, and the European Union, and with the United Nations to ensure a common and coherent international approach that helps to bring about an immediate peaceful transition to democracy and to end the violent insurgency in Nepal.

Mr. LUGAR. Mr. President, as Members are aware, Nepal has been gripped by demonstrations in support of democracy for the past 20 days. At least 14 Nepali citizens have been killed in these protests and hundreds more injured. The demonstrations follow 14 months of direct rule by King Gyanendra and February 8, 2006, municipal elections that the State Department characterized as a "hollow attempt by the King to legitimize his power."

I am submitting today a resolution expressing the Senate's support for the reconvening of the Nepali parliament and for an immediate, peaceful transition to a democratic political process in the country. This resolution urges the King, political parties, and Maoists to support a process that returns the country to multi-party democracy and creates the conditions for peace and stability in the country.

**SENATE RESOLUTION 442—EXPRESSING THE DEEP DISAPPOINTMENT OF THE SENATE WITH RESPECT TO THE ELECTION OF IRAN TO A LEADERSHIP POSITION IN THE UNITED NATIONS DISARMAMENT COMMISSION AND REQUESTING THE PRESIDENT TO WITHHOLD FUNDING TO THE UNITED NATIONS UNLESS CREDIBLE REFORMS ARE MADE**

Mr. COLEMAN submitted the following resolution; which was referred to the Committee on Foreign Relations:

**S. RES. 442**

Whereas the United Nations has continuously failed to meet minimal reform expectations, including those outlined in the September Summit Outcome Document;

Whereas the United Nations has allowed member states acting in defiance of their obligations to the United Nations to enjoy full participatory rights and leadership positions in all bodies of the United Nations;

Whereas the mandate of the charter of the United Nations that protects international peace and security is significantly hindered by the placement of pariah states in leadership positions within various commissions;

Whereas the credibility of the United Nations has been further crippled by the fact that Iran was elected to serve as the vice chair of the Asia regional group of the United Nations Disarmament Commission;

Whereas Iran has committed many acts of malfeasance with respect to its nuclear program that makes it an unacceptable candidate for the United Nations Disarmament Commission, including—

(1) developing a clandestine nuclear program for 18 years prior to 2003;

(2) repeatedly deceiving the International Atomic Energy Agency about a variety of nuclear-related activities;

(3) failing to provide inspectors from the International Atomic Energy Agency with access to various nuclear sites;

(4) refusing to answer questions related to its nuclear program;

(5) reneging on its commitments under the Paris Accords of November 2004, which included the suspension of uranium enrichment activities; and

(6) announcing its success in achieving uranium enrichment capabilities, which represented a brazen affront to the international community;

Whereas other actions and rhetoric by Iran have perpetuated its record of terror and tyranny, and warranted its isolation from the international community at the United Nations, including—

(1) continuing its calls for the annihilation of Israel, which is a member state of the United Nations;

(2) actively sponsoring terrorism through groups including Hezbollah, Hamas, and Islamic Jihad, which prompted the Department of State to classify Iran as the "most active state sponsor of terrorism in 2004"; and

(3) continuing its efforts to destabilize neighboring countries by meddling in the affairs of those countries, including Iraq, Israel, and Lebanon; and

Whereas, while Iran continues to enjoy full participatory rights and privileges as a member state of the United Nations, the overall conduct of Iran is a direct threat to world security and violates numerous fundamental principles on which the United Nations is based: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses its deep disappointment with respect to the failure of the Asia group members of the United Nations Disarmament Commission to stop the election of Iran as the vice chair of that body;

(2) asserts that the United Nations Disarmament Commission has no credibility on disarmament issues due to the participation of Iran, particularly in light of the defiance of Iran in disregarding resolutions passed by the International Atomic Energy Agency and the Security Council Presidential Statement relating to its nuclear program;

(3) calls on the United States to reject all resolutions passed by the discredited United Nations Disarmament Commission;

(4) condemns the continued intransigence of Iran with respect to its—

(A) nuclear program;

(B) treatment of Israel; and

(C) sponsorship of terror;

(5) shall work to ensure that funding from the United States is withheld from—

(A) the regular budget of the United Nations in the amount that is directed towards the activities of the United Nations Disarmament Commission; and

(B) any commission of the United Nations in which the worst violators of the principles it claims to promote are included in its membership, including the new Human Rights Council;

(6) calls on the United Nations to deny Iran from participating in any commission of the United Nations until it—

(A) complies with its obligations under the Non-Proliferation Treaty and International Atomic Energy Agency resolutions;

(B) halts—

(i) all uranium enrichment activities; and

(ii) all calls for the destruction of Israel; and

(C) withdraws support from terrorist groups; and

(7) calls on the President to—

(A) closely monitor the progress of the United Nations on reform; and

(B) exercise the option of the President to withhold funding unless credible reforms are made prior to discussions on the biannual budget.

Mr. COLEMAN. Mr. President, I rise to submit a sense-of-the Senate resolution expressing the deepest disappointment of the Senate with respect to the election of Iran to a leadership position on the United Nations Disarmament Commission and request the President to withhold funding to the United Nations unless credible reforms are made.

A couple of observations, Mr. President. In light of the Oil-For-Food scandal, it was my great hope that we would see a movement toward reform in the United Nations. The Secretary General had put forth some proposed reforms. There was some discussion about whether the U.N. Commission on Human Rights was going to be reformed. Unfortunately, the energy was there, the hope was there, and we seemed to be moving in the wrong direction.

On May 9, for the new Human Rights Council, elections will be held. It appears that Cuba may be appointed to the new Human Rights Council.

The recommendations from the Secretary General for minimum reform are now coming under attack by something called the G-77, the underlying nations, which may dismantle those. A little tremor occurred just about a week ago, and to some people it may be a little thing, but it is not. It is symbolic of some of the things we face with the United Nations.

Just recently, Iran was elected to the U.N. Disarmament Commission. Some may say that this is a very minor commission; it is an inactive forum; it only meets 3 weeks a year, the U.N. Commission on Disarmament. We have Iran out there thumbing its nose at the international community hell-bent on getting a nuclear weapon. And by the way, they said what they are going to do with it. They said they want to destroy Israel. That is what they said they are going to do. Hitler told us what he wanted to do and the world didn't listen. God forbid there is an explosion of an atomic weapon in Tel Aviv or Haifa. They have already said where it is going to come from, this is what we are going to do.

So Iran gets elected to the U.N. Commission on Disarmament. In some ways it doesn't make sense. In some ways it is absurd, but it does require comment. It does require a response. It does require folks to say: I don't care whether it meets 3 weeks a year or 1 week a year or 50 weeks a year. This is something that highlights the absurdity of what is happening today in this international body.

It is interesting that, as expected, Iran is already making efforts to convert the Disarmament Commission into yet another forum for anti-semitism. Last week, at a working group meeting, Iran's representative to

the Disarmament Commission stated that the suggestion that Iran had a nuclear weapons program was Jewish propaganda fabricated by the Jewish lobby in the United States. These brazenly antisemitic comments were objected to by our American representative, but other members, including the chair of the working group, remained silent.

I am disturbed by the moral indifference that the U.N. has reached where you have a member state seeking nuclear weapons with the expressed intention of destroying another member state, and that member state, Iran, is allowed to serve as the Vice Chair of the Disarmament Commission. That is completely unacceptable, to say the least. I am disappointed that the Asian member states did not step up to contest the candidacy of Iran.

This is what is happening: You have regional groupings, so each state, regional groupings, pick their members. The United States doesn't get involved in this. It is up to the member states, the Asian members. But somebody has to be thinking this doesn't make sense. This is going to cast a negative pall over the international community's reflection about what the United Nations community is all about. It is another step back at a time when we need to be moving forward.

It is the responsibility of member states at the U.N. to step up and prevent the system from being manipulated by pariah states such as Iran that are looking to pursue their destructive agendas. Iran is probably the major state sponsor of terrorism in the world today. Iran says they want to destroy Israel. Iran supports terrorism and Iran is intent on getting a nuclear weapon.

We do not control what other member states do, but we should make the position of the United States clear. The United States should not be funding institutions that not only undermine the very principles they claim to promote but directly harm U.S. interests. A disarmament commission with Iran in a leadership position should be condemned by the United States and we should make a statement. I have been very hesitant to talk about holding back funding, but we are going in the wrong direction. I will be back on the floor if Cuba gets appointed, gets elected to this new human rights council. I will be back on the floor. At a certain point in time you have to expect something. Much is given, much is received. We have given the U.N. a lot of money. We have given a lot of support. There are expectations then and they are not being met.

Lest someone has failed to be aware of Iran's deeds, let me review some of the credentials for being excluded from the commission. Iran has repeatedly deceived the IAEA about a variety of nuclear-related activities, failed to provide IAEA inspectors access to various nuclear sites, and refused to answer outstanding questions that led to its nuclear program. It reneged on its

commitments under the Paris Accord of 2004, which included the suspension of uranium enrichment activities.

Again, I talked about the actions and rhetoric of the Iranian regime to perpetuate a record of terror and tyranny which also warrants isolation from the international community at the U.N., including calls for the annihilation of Israel, active sponsorship of terrorism through groups including Hezbollah, Hamas, and Islamic Jihad, meddling in the affairs of neighboring countries such as Iraq and Israel and Lebanon.

The overall conduct of Iran is a direct threat to world security. It violates numerous fundamental principles on which the United Nations is based. Yet it continues to enjoy full participatory rights and privileges as a member state of the U.N. In fact, it gets rewarded by a leadership position on the disarmament commission. Such a situation is beyond comprehension.

The resolution I plan to submit does the following. It expresses deep disappointment in the failure of the Asian group members of the disarmament commission to stop Iran's election as the vice chair of the body. It asserts the disarmament commission has no credibility on disarmament issues due to Iran's participation, particularly in the light of Iran's defiance of the IAEA resolutions and the Security Council presidential statement regarding its nuclear program. It calls on the U.S. to reject all resolutions passed by the discredited disarmament commission, condemns Iran's continued intransigence with regard to the treatment of Israel and sponsorship of terror and, finally, works to ensure that U.S. funding is withheld from the U.N. in the amount that is directed toward the disarmament commission's activities from its regular budget.

We are not talking about a lot of money here. What we are talking about is making a statement—making a statement. We call upon the President to closely monitor U.N. progress on reform and to exercise his option to withhold funding unless credible reforms are made prior to the discussions of the biannual budget in June.

What do you do? In the U.S. we ask the question, What shall we do when those who enforce the law break the law? In the international context we are asking, What do we do when a key voice in disarmament is given to one of the world's most willful sponsors of terrorism at a time when they are ignoring the international community in their quest for nuclear weapons?

The response is just to say no. Civilized nations must speak with one voice. That statement should begin right here with the passage of my resolution.

I urge my colleagues to join me in cosponsoring this resolution. The error of the United Nations is serious. To be silent in the face of it would be far worse.

#### SENATE RESOLUTION 443—RELATIVE TO THE DEATH OF FRANCIS R. VALEO, FORMER SECRETARY OF THE SENATE

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 443

Whereas Francis R. (Frank) Valeo served with distinction as chief of the Foreign Affairs Division of the Legislative Reference Service and specialist in the Far East, before beginning his service to the United States Senate in 1952 on the staff of the Committee on Foreign Relations;

Whereas Frank Valeo in 1958 became foreign policy advisor and assistant to the Majority Whip, Senator Mike Mansfield, and then served as Majority Secretary from 1963 to 1966;

Whereas Frank Valeo served as Secretary of the Senate from 1966 to 1977;

Whereas Frank Valeo accompanied many United States Senators on missions to all parts of the globe, assisted the Majority Leader in regularly reporting on conditions in Southeast Asia, and was part of the first congressional delegation to visit the People's Republic of China in 1972;

Whereas Frank Valeo represented the United States Senate on the Federal Election Commission from 1974 to 1977, and in that role participated in the 1976 landmark Supreme Court decision of *Buckley v. Valeo*;

Whereas Frank Valeo helped to modernize and set professional standards for service in the diverse offices that report to the Secretary of the Senate, and served as a member of the Commission on the Operation of the Senate, from 1975 to 1976, where he helped craft its proposals for structural and technological reforms in Senate operations;

Whereas Frank Valeo faithfully discharged the difficult duties and responsibilities of a wide variety of important and demanding positions in public life with honesty, integrity, loyalty, and humanity; and

Whereas Frank Valeo's clear understanding and appreciation of the challenges facing the Nation have left his mark on those many areas of public life: Now, therefore, be it

*Resolved*, That (a) the Senate has heard with profound sorrow and deep regret the announcement of the death of Frank Valeo.

(b) The Secretary of the Senate shall communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

(c) When the Senate adjourns today, it shall stand adjourned as a further mark of respect to the memory of Frank Valeo.

#### SENATE RESOLUTION 444—COMMEMORATING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE AMERICAN JEWISH COMMITTEE

Mr. SMITH (for himself, Mrs. FEINSTEIN, and Mrs. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 444

Whereas the American Jewish Committee, after its founding in 1906, rapidly emerged as a pioneering human relations agency, dedicated to combating all forms of bigotry and championing a sense of shared civic responsibility;

Whereas the American Jewish Committee, through a range of innovative projects and programs, seeks to build a more hopeful world by expanding freedom, enhancing mutual respect, monitoring hate groups, and

providing vital information about extremists of every type;

Whereas the American Jewish Committee has strengthened the culture of the United States in historic ways through programs that teach tolerance, such as America's Table, through far-reaching dialogues with ethnic and religious group in the country, through promoting interfaith awareness and playing a key role in the issuance of *Nostra Aetate*, and through steadfast support of vulnerable individuals throughout history;

Whereas the American Jewish Committee, the first American Jewish organization to establish a full-time office in Israel, has worked tirelessly to tell the extraordinary story of Israel through a range of endeavors, including Project Interchange, which has brought more than 3,000 American leaders to the Jewish state for journeys of discovery and understanding;

Whereas the American Jewish Committee, through its network of offices and associations in the United States and across the globe, works with many countries, the United Nations, and other international bodies to promote democratic ideals and to protect and uplift Jewish communities everywhere;

Whereas the American Jewish Committee, through advocacy and education, indefatigably defends and protects the treasured civic values of the United States, including religious freedom, and support for public education and the family;

Whereas the American Jewish Committee sponsored research cited in the landmark Supreme Court case banning segregation, *Brown et al. v. Board of Education of Topeka et al.*, and played a vital role in the civil rights movement, stood with Soviet Jewry and all prisoners of conscience in the Soviet Union, argued successfully for the inclusion of human rights clauses in the United Nations Charter, and insisted upon an acceptance of women's rights as a human rights issue; and

Whereas the American Jewish Committee, at work both on the world stage and here at home, for a century has had a proud and profoundly beneficial presence throughout the communities of the United States: Now, therefore, be it

*Resolved*, That—

(1) the American Jewish Committee, by choosing hope, inspires everyone in the United States as it continues its work into its second century of service; and

(2) the Senate salutes, commends, and congratulates the American Jewish Committee for its century of leadership.

#### SENATE RESOLUTION 445—EXPRESSING THE SENSE OF THE SENATE IN COMMEMORATING HOLOCAUST REMEMBRANCE DAY

Mr. SANTORUM (for himself, Mr. LIEBERMAN, Mr. NELSON of Florida, Mr. VOINOVICH, Mr. INHOFE, Mr. ENSIGN, Ms. SNOWE, Mr. BROWNBACK, Mr. ALLEN, Mrs. FEINSTEIN, Mr. DEWINE, Mr. LEVIN, Mr. CHAFEE, Mr. FRIST, Mr. LAUTENBERG, Mr. BURNS, Mr. SPECTER, Mr. HAGEL, Mr. THOMAS, Mr. WARNER, Mrs. DOLE, Mr. CRAPO, Mr. TALENT, and Mr. SUNUNU) submitted the following resolution; which was considered and agreed to:

S. RES. 445

Whereas the Holocaust involved the systematic persecution and genocide of millions of innocent Jewish men, women, and children, along with millions of others, by the Nazis under the leadership of Adolf Hitler;

Whereas an estimated 6,000,000 Jews and many others were killed in the Holocaust;

Whereas millions of survivors of the Holocaust endured enormous suffering through violence, torture, slave labor, and involuntary medical experimentation;

Whereas in the 61 years since the end of the Holocaust, this tragic event has helped to teach the people of the world awareness of the danger of hatred, anti-Semitism, bigotry, and racism, and the importance of compassion and understanding diversity;

Whereas Holocaust Remembrance Day is held every year in remembrance of the Holocaust and its millions of victims: Now, therefore, be it

*Resolved*, That the Senate—

(1) commemorates Holocaust Remembrance Day, which falls on April 25, 2006;

(2) remembers the 6,000,000 Jews and many others who were killed by the Nazis, and honors the millions of survivors of the Holocaust; and

(3) encourages all Americans to commemorate the occasion through reflection, acts of compassion, and education about the horrific consequences of anti-Semitism, bigotry, racism and hatred.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3591. Mr. LEVIN (for himself, Ms. COLLINS, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 3592. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3593. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3594. Mr. GREGG (for himself, Mr. FRIST, Mr. BYRD, Mr. DOMENICI, Mr. ENSIGN, Mr. ALEXANDER, and Mr. SUNUNU) proposed an amendment to the bill H.R. 4939, supra.

SA 3595. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3596. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3597. Mr. LUGAR (for himself, Mr. WARNER, Mr. CHAFEE, and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3598. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra.

SA 3599. Mr. LUGAR (for himself, Mr. OBAMA, Mr. DOMENICI, Mr. LEVIN, Mr. HAGEL, Mr. REED, Mr. CHAFEE, Mr. DODD, Mr. ALLEN, Mr. BAYH, Mrs. BOXER, Mr. AKAKA, Mr. LAUTENBERG, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3600. Mr. HARKIN (for himself, Mr. GRASSLEY, Mr. ENSIGN, and Mrs. MURRAY) proposed an amendment to the bill H.R. 4939, supra.

SA 3601. Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3602. Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3603. Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3604. Mr. REID proposed an amendment to the bill H.R. 4939, supra.

SA 3605. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3606. Mr. SMITH submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3607. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3608. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3609. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3610. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

SA 3611. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4939, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 3591.** Mr. LEVIN (for himself, Ms. COLLINS, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 12 and 13, insert the following:

REPORTS TO CONGRESS ON A NATIONAL UNITY GOVERNMENT AND AMENDING THE IRAQ CONSTITUTION TO MAKE IT A UNIFYING DOCUMENT

SEC. 1406. (a) **REPORTS REQUIRED.**—In furtherance of the findings and sense of Congress set forth in Senate Joint Resolution 34, as introduced in the Senate on April 25, 2006, the President shall, not later than 30 days after the date of the enactment of this Act and every 30 days thereafter until a national unity government has been formed in Iraq and the Iraq Constitution has been amended in a manner that makes it a unifying document, submit to Congress a report on United States policy and political developments in Iraq.

(b) **ELEMENTS.**—Each report shall include the following information:

(1) Whether the Administration has told the Iraqi political, religious and tribal leaders that agreement by the Iraqis on a government of national unity, and subsequent agreement to amendments to the Iraq Constitution to make it more inclusive, within the 30-day and 4-month deadlines that the Iraqis set for themselves in their Constitution, is a condition for the continued presence of United States military forces in Iraq.

(2) The progress that has been made in the formation of a national unity government and the obstacles, if any, that remain.

(3) The progress that has been made in the amendment of the Iraq Constitution to make it more of a unifying document and the obstacles, if any, that remain.

**SA 3592.** Mr. REED submitted an amendment intended to be proposed by

him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 162, between lines 12 and 13, insert the following:

FOX POINT HURRICANE BARRIER

For an additional amount for the Secretary of the Army, acting through the Chief of Engineers, for use in upgrading the electro-mechanical control system of the Fox Point hurricane barrier in Providence, Rhode Island, \$1,055,000, to remain available until expended: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

**SA 3593.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

CHAPTER 9

DEPARTMENT OF HEALTH AND HUMAN SERVICES

SEC. 2901. (a) GRANT PROGRAM AUTHORIZED.—The Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, shall award grants to public hospitals, nonprofit entities, and medicare and medicaid enrolled suppliers and institutional providers to reimburse such hospitals, entities, suppliers, and providers for health care related expenses or lost revenues directly attributable to the public health emergency resulting from the damage and devastation caused by Hurricanes Katrina and Rita in the Gulf Coast region if such expenses or lost revenues have not otherwise been reimbursed or are eligible for reimbursement from other sources. Grant amounts awarded under this section shall be available until expended.

(b) APPROPRIATION.—There is authorized to be appropriated and there is appropriated, out of any money in the Treasury not otherwise appropriated, \$100,000,000 to carry out this section.

**SA 3594.** Mr. GREGG (for himself, Mr. FRIST, Mr. BYRD, Mr. DOMENICI, Mr. ENSIGN, Mr. ALEXANDER, and Mr. SUNUNU) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE —BORDER SECURITY

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR BORDER SECURITY

DEPARTMENT OF HOMELAND SECURITY

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For an additional amount for the “Office of the Secretary and Executive Management” to provide funds for the Office of Policy, \$2,000,000: *Provided*, That the entire amount is solely for a contract with an independent non-Federal entity to conduct a needs assessment for comprehensive border security: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF THE CHIEF INFORMATION OFFICER

For an additional amount for the “Office of the Chief Information Officer” to replace and upgrade law enforcement communications, \$50,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES VISITOR AND IMMIGRATION STATUS INDICATOR TECHNOLOGY

For an additional amount for “United States Visitor and Immigration Status Indicator Technology” to accelerate biometric database integration and conversion to 10-print enrollment, \$60,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for the expenditure of such funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$180,000,000, of which \$80,000,000 is for border patrol vehicle replacement and \$100,000,000 is for sensor and surveillance technology: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure of these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for “Air and Marine Interdiction, Operations, Maintenance, and Procurement” to replace air assets and upgrade air operations facilities, \$790,000,000, to remain available until expended, of which \$40,000,000 is for helicopter replacement and \$750,000,000 is for recapitalization of air assets: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an expenditure plan for the complete recapitalization of Customs and Border Protection air assets and facilities: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for “Construction”, \$120,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” to replace vehicles,

\$80,000,000: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES COAST GUARD  
ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for “Acquisition, Construction, and Improvements” for acquisition, construction, renovation, and improvement of vessels, aircraft, and equipment, \$600,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For an additional amount for “Acquisition, Construction, Improvements, and Related Expenses” for construction of the language training facility referenced in the Master Plan and information technology infrastructure improvements, \$18,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS TITLE

REDUCTION IN FUNDING

SEC. \_\_\_\_ (a) REDUCTION.—Except as provided in subsection (b), the aggregate amount provided by chapter 3 of title I of this Act and chapter 3 of title II of this Act may not exceed \$68,962,188,000.

(b) INAPPLICABILITY TO AMOUNTS FOR MILITARY CONSTRUCTION.—Subsection (a) does not apply to amounts provided by chapter 3 of title I of this Act and chapter 3 of title II of this Act for military construction.

**SA 3595.** Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

RE-EQUIPPING OF 53RD INFANTRY BRIGADE TEAM UPON ITS RETURN FROM DEPLOYMENT IN AFGHANISTAN

SEC. 1312. Of the amount appropriated or otherwise made available by this chapter under the heading “OTHER PROCUREMENT, ARMY”, \$59,300,000 shall be available for the re-equiping of the 53rd Infantry Brigade team upon its return from deployment in Afghanistan, of which—

(1) \$15,000,000 shall be for PVS-7B night vision devices;

(2) \$44,000,000 shall be for Heavy HMMWV variants and FMTV light and medium cargo trucks; and

(3) \$300,000 shall be for M-4 rifles.

**SA 3596.** Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

PRIORITY IN FUNDING FOR REPLACEMENT EQUIPMENT FOR THE NATIONAL GUARD FOR STATES LIKELY TO BE EFFECTED BY 2006 HURRICANE SEASON

SEC. 1312. In allocating amounts appropriated or otherwise made available by this chapter under the heading "OTHER PROCUREMENT, ARMY" for the procurement of replacement equipment for the National Guard, the Secretary of Defense shall afford a priority in the allocation of such funds to the States likely to experience a hurricane during the 2006 hurricane season.

**SA 3597.** Mr. LUGAR (for himself, Mr. WARNER, Mr. CHAFEE, and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, between lines 10 and 11, insert the following:

**SEC. 1202. DEPARTMENT OF STATE AND USAID AUTHORITIES.**

(a) WAIVER OF ANNUITY LIMITATIONS ON REEMPLOYED FOREIGN SERVICE ANNUITANTS.—Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended to read as follows:

"(g)(1) The Secretary of State may waive the application of subsections (a) through (d) on a case-by-case basis for an annuitant reemployed on a temporary basis, or grant authority to the head of an Executive agency to waive the application of subsections (a) through (d) on a case-by-case basis for an annuitant reemployed on a temporary basis—

"(A) if, and for so long as, such waiver is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances; or

"(B) if the annuitant is employed in a position for which there is exceptional difficulty in recruiting or retaining a qualified employee.

"(2) The authority of the Secretary to waive the application of subsections (a) through (d) for an annuitant pursuant to subparagraph (B) of paragraph (1), or to grant authority to the head of an Executive agency to waive the application of such subsections to an annuitant under subparagraphs (A) or (B) of such paragraph, shall terminate on October 1, 2008. An annuitant reemployed pursuant to such authority prior to such termination date may be employed for a period ending not later than one year after such date.

"(3) The Secretary should prescribe procedures for the exercise of any authority under paragraph (1), including criteria for any exercise of authority and procedures for a delegation of authority."

(b) WAIVER OF ANNUITY LIMITATIONS ON REEMPLOYED CIVIL SERVICE ANNUITANTS.—

(1) DEPARTMENT OF STATE.—Title I of the Department of State Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

**"SEC. 61. REEMPLOYMENT OF ANNUITANTS UNDER THE CIVIL SERVICE RETIREMENT SYSTEM AND FEDERAL EMPLOYEES' RETIREMENT SYSTEM.**

"(a) AUTHORITY.—

"(1) IN GENERAL.—The Secretary of State may waive the application of the provisions of section 8344 or 8468 of title 5, United States Code, on a case-by-case basis for employment of an annuitant in a position in the Department of State for which there is exceptional difficulty in recruiting or retaining a qualified employee, or when a temporary emergency hiring need exists.

"(2) TERMINATION OF AUTHORITY.—The authority of the Secretary under paragraph (1) shall terminate on October 1, 2008. An annuitant reemployed pursuant to such authority prior to such termination date may be employed for a period ending not later than one year after such date.

"(b) PROCEDURES.—The Secretary should prescribe procedures for the exercise of any authority under subsection (a), including criteria for any exercise of authority and procedures for a delegation of authority.

"(c) ANNUITANTS NOT TREATED AS EMPLOYEES FOR PURPOSES OF RETIREMENT BENEFITS.—An employee for whom a waiver under this section is in effect shall not be considered an employee for purposes of subchapter III of chapter 83, or chapter 84 of title 5, United States Code."

(2) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—Section 625 of the Foreign Assistance Act of 1961 (22 U.S.C. 2385) is amended by adding at the end the following new subsection:

"(j)(1)(A) The Administrator of the United States Agency for International Development may waive the application of the provisions of section 8344 or 8468 of title 5, United States Code, on a case-by-case basis for employment of an annuitant in a position in the United States Agency for International Development for which there is exceptional difficulty in recruiting or retaining a qualified employee, or when a temporary emergency hiring need exists.

"(B) The authority of the Administrator under subparagraph (A) shall terminate on October 1, 2008. An annuitant reemployed pursuant to such authority prior to such termination date may be employed for a period ending not later than one year after such date.

"(2) The Administrator should prescribe procedures for the exercise of any authority under this subsection, including criteria for any exercise of authority and procedures for a delegation of authority.

"(3) An employee for whom a waiver under this section is in effect shall not be considered an employee for purposes of subchapter III of chapter 83, or chapter 84 of title 5, United States Code."

(c) REPORT ON USE OF ANNUITY LIMITATION WAIVER AUTHORITY.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on International Relations and the Committee on Government Reform of the House of Representatives a report on the exercise of the waiver authorities provided under section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)), as amended by subsection (a), section 61 of the State Department Basic Authorities Act of 1956, as added by subsection (b)(1), and section 625(j) of the Foreign Assistance Act of 1961, as added by subsection (b)(2). The report shall include the number and type of positions that have been filled under such waiver authority, and the retirement date, former job title, and new job title of each annuitant reemployed under such authority.

(d) HOME LEAVE PROVISIONS.—

(1) TRAVEL EXPENSES FOR REST AND REGENERATION TRAVEL.—Section 901(6) of the Foreign Service Act (22 U.S.C. 4081(6)) is amended by striking "unbroken by home leave" each place it appears.

(2) AUTHORITY TO REQUIRE LEAVES OF ABSENCE.—Section 903(a) of the Foreign Service Act (22 U.S.C. 4083) is amended by striking "18 months" and inserting "12 months".

(e) AUTHORITY TO PROVIDE ACCOMMODATION AND SUBSISTENCE TO INDIVIDUALS SERVING IN IRAQ AND AFGHANISTAN.—The Secretary of

State may provide during any fiscal year, with or without reimbursement, accommodation and subsistence to personnel in Iraq and Afghanistan for whom the Chief of Mission is responsible.

**SA 3598.** Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 253, between lines 19 and 20, insert the following:

**TITLE VIII—HIGHWAY FUEL TAX HOLIDAY  
SEC. 8001. HIGHWAY FUEL TAX HOLIDAY.**

(a) TEMPORARY ELIMINATION OF HIGHWAY FUEL TAXES ON GASOLINE, DIESEL FUEL, AND KEROSENE.—

(1) IN GENERAL.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline, diesel fuel, and kerosene) is amended by adding at the end the following new subsection:

"(f) TEMPORARY REDUCTION IN TAXES ON GASOLINE, DIESEL FUEL, AND KEROSENE.—

"(1) IN GENERAL.—During the applicable period, each rate of tax referred to in paragraph (2) shall be reduced to zero cents per gallon.

"(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

"(A) clauses (i) and (iii) of subsection (a)(2)(A) (relating to gasoline, diesel fuel, and kerosene), determined with regard to subsection (a)(2)(B) and without regard to subsection (a)(2)(C), and

"(B) paragraph (1) of section 4041(a) (relating to diesel fuel and kerosene) with respect to fuel sold for use or used in a diesel-powered highway vehicle.

"(3) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means the 60-day period beginning with the day after the date of the enactment of this subsection.

"(4) MAINTENANCE OF TRUST FUND DEPOSITS.—In determining the amounts to be appropriated to the Highway Trust Fund under section 9503 and to the Leaking Underground Storage Tank Trust Fund under 9508, an amount equal to the reduction in revenues to the Treasury by reason of this subsection shall be treated as taxes received in the Treasury under this section or section 4041."

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

(b) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before the tax reduction date, tax has been imposed under section 4081 of the Internal Revenue Code of 1986 on any liquid, and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale, there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this subsection referred to as the "taxpayer") an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on the tax reduction date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the tax reduction date, and

(B) in any case where liquid is held by a dealer (other than the taxpayer) on the tax reduction date—

(i) the dealer submits a request for refund or credit to the taxpayer before the date

which is 3 months after the tax reduction date, and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) DEFINITIONS.—For purposes of this subsection—

(A) the terms “dealer” and “held by a dealer” have the respective meanings given to such terms by section 6412 of such Code; except that the term “dealer” includes a producer, and

(B) the term “tax reduction date” means the day after the date of the enactment of this Act.

(4) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this subsection.

(c) FLOOR STOCKS TAX.—

(1) IMPOSITION OF TAX.—In the case of any liquid on which tax would have been imposed under section 4081 of the Internal Revenue Code of 1986 during the applicable period but for the amendments made by subsection (a), and which is held on the floor stocks tax date by any person, there is hereby imposed a floor stocks tax in an amount equal to the tax which would be imposed on such liquid had the taxable event occurred on the floor stocks tax date.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding a liquid on the floor stocks tax date to which the tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before the date which is 6 months after the floor stocks tax date.

(3) DEFINITIONS.—For purposes of this subsection—

(A) HELD BY A PERSON.—A liquid shall be considered as “held by a person” if title thereto has passed to such person (whether or not delivery to the person has been made).

(B) GASOLINE AND DIESEL FUEL.—The terms “gasoline” and “diesel fuel” have the respective meanings given such terms by section 4083 of such Code.

(C) FLOOR STOCKS TAX DATE.—The term “floor stocks tax date” means the day after the date determined by the Secretary under section 4081(f)(3) of such Code.

(D) APPLICABLE PERIOD.—The term “applicable period” means the period described in section 4081(f)(3) of such Code.

(E) SECRETARY.—The term “Secretary” means the Secretary of the Treasury or the Secretary’s delegate.

(4) EXCEPTION FOR EXEMPT USES.—The tax imposed by paragraph (1) shall not apply to gasoline, diesel fuel, or kerosene held by any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 of such Code is allowable for such use.

(5) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by paragraph (1) on gasoline, diesel fuel, or kerosene held in the tank of a motor vehicle.

(6) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1)—

(i) on gasoline (other than aviation gasoline) held on the floor stocks tax date by any person if the aggregate amount of gasoline held by such person on such date does not exceed 4,000 gallons, and

(ii) on diesel fuel or kerosene held on such date by any person if the aggregate amount

of diesel fuel or kerosene held by such person on such date does not exceed 2,000 gallons.

The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) EXEMPT FUEL.—For purposes of subparagraph (A), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (4) or (5).

(C) CONTROLLED GROUPS.—For purposes of this paragraph—

(i) CORPORATIONS.—

(I) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(II) CONTROLLED GROUP.—The term “controlled group” has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase “more than 50 percent” shall be substituted for the phrase “at least 80 percent” each place it appears in such subsection.

(ii) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of clause (i) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(7) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code shall, insofar as applicable and not inconsistent with the provisions of this paragraph, apply with respect to the floor stocks taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section 4081.

(d) BENEFITS OF TAX REDUCTION SHOULD BE PASSED ON TO CONSUMERS.—

(1) PASSTHROUGH TO CONSUMERS.—

(A) SENSE OF CONGRESS.—It is the sense of Congress that—

(i) consumers immediately receive the benefit of the reduction in taxes under this section, and

(ii) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect such reduction, including immediate credits to customer accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of this section.

(B) STUDY.—

(i) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the reduction of taxes under this section to determine whether there has been a pass-through of such reduction.

(ii) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under clause (i).

**SEC. 8002. ELIMINATION OF CERTAIN PRODUCTION INCENTIVES.**

(a) IN GENERAL.—Sections 342, 344, 345, 346, 353, and 383 and subtitle J of title IX of the Energy Policy Act of 2005 and section 107(k) of the Naval Petroleum Reserves Production Act of 1976 (as added by section 347 of the Energy Policy Act of 2005) are repealed.

(b) EFFECTIVE DATE.—The repeals made by subsection (a) shall take effect on the date of the enactment of the Energy Policy Act of 2005.

**SEC. 8003. REVALUATION OF LIFO INVENTORIES OF LARGE INTEGRATED OIL COMPANIES.**

(a) GENERAL RULE.—Notwithstanding any other provision of law, if a taxpayer is an ap-

plicable integrated oil company for its last taxable year ending in calendar year 2005, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer’s cost of goods sold for such taxable year, the taxpayer’s gross income for such taxable year shall be increased by the amount of such excess.

(b) LAYER ADJUSTMENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term “layer adjustment amount” means, with respect to any historic LIFO layer, the product of—

(A) \$18.75, and

(B) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) BARREL-OF-OIL EQUIVALENT.—The term “barrel-of-oil equivalent” has the meaning given such term by section 29(d)(5) (as in effect before its redesignation by the Energy Tax Incentives Act of 2005).

(c) APPLICATION OF REQUIREMENT.—

(1) NO CHANGE IN METHOD OF ACCOUNTING.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) UNDERPAYMENTS OF ESTIMATED TAX.—No addition to the tax shall be made under section 6655 of the Internal Revenue Code of 1986 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

(d) APPLICABLE INTEGRATED OIL COMPANY.—For purposes of this section, the term “applicable integrated oil company” means an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year and which had gross receipts in excess of \$1,000,000,000 for its last taxable year ending during calendar year 2005. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.

**SEC. 8004. ELIMINATION OF AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR MAJOR INTEGRATED OIL COMPANIES.**

(a) IN GENERAL.—Section 167(h) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(5) NONAPPLICATION TO MAJOR INTEGRATED OIL COMPANIES.—This subsection shall not apply with respect to any expenses paid or incurred for any taxable year by any integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 1329(a) of the Energy Policy Act of 2005.



**SEC. 8005. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.**

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

“(m) SPECIAL RULES RELATING TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

“(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a large integrated oil company to a foreign country or possession of the United States for any period shall not be considered a tax—

“(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

“(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

“(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

“(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

“(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term ‘dual capacity taxpayer’ means, with respect to any foreign country or possession of the United States, a person who—

“(A) is subject to a levy of such country or possession, and

“(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

“(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘generally applicable income tax’ means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

“(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

“(i) persons who are not dual capacity taxpayers, and

“(ii) persons who are citizens or residents of the foreign country or possession.

“(4) LARGE INTEGRATED OIL COMPANY.—For purposes of this subsection, the term ‘large integrated oil company’ means, with respect to any taxable year, an integrated oil company (as defined in section 291(b)(4)) which—

“(A) had gross receipts in excess of \$1,000,000,000 for such taxable year, and

“(B) has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year.”

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHOLD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

**SA 3599.** Mr. LUGAR (for himself, Mr. OBAMA, Mr. DOMENICI, Mr. LEVIN, Mr. HAGEL, Mr. REED, Mr. CHAFEE, Mr. DODD, Mr. ALLEN, Mr. BAYH, Mrs. BOXER, Mr. AKAKA, Mr. LAUTENBERG, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, between lines 9 and 10, insert the following:

SEC. 1312. (a) The amount appropriated by this chapter under the heading “OPERATION AND MAINTENANCE, DEFENSE-WIDE” and available for Cooperative Threat Reduction is increased by \$8,000,000.

(b) Of the amount appropriated by this chapter under the heading “OPERATION AND MAINTENANCE, DEFENSE-WIDE” and available for Cooperative Threat Reduction, as increased by subsection (a), \$44,500,000 shall be deposited in the Former Soviet Union Threat Reduction Account and shall remain available until September 30, 2008.

(c) The amount made available under subsection (a) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**SA 3600.** Mr. HARKIN (for himself, Mr. GRASSLEY, Mr. ENSIGN, and Mrs. MURRAY) proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of page 248, line 22, insert the following:

SEC. . None of the funds appropriated in Public Law 109-149 under the heading Employment and Training Administration shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II. Where Employment and Training Administration funds appropriated in Public Law 109-149 are used for compensation of an individual, the total federal funding that may go to compensation of that individual shall not exceed a rate in excess of Executive Level II. States may establish a lower limit of total compensation for those receiving compensation from Employment and Training Administration funding employed in that state, taking into account factors including the relative cost-of-living in the state, the compensation levels for comparable state or local government employees, and the size of the organizations that administer federal programs involved including Employment and Training Administration programs.

**SA 3601.** Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

**ENVIRONMENTAL PROTECTION AGENCY**

SEC. 7032. For an additional amount for “Environmental Programs and Management”, \$1,000,000, to remain available until expended, for assistance relating to assessments and monitoring of waters in the State of Hawaii; *Provided*, That the amount pro-

vided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**SA 3602.** Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 225, beginning on line 2 strike “eligible to” and all that follows through line 5 and insert “eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)).”.

**SA 3603.** Mr. INOUE submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 246, line 1, strike “\$500,000” and insert “\$1,400,000”.

On page 246, line 3, insert “in the State of Hawaii” after “dams”.

**SA 3604.** Mr. REID proposed an amendment to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; as follows:

**TITLE —BORDER SECURITY**  
**EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR BORDER SECURITY**

**DEPARTMENT OF HOMELAND SECURITY**

**OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT**

For an additional amount for the “Office of the Secretary and Executive Management” to provide funds for the Office of Policy, \$2,000,000: *Provided*, That the entire amount is solely for a contract with an independent non-Federal entity to conduct a needs assessment for comprehensive border security: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**OFFICE OF THE CHIEF INFORMATION OFFICER**

For an additional amount for the “Office of the Chief Information Officer” to replace and upgrade law enforcement communications, \$50,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**UNITED STATES VISITOR AND IMMIGRATION STATUS INDICATOR TECHNOLOGY**

For an additional amount for “United States Visitor and Immigration Status Indicator Technology” to accelerate biometric database integration and conversion to 10-print enrollment, \$60,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for the expenditure of such funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CUSTOMS AND BORDER PROTECTION  
SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$180,000,000, of which \$80,000,000 is for border patrol vehicle replacement and \$100,000,000 is for sensor and surveillance technology: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure of these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIR AND MARINE INTERDICTION, OPERATIONS,  
MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement" to replace air assets and upgrade air operations facilities, \$790,000,000, to remain available until expended, of which \$40,000,000 is for helicopter replacement and \$750,000,000 is for recapitalization of air assets: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an expenditure plan for the complete recapitalization of Customs and Border Protection air assets and facilities: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for "Construction", \$120,000,000, to remain available until expended: *Provided*, That none of the additional appropriations made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for these funds: *Provided further*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

IMMIGRATION AND CUSTOMS ENFORCEMENT  
SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to replace vehicles, \$80,000,000: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES COAST GUARD  
ACQUISITION, CONSTRUCTION AND  
IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for acquisition, construction, renovation, and improvement of vessels, aircraft, and equipment, \$600,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL LAW ENFORCEMENT TRAINING  
CENTER

ACQUISITION, CONSTRUCTION, IMPROVEMENTS,  
AND RELATED EXPENSES

For an additional amount for "Acquisition, Construction, Improvements, and Related Expenses" for construction of the language training facility referenced in the Master Plan and information technology infrastruc-

ture improvements, \$18,000,000, to remain available until expended: *Provided*, That the entire amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**SA 3605.** Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 193, line 25, insert after "*Provided*," the following: "That the Navy, acting through the Naval Facilities Engineering Command, shall be the agent for all matters with regard to the planning, design, construction, and contract administration related to the construction of the new Armed Forces Retirement Home: *Provided further*,".

**SA 3606.** Mr. SMITH submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 172, lines 15 through 17, strike "for necessary expenses" and all that follows through "\$20,000,000" and insert the following: "\$543,081,496, of which \$523,081,496 shall be made available to make safety net payments for fiscal year 2007 under section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393; 16 U.S.C. 500 note), to remain available until expended, and \$20,000,000 shall be made available for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season".

**SA 3607.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 196, strike line 18 and all that follows through page 197, line 16.

**SA 3608.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 157, strike line 4 and all that follows through page 158, line 17.

**SA 3609.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following: Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service to implement seafood promotion strategies, and the amount made

available under such heading is reduced by \$15,000,000.

**SA 3610.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following: Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in title II, chapter 2 of this Act, for the National Oceanic and Atmospheric Administration under the heading "Operations, Research, and Facilities" may be available for the National Marine Fisheries Service for oyster bed and shrimp ground rehabilitation, and the amount made available under such heading is reduced by \$100,000,000.

**SA 3611.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following: Notwithstanding any other provision of this Act, Sec. 7030(a) of this Act shall not take effect.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Monday, May 1, 2006 at 2:30 p.m. in room SD-366 of the Dirksen Building.

The purpose of the hearing is to receive testimony regarding the economic and environmental issues associated with coal gasification technology and on implementation of the provisions of the Energy Policy Act of 2005 addressing coal gasification.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact John Peschke 202-224-4797 or Shannon Ewan at 202-224-7555.

AUTHORITIES FOR COMMITTEES  
TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN  
AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 25, 2006, at 10 a.m. to conduct a hearing on "A Review of Current Securities Issues."

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

#### COMMITTEE ON FINANCE

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, April 25, 2006, at 10:30 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "The Social and Economic Effects of the Methamphetamine Epidemic on America's Child Welfare System".

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

#### COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Immigration: Economic Impacts" on Tuesday, April 25, 2006, at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building.

Panel I: Richard B. Freeman, Professor of Economics, Harvard University, Program Director of Labor Studies, National Bureau of Economic Research, Cambridge, MA; Dan Siciliano, Executive Director, Program in Law, Economics and Business, Stanford Law School, Stanford, CA; Barry R. Chiswick, Professor of Economics, University of Illinois at Chicago, Chicago, IL; Harry J. Holzer, Professor of Public Policy, Georgetown University, Washington, DC.

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

#### COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Tuesday, April 25, 2006, at 2:15 p.m., in Room 226 of the Dirksen Senate Office Building.

Panel I: The Honorable Frank Lautenberg, United States Senator, D-NJ; The Honorable Robert Menendez, United States Senator, R-NJ; The Honorable Barbara Boxer, United States Senator, D-CA; The Honorable Gordon Smith, United States Senator, R-OR.

Panel II: Milan D. Smith, Jr. to be United States Circuit Judge for the Ninth Circuit.

Panel III: Renee Marie Bumb to be United States District Judge for the District of New Jersey; Noel Lawrence Hillman to be United States District Judge for the District of New Jersey; Peter G. Sheridan to be United States District Judge for the District of New Jersey; and Susan Davis Wigenton to be United States District Judge for the District of New Jersey.

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

#### SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION AND INTERNATIONAL SECURITY

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be author-

ized to meet on Tuesday, April 25, 2006, at 2:30 p.m., for a field hearing regarding "North Korea: Illicit Activity Funding the Regime."

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

#### SUBCOMMITTEE ON SCIENCE AND SPACE

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Science and Space be authorized to meet on Tuesday, April 25, 2006, at 2:30 p.m., on NASA.

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

#### PRIVILEGES OF THE FLOOR

Mr. COCHRAN. Mr. President, I ask unanimous consent Mr. Les Spivey, Mr. B.G. Wright, Ms. Rachel Taylor, and Ms. Mary Catherine Fitzpatrick of the Committee on Appropriations be granted full floor access during the consideration of H.R. 4939, the fiscal year 2006 emergency supplemental appropriations bill.

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

Mr. COCHRAN. Mr. President, I further ask unanimous consent that Mr. Mike Morrissey, Mr. Kevin Templin, and Dr. Leigh Ann Ross of my personal office staff be granted privilege of the floor during consideration of this bill.

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

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent that Michael Pollock and Alison Garfield, detailees with the Defense Appropriations Subcommittee, be granted the privilege of the floor during consideration of the fiscal year 2006 supplemental and the fiscal year 2007 Defense appropriations bills; and that Rose Fabia, a detailee to the Appropriations Committee from the Department of Veterans Affairs, be granted the privilege of the floor for the remainder of the debate on H.R. 4939.

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

Mr. REID. Mr. President, on behalf of Senator KENNEDY, I ask unanimous consent that a State Department fellow in his office, Richard Driscoll, be granted floor privileges during the consideration of the supplemental appropriations bill, and that Navy detailee Tom Crowley also be granted the same privilege.

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

Mr. REID. Mr. President, on behalf of Senator JEFFORDS, I ask unanimous consent that April Richards, a professional staff member of the Senate Committee on Environment and Public Works, be granted floor privileges during the consideration of H.R. 4939.

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

#### APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President,

pursuant to 22 U.S.C. 276d-276g, as amended, appoints the following Senators as members of the Senate Delegation to the Canada-U.S. Interparliamentary Group during the Second Session of the 109th Congress: the Honorable PATRICK J. LEAHY of Vermont and the Honorable DANIEL K. AKAKA of Hawaii.

#### APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, upon the recommendation of the Democratic Leader, pursuant to Public Law 105-292, as amended by Public Law 106-55, and as further amended by Public Law 107-228, appoints the following individual to the United States Commission on International Religious Freedom: Preeta D. Bansal of Nebraska, for a term of two years (May 15, 2006-May 14, 2008).

#### FRANCIS R. VALEO, FORMER SECRETARY OF THE SENATE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 443, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 443) relative to the death of Francis R. Valeo, former Secretary of the Senate.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 443) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 443

Whereas Francis R. (Frank) Valeo served with distinction as chief of the Foreign Affairs Division of the Legislative Reference Service and specialist in the Far East, before beginning his service to the United States Senate in 1952 on the staff of the Committee on Foreign Relations;

Whereas Frank Valeo in 1958 became foreign policy advisor and assistant to the Majority Whip, Senator Mike Mansfield, and then served as Majority Secretary from 1963 to 1966;

Whereas Frank Valeo served as Secretary of the Senate from 1966 to 1977;

Whereas Frank Valeo accompanied many United States Senators on missions to all parts of the globe, assisted the Majority Leader in regularly reporting on conditions in Southeast Asia, and was part of the first congressional delegation to visit the People's Republic of China in 1972;

Whereas Frank Valeo represented the United States Senate on the Federal Election Commission from 1974 to 1977, and in that role participated in the 1976 landmark Supreme Court decision of *Buckley v. Valeo*;

Whereas Frank Valeo helped to modernize and set professional standards for service in the diverse offices that report to the Secretary of the Senate, and served as a member of the Commission on the Operation of the Senate, from 1975 to 1976, where he helped craft its proposals for structural and technological reforms in Senate operations;

Whereas Frank Valeo faithfully discharged the difficult duties and responsibilities of a wide variety of important and demanding positions in public life with honesty, integrity, loyalty, and humanity; and

Whereas Frank Valeo's clear understanding and appreciation of the challenges facing the Nation have left his mark on those many areas of public life: Now, therefore, be it

*Resolved*, That (a) the Senate has heard with profound sorrow and deep regret the announcement of the death of Frank Valeo.

(b) The Secretary of the Senate shall communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

(c) When the Senate adjourns today, it shall stand adjourned as a further mark of respect to the memory of Frank Valeo.

#### COMMEMORATING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE AMERICAN JEWISH COMMITTEE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 444, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 444) commemorating the 100th anniversary of the founding of the American Jewish Committee.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 444) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 444

Whereas the American Jewish Committee, after its founding in 1906, rapidly emerged as a pioneering human relations agency, dedicated to combating all forms of bigotry and championing a sense of shared civic responsibility;

Whereas the American Jewish Committee, through a range of innovative projects and programs, seeks to build a more hopeful world by expanding freedom, enhancing mutual respect, monitoring hate groups, and providing vital information about extremists of every type;

Whereas the American Jewish Committee has strengthened the culture of the United States in historic ways through programs that teach tolerance, such as America's Table, through far-reaching dialogues with ethnic and religious group in the country, through promoting interfaith awareness and playing a key role in the issuance of Nostra Aetate, and through steadfast support of vulnerable individuals throughout history;

Whereas the American Jewish Committee, the first American Jewish organization to establish a full-time office in Israel, has worked tirelessly to tell the extraordinary story of Israel through a range of endeavors, including Project Interchange, which has brought more than 3,000 American leaders to the Jewish state for journeys of discovery and understanding;

Whereas the American Jewish Committee, through its network of offices and associations in the United States and across the globe, works with many countries, the United Nations, and other international bodies to promote democratic ideals and to protect and uplift Jewish communities everywhere;

Whereas the American Jewish Committee, through advocacy and education, indefatigably defends and protects the treasured civic values of the United States, including religious freedom, and support for public education and the family;

Whereas the American Jewish Committee sponsored research cited in the landmark Supreme Court case banning segregation, *Brown et al. v. Board of Education of Topeka et al.*, and played a vital role in the civil rights movement, stood with Soviet Jewry and all prisoners of conscience in the Soviet Union, argued successfully for the inclusion of human rights clauses in the United Nations Charter, and insisted upon an acceptance of women's rights as a human rights issue; and

Whereas the American Jewish Committee, at work both on the world stage and here at home, for a century has had a proud and profoundly beneficial presence throughout the communities of the United States: Now, therefore, be it

*Resolved*, That—

(1) the American Jewish Committee, by choosing hope, inspires everyone in the United States as it continues its work into its second century of service; and

(2) the Senate salutes, commends, and congratulates the American Jewish Committee for its century of leadership.

#### HOLOCAUST REMEMBRANCE DAY

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 445, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 445) expressing the sense of the Senate in commemorating Holocaust Remembrance Day.

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

Mr. FRIST. Mr. President, earlier today, this body voiced its support for a resolution commemorating the Holocaust—the Shoah—Nazi Germany's systematic effort to exterminate the Jewish people.

For anybody who questions the existence of evil, the Nazi regime's deliberate murder of 6 million Jewish men, women, and children should settle all doubts.

Today, people all over the world will mark Yom HaShoah, Holocaust Remembrance Day. At 10 o'clock local time today in Israel, a loud siren sounded throughout the country. Mo-

torists pulled their cars aside and office workers stepped away from their computers. Everyone in the nation paused for a moment of silence in commemoration of the Holocaust.

Beginning with the Kristallnacht Pogrom on November 8 and 9, 1938, the Nazi government embarked on a systematic, deliberate campaign of cold-blooded murder. Families were stripped of their possessions and killing squads roamed the countryside. Millions upon millions of Jewish people were brought to concentration camps where the Nazi regime killed most immediately and sent some to work as slave laborers.

The Jewish people did not meekly submit to the Nazi onslaught. They fought back: 63 years ago this month, a group of 750 lightly armed Jewish partisans began the Warsaw Ghetto Uprising. Knowing that the Nazis planned to deport and murder them, the Jewish residents remaining in Warsaw staged occupied Europe's first ever organized urban rebellion against Nazi tyranny. They fought heroically and delayed the deportation for over a month.

During the Holocaust's 7 years, the Nazis did incalculable damage to ancient Jewish communities within Europe. In many parts of central Europe, few Jews remain today. But Hitler's evil plan failed utterly. He did not destroy the Jewish people. Millions survived. Many came to the United States. And many settled in what is now the prosperous, thriving, and democratic State of Israel.

Over the past year, 5 year olds who survived the Nazi death camps became eligible to receive Social Security benefits. Eighteen-year-old GIs who took part in the camps' liberation will turn 80 next year. Personal memories of the Holocaust are quickly disappearing.

We have an obligation to keep these memories alive even after these people pass on.

Through the United States Holocaust Memorial Museum, Tennessee's own Holocaust Memorial in Nashville, and Israel's Yad Vashem Holocaust Martyrs' and Heroes' Remembrance Authority we have established places dedicated to making sure that we remember the Holocaust.

It is the least we can do. We owe this debt of memory to ourselves, to our children, to the Nation, and to the world.

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. 445) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 445

Whereas the Holocaust involved the systematic persecution and genocide of millions of innocent Jewish men, women, and children, along with millions of others, by the Nazis under the leadership of Adolf Hitler;

Whereas an estimated 6,000,000 Jews and many others were killed in the Holocaust;

Whereas millions of survivors of the Holocaust endured enormous suffering through violence, torture, slave labor, and involuntary medical experimentation;

Whereas in the 61 years since the end of the Holocaust, this tragic event has helped to teach the people of the world awareness of the danger of hatred, anti-Semitism, bigotry, and racism, and the importance of compassion and understanding diversity;

Whereas Holocaust Remembrance Day is held every year in remembrance of the Holocaust and its millions of victims: Now, therefore, be it

*Resolved*, That the Senate—

(1) commemorates Holocaust Remembrance Day, which falls on April 25, 2006;

(2) remembers the 6,000,000 Jews and many others who were killed by the Nazis, and honors the millions of survivors of the Holocaust; and

(3) encourages all Americans to commemorate the occasion through reflection, acts of compassion, and education about the horrific consequences of anti-Semitism, bigotry, racism and hatred.

#### ORDERS FOR WEDNESDAY, APRIL 26, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, April 26. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then proceed to a period for the transaction of morning business for up to 30 minutes, with the first 15 minutes under control of the Democratic leader or his designee, and the final 15 minutes under the control of the majority leader or his designee; further, following morning business, the Senate resume consideration

of H.R. 4939, the emergency supplemental appropriations bill, and that with respect to the consent agreement regarding the rollcall votes at noon tomorrow, there be no intervening action or debate.

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

#### PROGRAM

Mr. FRIST. Mr. President, under an agreement reached this afternoon, we will have two votes tomorrow at 12 noon. The votes will be on the Gregg and Reid amendments regarding border security. These will be the first votes of the day. Additional votes are expected tomorrow afternoon.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment as a further mark of respect for the late Frank Valeo.

There being no objection, the Senate, at 6:53 p.m., adjourned until Wednesday, April 26, 2006, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate April 25, 2006:

##### DEPARTMENT OF DEFENSE

SUE C. PAYTON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE MARVIN R. SAMBUR.

##### FEDERAL COMMUNICATIONS COMMISSION

KEVIN J. MARTIN, OF NORTH CAROLINA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2006. (RE-APPOINTMENT)

##### DEPARTMENT OF STATE

APRIL H. FOLEY, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE

UNITED STATES OF AMERICA TO THE REPUBLIC OF HUNGARY.

TRACEY ANN JACOBSON, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TAJIKISTAN.

GADDI H. VASQUEZ, OF CALIFORNIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE UNITED NATIONS AGENCIES FOR FOOD AND AGRICULTURE.

##### DEPARTMENT OF EDUCATION

LAWRENCE A. WARDER, OF TEXAS, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF EDUCATION, VICE JACK MARTIN, RESIGNED.

##### THE JUDICIARY

FRANCES MARIE TYDINGCO-GATEWOOD, OF GUAM, TO BE JUDGE FOR THE DISTRICT COURT OF GUAM FOR THE TERM OF TEN YEARS, VICE JOHN S. UNPINGCO, TERM EXPIRED.

##### SMALL BUSINESS ADMINISTRATION

STEVEN C. PRESTON, OF ILLINOIS, TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION, VICE HECTOR V. BARRETO, JR., RESIGNED.

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be lieutenant general*

LT. GEN. WILLIAM M. FRASER III, 0000

##### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be rear admiral*

REAR ADM. (LH) THOMAS R. CULLISON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF CHAPLAINS, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5142:

##### *To be rear admiral*

REAR ADM. (LH) ROBERT F. BURT, 0000

#### CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, April 25, 2006:

##### THE JUDICIARY

GRAY HAMPTON MILLER, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS.